

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
DECEMBER 18, 2012**

The meeting was opened at 7:15 p.m. by Chairperson Payment.

Present: Cathy Abramson, Debra Pine, DJ Malloy, Jennifer McLeod, Dennis McKelvie, Catherine Hollowell, Bridgett Sorenson, Denise Chase, Darcy Morrow, Aaron Payment.

Absent: Lana Causley, Keith Massaway, Joan Anderson.

**Moved by Director Sorenson, supported by Director Chase, to excuse Directors Causley, Massaway, and Anderson from the meeting.**

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to approve the agenda with removing the resolution regarding Chapters 14 and 96.**

**Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Malloy, to approve the Minutes of 9-4-2012; 10-16-2012; 10-29-2012 and 11-6-2012.**

**Motion carried with Director Hollowell abstaining for 9-4-2012.**

**Moved by Director Abramson, supported by Director Malloy, to approve Res. 2012-255, Partial Waiver of Convictions for Mr. James Perry.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Mr. James Perry for the convictions of: Disorderly Conduct, Chippewa Tribal Court – 2/2011.

**Motion carried unanimously.**

**Moved by Director Abramson, supported by Director McKelvie, to approve Res. 2012-256, Partial Waiver of Convictions for Ms. Kristin Krull.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Kristin Krull for the convictions of: Misdemeanor Retail Fraud, Third Degree, 91<sup>st</sup> District Court – 7/2011.

**Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Hollowell, to approve Res. 2012-257, Partial Waiver of Convictions for Ms. Kristina Suggitt.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Kristina Suggitt for the convictions of: Misdemeanor Destruction of Building, \$200 or more but less than \$1000, 91<sup>st</sup> District Court – 7/2009.

**Motion carried unanimously.**

**Moved by Director Chase, supported by Director Malloy, to approve Res. 2012-258, Partial Waiver of Convictions for Mr. Brandon Kinney.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Mr. Brandon Kinney for the convictions of: 1. Felony Controlled Substance-Creation/Delivery, 50<sup>th</sup> Circuit Court – 5/2011; 2. Misdemeanor Malicious Destruction of Personal Property-less than \$200, 50<sup>th</sup> Circuit Court – 3/2012; 3. Felony Assault with Dangerous Weapon, 50<sup>th</sup> Circuit Court – 3/2012.

**Roll Call Vote: Motion carried with Directors McKelvie, Pine, McLeod, Malloy, Chase, Abramson approving, Directors Hollowell, Sorenson, Morrow opposing.**

**Moved by Director Sorenson, supported by Director Morrow, to approve Res. 2012-259, Contract Approval 4D Pharmacy Management Systems, Inc. and Direction to Terminate Contract CVS Caremark.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Chairperson of the Tribe, or his designee, to execute the necessary contracts with 4D Pharmacy Management Systems, with an effective date of January 1, 2013, or as soon thereafter as may be managed, and to further take such actions as may be required or needed pursuant to the terms of this direction.

BE IT FURTHER RESOLVED, that the Board of Directors of the Tribe notifies CVS Caremark of the Tribe's intent to end our ongoing relationship with that company effective January 1, 2013, or at such time as is necessary as to ensure that there is no break in insurance coverage for any employee due to this transition.

BE IT FURTHER RESOLVED, that the Board of Directors of the Tribe hereby authorizes the Chairperson of the Tribe, or his designee, to negotiate, and execute such contracts as may be necessary to ensure that run-out administration of lingering pharmacy claims are handled appropriately during the transition and through calendar year 2013.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Sorenson, supported by Director Malloy, to approve Res. 2012-260, Mackinac County Cooperative Agreement.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Cooperative Agreement between Mackinac County Road Commission and Sault Ste. Marie Tribe of Chippewa Indians, and authorizes expenditures up to \$39,078.00 from the Transportation Maintenance fund, cost center 2931. Mackinac County Road Commission is completely responsible for the project.

BE IT FURTHER RESOLVED, this agreement is made and entered into by the Mackinac County Road Commission, a duly organized County Government and the Sault Ste. Marie Tribe of Chippewa Indians.  
BE IT FURTHER RESOLVED, that the Chairperson or his designee, is authorized and directed on behalf of the Sault Ste. Marie Tribe of Chippewa Indians to sign the Cooperative Agreement attached to this resolution as Exhibit A.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to approve Res. 2012-261, Trust Land Lease – Lot 638 Erickson, Kinross, Michigan.**

RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairperson and Treasurer to execute a lease to the land located at Kinross, Michigan to, Dwight N. Erickson, land being described as follows: Lot 638 Cedar Grove Estates III

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Morrow, to approve Res. 2012-262, Trust Land Lease Boissoneau, 1936 JK Lumsden Way, Sault Ste. Marie, Michigan.**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Tribal Chairperson or Board Appointed Designee, and Treasurer, to execute a lease to the land located at Sault Ste. Marie, Michigan to Marjorie L. Boissoneau, a single woman, land being described as follows:  
Part of the Southwest ¼ of Section 16, Town 47 North, Range 1 East, City of Sault Ste. Marie, Chippewa County, Michigan, more particularly described as commencing at the Southwest corner of said Section 16; thence N02°15'24"E 987.79 feet along the West line of said Section 16; thence S88°32'19.51" E 808.50 feet to the POINT OF BEGINNING; thence continuing S88°32'51"E 118.25 feet; thence N02°15'21"W 131.76 feet to the North of right-of-way line of J.K. Lumsden Way; thence N88°33'19"W 118.25 feet along said right-of-way line; thence N02°15'22"W 131.75 feet to the POINT OF BEGINNING. Containing 0.36 acres. Also known as Lot 98 of H.U.D. Project No. MI 149-010 of the Sault Ste. Marie Tribe of Chippewa Indians Housing Authority.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to approve Res. 2012-263, Trust Land Lease to New Par d/b/a Verizon Wireless.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") hereby authorizes the Tribal Chairman and Treasurer to execute a lease of Tribal Trust Lands described in Exhibit A, to NEW PAR d/b/a Verizon Wireless, upon such terms and conditions as they may set out, and to execute such further documents, and certificates as may be necessary to complete the lease transactions.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to approve Res. 2012-264, Relating to the Sale of Property Kinross Community Care Clinic 302 Water Tower Drive, Kincheloe, Mi 49783.**

NOW, THEREFORE, BE IT RESOLVED, that the Tribe through its Board of Directors specifically authorizes and directs its Tribal Chairperson and Treasurer to perform the Sale of Real Property. The Chairperson and Treasurer are specifically authorized to execute all agreements, certificates, instruments, or other documents as may be required, and to take any and all action necessary or convenient to complete the Sale of Real Property, Kinross Community Care Clinic, 302 Water Tower Drive, Kincheloe, Michigan.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Hollowell, to approve Res. 2012-265, Authorization to List Property the "Somes Building", Sault Ste. Marie, Mi 49783 Real Property.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Chairperson, or his designee, and Treasurer to negotiate and execute any documents necessary to effectuate the listing of the described property:

Land Situated in the City of Sault Ste. Marie, Chippewa County, Michigan.

Parcel A: Lot 1, Bock 1, Wm. Greenough's Addition according to the recorded plat thereof as recorded in Liber 1 of Plats, Page 28, Chippewa County Records.

Parcel B: Lot 209, Assessor's Subdivision #5 according to the recorded plat thereof as recorded in Liber 4 of Plats, Page 24, Chippewa County Records.

Parcel C: Lots 212 and 213, Assessor's Subdivision #5 according to the recorded plat thereof as recorded in Liber 4 of Plats, Page 24, Chippewa County Records.

Parcel D: West 40 feet of Lot 211, Assessor's Subdivision #5 according to the recorded plat thereof as recorded in Liber 4 of Plats, Page 24, Chippewa County Records.

**Motion carried unanimously.**

**Moved by Director Sorenson, supported by Director Hollowell, to approve Res. 2012-266, Approving Special Counsel Contract Bruce R. Greene & Associates, LLC.**

RESOLVED, that the Board of Directors hereby approves the contract between the Sault Ste. Marie Tribe of Chippewa Indians and Bruce R. Greene & Associates, LLC., ending December 31, 2013, for the purpose of providing legal services to the Tribe.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Morrow, to move the Lambros Contract resolution to the end of the agenda.**

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Morrow, to approve Res. 2012-267, Fiscal Year 2012 Equity Transfers.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves such equity transfers into the Tax and Appropriations cost centers, per the schedule below.

BE IT FURTHER RESOLVED, that such transfers will take effect before the end of December 2012.

1. MidJim Stores	\$600,000
2. Northern Hospitality	\$100,000
3. DeMawating Development	\$600,000
4. Sawyer Village	<u>\$300,000</u>
Total	\$1,600,000

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director McKelvie, supported by Director Abramson, to approve Res. 2012-268, Amending Resolution 2006-87, Approving Plan for Tribal Loan from the Self Sufficiency Fund for the St. Ignace Casino Rebuild.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes Resolution 2006-87 be amended to remove the requirement that annual principal payments be required but that principal payments will be made as cash flow permits.

BE IT FURTHER RESOLVED, the maturity date for Resolution 2006-87 be extended five years to 2021 to allow for current fiscal needs to be addressed and any available funds be used to repay said loans to the extent possible.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Morrow, to approve Res. 2012-269, Loan from Land Claims Trust Fund to Tribe 2008 Advances to and Investment on Behalf of Greektown Casino.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the issuance of loan documents for repayment of the advance of \$800,000 and investment of \$1,500,000, for a total of \$2,300,000.

BE IT FURTHER RESOLVED, that such terms shall apply on said loan: 12 percent annualized rate of interest effective 1/1/13, payable monthly to the Fund, until such loan is paid and with principal payments payable at a term of no longer than 15 years.

BE IT FINALLY RESOLVED, that the Board of Directors hereby approves this Tribal Loan and authorizes the Tribal Chairperson to execute such documents to effectuate this action.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Chase, supported by Director Morrow, to approve Res. 2012-270, Allocation of the Grid Adjustment Line Item in FY 2013.**

NOW, THEREFORE, BE IT RESOLVED, the Tribe recognizes that in order to move forward with the market based compensation plan the distribution of the grid adjustments in FY 2013 will occur in such a manner as to bring team members identified as being compensated below the minimum rate of pay for the position that they occupy up to the minimum rate of pay for the position and these adjustments will be effective for the pay period including January 1, 2013.

BE IT FURTHER RESOLVED, that the BOD directs the Budget Department to make adjustments to the respective departmental budgets as needed in order to accomplish these objectives.

BE IT FURTHER RESOLVED, that the BOD recognizes that those positions covered under the Prevailing Wage Ordinance and those health professional positions identified in the Sault Ste. Marie Tribe of Chippewa Indians Sault Tribe Health Program Compensation Plan prepared by Horne CPAs & Business Advisors are covered by other compensation plans and team members employed under the elder work program and student work program or in a tipped position will not be eligible for the distribution of the grid adjustments in FY 2013.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Malloy, to approve Res. 2012-271, Public Health Nurse (PHN) Grant FY 2013 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to the Public Health Nurse (PHN) Grant for a change to the personnel sheet. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Malloy, to approve Res. 2012-272, Avon Grant FY 2013 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to the Avon Grant to reduce Other Revenue – Avon Grant monies \$5,000. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Abramson, to approve Res. 2012-273, Mental Health FY 2013 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to Mental Health for changes to the personnel sheet and direct services. No effect on Tribal Support.

**Roll Call Vote: Motion carried with Directors McKelvie, Pine, McLeod, Malloy, Chase, Sorenson, Morrow, Abramson approving, Director Hollowell opposing.**

**Moved by Director Morrow, supported by Director McLeod, to approve Res. 2012-274, Cultural – Institute of Museum and Library Services (IMLS) FY 2013 Budget Modifications.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves two FY 2013 budget modifications to IMLS. The fiscal date pattern changed from October through September to July through June. The October through September budget will close and the July through June budget will be established with Federal Revenue of \$7,000.00. There is no effect on tribal support.

**Motion carried unanimously.**

**Without Objection, moved by resolution regarding Planning Director to Executive Session for discussion. No objections.**

**Moved by Director McKelvie, supported by Director McLeod, to accept the Special Needs/Enrollment Committee's recommendation and relinquish Colleen Sheppard (Muma) and Cynthia Wethington (Muma) from the Tribe.**

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to table the Disenrollments.**

**Motion carried with Directors Morrow and Chase opposing.**

**Moved by Director McKelvie, supported by Director Abramson, to accept the resignation of Cecil Pavlat from Inland Conservation Committee, effective immediately.**

**Motion carried with Director Pine opposing.**

**Moved by Director Chase, supported by Director Morrow, to appoint Clifford Barber to the Unit 4 Manistique Elder Sub Committee, 4 year term, expiring December 2016.**

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McKelvie, to reappoint to the Special Needs/Enrollment Committee, Kenneth Ermatinger, Michael Pins, Isaac McKechnie, Shirley Goudreau, and Diane Maleport, for 2 year terms, expiring December 2014.**

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Pine, to appoint to the Child Welfare Committee, Tara Benoit, 4 year term, expiring December 2016.**

**Roll Call Vote: Motion carried with Directors Pine, McLeod, Hollowell, Malloy, Chase, Sorenson, Morrow, Abramson approving, Director McKelvie abstaining.**

**Moved by Director Abramson, supported by Director Hollowell, to reappoint to the Housing Authority Debra Pine, Kenneth Ermatinger, Kevin Kolbus, for 4 year terms, expiring January 2017.**

**Motion carried with Director Pine abstaining.**

**Moved by Director McKelvie, supported by Director Malloy, to approve the 2013 Board of Directors Calendar, with location changes.**

**Motion carried unanimously.**

Minutes  
12-18-2012

**Moved by Director McKelvie, supported by Director Hollowell, to move into Closed/Executive Session, for discussion.**

**Motion carried unanimously.**

**Moved by Director Sorenson, supported by Director Malloy, to move back into Open Session.**

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McKelvie, to approve Res. 2012-275, Approving Special Counsel Contract Alexis Lambros.**

RESOLVED, that the Board of Directors hereby approves the special counsel contract for legal services between the Sault Ste. Marie Tribe of Chippewa Indians and attorney Alexis Lambros, ending December 31, 2013.

**Roll Call Vote: Motion carried with Directors Hollowell, Pine, Abramson, Malloy, McLeod, Sorenson, McKelvie approving, Directors Chase, Morrow opposing.**

**Moved by Director McKelvie, supported by Director Abramson, to approve the resolution titled Planning Director/Institutional Researcher FY 2013 Budget Modification.**

**Roll Call Vote: Motion denied with Directors Hollowell, Abramson, Malloy, Pine, McKelvie approving, Directors McLeod, Sorenson, Morrow, Chase opposing. The vote needed to be approved by a majority vote (7).**

**Moved by Director Morrow, supported by Director Malloy, to suspend the rules and add the issue of the revenues from the towers (wireless) going to the Youth Sponsorship program.**

**Motion carried unanimously.**

**Moved by Director McKelvie, supported by Director Abramson, to approve the revenues from the lease from the wireless towers, will go the Youth Sponsorship Program, cc: 1022.**

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Malloy, to adjourn the meeting.**

**Motion carried unanimously.**

Meeting adjourned: 9:45 p.m.

Date: 1-15-13 Secretary: Cathy Abramson

Others present: John Wernet, Bill Connolly, Angeline Bouley, Ken Ermatinger, Tony Abramson, Tony Goetz, Justin Derhammer, Wendy Hoffman, Russ McKerchie, Joanne Carr.