

**BOARD OF DIRECTORS REGULAR MEETING  
VICTOR MATSON SR. CENTER  
MUNISING, MICHIGAN  
MINUTES  
AUGUST 5, 2008**

The meeting was opened at 6:02 p.m. by Vice-Chair Causley.

Present: Dennis McKelvie, DJ Hoffman, Cathy Abramson, Joe Eitrem, Bernard Bouschor, Bob LaPoint, Keith Massaway, Patrick Rickley, Denise Chase, Shirley Petosky, Lana Causley.

Absent: Tom Miller, Joe McCoy – both in Detroit.

**Moved by Director Chase, supported by Director Massaway, to excuse Director Miller and Chairman McCoy from the meeting.**

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director Eitrem, to approve the Minutes of 7-1-2008 as written.**

**Motion carried unanimously.**

**Moved by Director McKelvie, supported by Director Eitrem, to approve the agenda as read.**

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director McKelvie, to suspend the rules and add the issue of restructuring approval under new business.**

**Motion carried unanimously.**

**Without objection, Vice Chair Causley stated the resolutions regarding scholarships; purchasing policy; amending Ch. 22; health budget; home improvement budget; law enforcement budget; building budget; lay judges will be tabled. No objections.**

**Moved by Director Hoffman, supported by Director Abramson, to approve Resolution 2008-158, Tribal Wildlife Grant.**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Darwin "Joe" McCoy, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2009 Tribal Wildlife Grant administered by the US Fish and Wildlife Service.**

**Motion carried unanimously.**

**Moved by Director McKelvie, supported by Director Massaway, to approve Resolution 2008-159, Appellate Reserve Judges.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribe to contract with Attorney Thomas Weiss for the position of reserve appellate judge.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby appoint Thomas Weiss to act as reserve appellate judge for the Sault Ste. Marie Tribe of Chippewa Indians Appellate Court, together with all of the authority and responsibility that attends to that position.

BE IT FURTHER RESOLVED, that Darwin McCoy, Tribal Chairman, or his duly authorized designees, are authorized to sign, negotiate, amend or rescind any agreement thereto.

**Motion carried with Director Hoffman opposing.**

**Moved by Director Eitrem, supported by Director Petosky, to approve Resolution 2008-160, Consent to Waiver of Tribal Court Jurisdiction Ortho-Clinical Diagnostics.**

BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as follows:

Section 1 FINDINGS AND DETERMINATIONS: The Board of Directors finds and determines that:

1.1 The Sault Ste. Marie Tribe of Chippewa Indians (the "Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Health Division has negotiated a contract with Ortho Clinical Diagnostics, a Johnson & Johnson Company (hereinafter "Ortho") for medical supplies and reagents which will be used to provide medical services to the Tribe's members and non-member patients.

1.3 Ortho has refused to consent to a modification of its contract in a manner that would permit the Tribe to contract without a waiver of Tribal Court jurisdiction.

1.4 In order to induce Ortho to enter into the contract, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim exclusive Tribal Court jurisdiction with respect to any matter pertaining to disputes arising from the Ortho contract. Further, the Tribe is required to agree to the interpretation of the Agreement pursuant to the law of the State of Michigan. Additionally, the agreement requires both parties to waive (1) the right to trial by jury, and (2) the right to seek or collect punitive, exemplary, cover, multiplied or consequential damages, neither side will seek from the other prejudgment interest or attorneys' fees or costs. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 It is in the best interests of the Tribe to consent to the Ortho contract and to enter into the Waiver and Consent Obligations.

Section 2 APPROVALS AND AUTHORIZATION

2.1 The Board of Directors authorizes and directs the Tribe, through its Chairperson or his designee, for and on behalf of the Tribe to enter into such agreements on such terms and conditions as he deems necessary concerning governing law and waiver of Tribal Court jurisdiction.

2.2 The Board of Directors authorizes and directs the Tribe to give its express consent to the terms and provisions of the Ortho contract.

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2.3 The Chairperson is authorized and directed to execute and deliver such other agreements, certificates, documents, or instruments, as may be required or to take any and all such action which may be necessary or convenient to effectuate the foregoing.

**Section 3 WAIVER OF TRIBAL COURT JURISDICTION**

3.1 The Board of Directors waives the right to claim exclusive jurisdiction of the Tribal Court over any action arising under the Ortho contract.

**Motion carried with Director Hoffman opposing.**

**Moved by Director Abramson, supported by Director Rickley, to approve Resolution 2008-161, FY 2008 Fisheries Modification July 2008.**

**BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the budget modifications to Nunn's Creek Fisheries Rehab Hatchery for the addition Federal Grant BIA monies of \$14,000.**

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director Rickley, to approve the 2008 Amended Board of Directors Calendar.**

**Motion carried unanimously.**

**Without objection, Vice-Chair Causley accepted the resignation of Cathy Abramson from the Cultural Committee and Larry Brown from the Unit Three Elder Sub-Committee. No objections.**

**Moved by Director Hoffman, supported by Director Eitrem, to appoint Director Massaway to the Risk Committee.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Rickley, to appoint Ray McCall to the Unit Three Elder Sub-Committee.**

**Motion carried unanimously.**

**Moved by Director Chase, supported by Director Hoffman, to appoint Erlamay Hardwick and Eileen Wheeler to the Unit Four Escanaba Elder Sub-Committee.**

**Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Rickley, to accept the recommendation of the Conservation Committee and approve a Small Trap Net permit to Carl Frazier.**

**Motion carried unanimously.**

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**Moved by Director McKelvie, supported by Director Abramson to accept the recommendation of the Conservation Committee and declare the seat of a commercial fisher vacant on the committee.**

**Motion carried with Director Hoffman opposing.**

**Moved by Director Hoffman, supported by Director McKelvie, to approve the restructuring recommendations of the Tribal Co-Executive Directors and Kewadin Casinos COO to eliminate the following employment positions: Planning and Development Director; Retail and Support Services Director; and Budget Officer. This motion is in compliance with the Board adopted Resolution 2005-199.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Chase, to adjourn the meeting.**

**Motion carried unanimously.**

Meeting adjourned: 6:36 pm.

Date: 8/19/08 Secretary: 

Others present: Kristi Little, Lona Stewart, Dustin Bacon, Cheri Tannehill.

Acct: Vic Matson, Bill Connolly  
Casino: Tony Goetz  
Gaming:  
Housing:  
Legal: Kachur  
Law Enf: Shampine

ACFS:  
Education:  
Health:  
H.R.: Cheryl Bernier  
Communications: