

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
AUGUST 7, 2018**

The meeting was opened at 5:00 p.m. by Chairperson Payment.

Present: Kim Gravelle, DJ Hoffman, Jennifer McLeod, Lana Causley, Catherine Hollowell, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, Charles Matson, and Aaron Payment.

Absent: Dennis McKelvie, Michael McKerchie.

Moved by Director McLeod, supported by Director Causley, to excuse Directors McKelvie and McKerchie from the meeting.

Motion carried unanimously.

Moved by Director Massaway, supported by Director McLeod, to approve the agenda as read.

Motion carried unanimously.

Moved by Director McLeod, supported by Director Massaway, to approve the Minutes of June 12, 2018; June 26, 2018; July 9, 2018; as written.

Motion carried unanimously.

Moved by Director Morrow, supported by Director McLeod, to approve Res. 2018-169, ACFS-USDA FY2018 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modification to USDA for an increase in Federal USDA Revenue monies of \$868,487.00. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hollowell, supported by Director Massaway, to approve Res. 2018-170, Health Center Laboratory 2018 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modification to Health Center Laboratory for changes in the personnel sheet. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Massaway, to approve Res. 2018-171 Health Center St. Ignace Clinic 2018 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modification to Health Center St. Ignace Clinic for changes in the personnel sheet. No effect on Tribal Support.

Motion carried with Directors Chase, McLeod, Causley, Morrow, opposing.

Moved by Director Massaway, supported by Director Hoffman, to approve Res. 2018-172, COPS TRGP 2014 2018 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modification to COPS TRGP 2014 for an increase in Federal DOJ monies of \$66,367.86. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director McLeod, to approve Res. 2018-173, Conservation Management, Public Safety Enforcement, and Juvenile Detention Repairs & Maintenance 2018 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modification to Conservation Management, Public Safety Enforcement, and Juvenile Detention Repairs & Maintenance to change the Personnel Sheet and increase Federal BIA monies \$4,305.67 and Other Revenue monies \$203.80. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Chase, supported by Director Morrow, to approve Res. 2018-174, BE-15-J54 Sanitation Establishment of FY 2019 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for the BE-15-J54 Sanitation with IHS Revenue monies of \$31,130.02. These funds are carryover. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Morrow, to approve Res. 2018-175, Indian Health Services Sanitation Facilities Program Plan.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves and adopts by resolution the attached Sanitation Program Plan.

Motion carried unanimously.

Moved by Director McLeod, supported by Director Massaway, to approve Res. 2018-176, Education – Higher Education FY 2018 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modification for Higher Education for a personnel change and a reduction in BIA Revenue monies of \$11,003.79. No effect on Tribal Support.

Motion carried with Directors Causley, Sorenson opposing.

Moved by Director Massaway, supported by Director Sorenson, to approve the resolution regarding Tribal Attorney.

Roll Call Vote: Motion denied with Directors Sorenson, Causley, Gravelle, Massaway, McLeod approving; Directors Hoffman, Matson, Morrow, Hollowell, Chase opposing. Note: this vote would have needed seven to be approved.

Moved by Director Hoffman, supported by Director Sorenson, to approve Res. 2018-177, Continuing Funding Authority for Fiscal Year 2019 September to August.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the following cost centers for fiscal year 2019, at their 2018 spending levels, for a period not to exceed 45 days:

CC#2230 – Early Head Start CC#2233 – Early Head Start BIA
CC#3070 – Head Start HHS CC#3071 – Head Start BIA
CC#2256 – COPS TRGP 2015

Motion carried unanimously.

Moved by Director Sorenson, supported by Director McLeod, to approve Res. 2018-178, Trust Land Status Riverside Trailer Park Sault Ste. Marie, MI County of Chippewa.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby requests that the Secretary of Interior accept title to the following parcel of land in trust for the benefit of Sault Ste. Marie Tribe of Chippewa Indians on behalf of the Tribe: *See attached description*

BE IT FURTHER RESOLVED, that the parcel to be acquired is to be used for a residential trailer park and is not intended for gaming purposes.

BE IT FURTHER RESOLVED, that the Secretary of the Interior is hereby requested to declare said lands to be part of the Reservation of the “Sault Ste. Marie Tribe of Chippewa Indians” under 25 U.S.C. Section 5110.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes its Chairperson and Treasurer to execute any documents and take any further action on behalf of the Tribe as maybe necessary to complete such conveyance.

Motion carried unanimously.

Moved by Director Morrow, supported by Director McLeod, to approve Res. 2018-179, National Congress of American Indians 2018 Annual Convention Delegates and 2019 Dues.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Article III, Section 2 of the NCAI Constitution the Sault Ste. Marie Tribe of Chippewa Indians designates the following individuals as Delegates and Alternate Delegate and instructs them to become Individual Members in good standing in the NCAI in order to fulfill their responsibilities:

Delegate: Aaron A. Payment, Chairperson
Alternate: DJ Hoffman, Director, Vice Chair
Alternate: Bridgett Sorenson, Director, Secretary
Alternate: Keith Massaway, Director, Treasurer
Alternate: Dennis McKelvie, Director Alternate: Michael McKerchie, Director
Alternate: Jennifer McLeod, Director Alternate: Kimberle Gravelle, Director
Alternate: Lana Causley-Smith, Director Alternate: Catherine Hollowell, Director
Alternate: Denise Chase, Director Alternate: Darcy Morrow, Director
Alternate: Charles Matson, Director
Alternate: Michael McCoy, Legislative Director
Alternate: Kenneth Ermatinger, Gaming Commission Director

Motion carried unanimously.

Moved by Director Hollowell, supported by Director Causley, to approve Res. 2018-180, Consent to Waiver of Tribal Court Jurisdiction Environmental Mitigation Trust Agreement Certification of Beneficiary Status.

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 ("Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 An Indian Tribe Trust has been established by order of the United States District Court for the Northern District in California in accordance with two consent decrees in re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, among certain settling defendants ("Defendants"), the United States, and the State of California.

1.3 The Defendants and Wilmington Trust, N.A. have entered into an Environmental Mitigation Trust Agreement ("Agreement") for Indian Tribe Beneficiaries and established the environmental mitigation trust described in that agreement. The consent decrees required Defendants to establish the Indian Tribe Mitigation Trust to fund each Indian Tribe Trust with funds to be used for environmental mitigation projects that reduce emissions of nitrogen oxide where the subject vehicles were, are, or will be operated, and to pay for Trust Administration Costs as set forth in the Indian Tribe Trust.

1.4 The purpose of the Indian Tribe Trust is to expeditiously and efficiently fund Eligible Mitigation Actions to be proposed and administered by certain selected Federally Recognized Indian Tribes ("Beneficiaries") subject to the requirements of the consent decrees and the terms of the Agreement and to provide funds for the administration and operation in accordance with the terms of the Indian Tribe Trust.

1.5 In accordance with the Indian Tribe Trust, each Beneficiary is responsible for selecting Eligible Mitigation Actions and certifying that any such Eligible Mitigation Action meets all the requirements of the Indian Tribe Trust.

1.6 The Tribe wishes to apply to become a Beneficiary under the Agreement by filing with the U.S. District Court for the Northern District Court of California a Certification of Beneficiary Status under Environmental Mitigation Trust Agreement (Appendix D-3), containing each of the certifications therein at the time it files its first funding request.

1.7 The Agreement and Appendix D-3 provide that the Tribe certifies, among other things, that it shall consent to the jurisdiction of the U.S. District Court for the Northern District of California for all matters concerning the interpretation or performance, of, or any disputes arising under, the Indian Tribe Trust and the Agreement.

1.8 It is in the Tribe's interest to resolve as stated herein.

Section 2 CONSENT TO GOVERNING LAW; JURISDICTION; OTHER CERTIFICATIONS

2.1 The Tribe hereby consents that the Agreement and all questions related to the subject matter thereof shall be governed by and construed in accordance with the laws of the State of Delaware and the United States, as set forth in the Agreement (paragraph 6.3); and

2.2 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement and consents to the jurisdiction of the of the U.S. District Court for the Northern District of California for all matters concerning the interpretation or performance, of, or any disputes arising under, the Indian Tribe Trust and the Agreement; and

2.3 The Tribe hereby consents to and certifies each of the certifications set forth in Appendix D-3 and as required by subparagraphs 4.2.1 through 4.2.9 in the Agreement.

2.4 The Board of Directors hereby authorizes the Tribal Chairperson and the Chief Executive Officer, if necessary, to execute Appendix D-3 and any other document necessary for the Tribe to become a Beneficiary under the Agreement.

Motion carried unanimously.

Moved by Director Causley, supported by Director Sorenson, to approve Res. 2018-181, Amending Chapter 81: Marten Regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends Tribal Code Chapter 21: Hunting and Inland Fishing as follows.

21.704 Furbearers.

- (1) Firearm and Trapping Seasons shall be:
 - (a) For bobcat, badger, grey fox, red fox, muskrat, raccoon and mink October 1 through March 31.
 - (b) For snowshoe hare, cottontail rabbit, red squirrel, grey squirrel, black squirrel and fox squirrel September 1 through March 31.
 - (c) For fisher and marten October 1 through March 15.
 - (d) Otter and beaver - October 1 through May 15 in the Upper Peninsula and October 1 through April 15 in the Lower Peninsula.
 - (e) Coyote, skunk, weasel, porcupine and opossum no closed season.
- (2) Bag limits shall be:

- (a) For bobcat two (2) per season with a maximum of one (1) bobcat harvested from Lower Michigan.
- (b) For pine marten and fisher three (3) per season, only in the Upper Peninsula. ~~For pine marten two (2) per season and fisher three (3) per season, only in the Upper Peninsula.~~
- (c) For otter three (3) per season in the Upper Peninsula and one (1) per season in the Lower Peninsula.
- (d) For rabbit and squirrel a limit of ten of each species per day and a possession and transport of no more than two days limit.
- (e) All other species have no bag limit.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Morrow, to table the resolution regarding Best Practices until the next workshop and meeting.

Roll Call Vote: Motion carried with Directors Morrow, Gravelle, Matson, Chase, Hoffman approving; Directors Sorenson, Causley, McLeod, Massaway, Hollowell opposing; Chairperson Payment approving breaking the tie vote.

Moved by Director Hollowell, supported by Director Causley, to table the resolution regarding Statement of Policy until the next available workshop.

Motion carried with Directors McLeod, Massaway, Hoffman opposing.

Moved by Director Causley, supported by Director Hoffman, to approve Res. 2018-182, Transfer of Northern Hospitality Building to EDC.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby transfers the property, possession, control, and management authority over the Northern Hospitality Building (ID: 051-091-001-00) to the EDC.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Chase, to approve Res. 2018-183, Indian Child Welfare, Social Work, Binogii, and Tribal Foster Care FY 2018 Budget Modifications and Native Employment Works FY 2019 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 budget modifications to Indian Child Welfare, Social Work, Binogii, and Tribal Foster Care to change the personnel sheets and increase Federal BIA monies \$38,324.84. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approved the FY 2019 budget modification to Native Employment Works for a change to the personnel page and reallocation of expenses. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that if this resolution is approved, a Continuing Funding Resolution for FY 2019 budget shall not impair or delay the implementation of the proposed changes to ACFS Caseworker positions.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Hollowell, to approve Res. 2018-184, Authorization to Apply for Tribal Opioid Response Grant (T-18-016).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby supports and recommends the submission of the Tribal Opioid Response Grant application to the Substance Abuse and Mental Health Services Administration (SAMHSA).

Motion carried unanimously.

Moved by Director Causley, supported by Director Chase, to approve Res. 2018-185, Property Acquisition.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Sault Tribe Economic Development Director, or their designee, to negotiate the purchase of the following properties:

501 Timber 003-409-011-00	501 Timber 003-409-012-00	Parcel ID 051-047-007-00
Parcel ID 051-041-013-00	Parcel ID 051-801-001-051	Parcel ID 051-533-015-00
Parcel ID 051-533-007-00	Parcel ID 051-533-001-00	Parcel ID 051-420-2836-100-071
Parcel ID 001-179-028-00; 001-480-023-00; 001-480-025-00; 001-480-026-00		

BE IT FINALLY RESOLVED, that all purchase agreements shall be brought back to the Board of Directors for final review and consideration within 60 days.

Motion carried unanimously.

Moved by Director Causley, supported by Director Gravelle, to approve Res. 2018-186, Authorization to Bid on Parcels at Public Land Auction.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribe's EDC Director to participate in the public land auction scheduled for August 23 – 24, 2018, and to place bids on any or all of the parcels of land as proposed on the attached list at a total cost not to exceed \$150,550.

Motion carried with Director McLeod opposing.

Moved by Director Sorenson, supported by Director Causley, to approve Res. 2018-187, Authorization to Bid on Parcels on Online Land Auction.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribe's EDC Director to participate in an online land auction scheduled for August 11-13, 2018, and to place bids on 80-82 Kincheloe Drive, Kincheloe, MI 49788 up to approved amount on behalf of DeMawating Development, who has funds available.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Causley, to approve Res. 2018-188, Amending Gitchi Enterprises Corporate Charter and Bylaws.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends section 7(3) of the Gitchi Enterprises Corporate Charter to read as follows:

(3) Notwithstanding the provisions of subsection (2) of this section, a member of the Tribe's Board of Directors may decline to serve as a member of the Corporation's Management Board by (a) filing a signed statement of declination with the Executive Assistant to the Board of Directors or (b) failing to comply with all necessary licensing or regulatory requirements within 60 days of being notified of any such requirement. A declination made by signed statement pursuant to subsection (3) (a) shall be final and binding for the remainder of that Director's current term of office. A declination resulting from section (3)(b) shall be effective only until such time as the member has fully complied with all necessary licensing and regulatory requirements. Positions so vacated shall not be counted in determining the requirement for a quorum.

BE IT FURTHER RESOLVED, that the Board of Directors hereby directs that Article II, Section 1 of the Bylaws of the Gitchi Enterprises Management Board is hereby amended to read as follows:

Section 1. Membership and Quorum. The Management Board shall consist of all currently elected and currently serving Members of the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians except those who have (a) declined to serve in writing or (b) failed to comply with all necessary licensing or regulatory requirements within 60 days of having been notified of any such requirement as provided in the Gitchi Enterprises Corporate Charter approved by the Sault Ste. Marie Tribe Board of Directors on May 1, 2018. A quorum shall consist of a majority of the Members currently serving on the Management Board and does not include those who have declined or who have been excluded pursuant to this provision.

Motion carried unanimously.

Moved by Director Hollowell, supported by Director Causley, to approve Res. 2018-189, Indian Mission Cemetery.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Chairperson, or their designee, to request, negotiate, and execute the title transfer of deeded Parcel #003 - 690 - 041 -10 in Hessel, known as the Tribal Cemetery from Clark Township.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2018-190, (Former) Methodist Mission Reserve Property Request.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Chairperson, or their designee, to request, negotiate, and execute the title transfer of the attached properties from the City of Sault Ste. Marie.

Motion carried unanimously.

Moved by Director Hollowell, supported by Director Hoffman, to accept the Conservation Committee's recommendation to authorize the Chairperson, or his designee, to enter into a loan with Beach Transport from the Fisherman's Fund in an amount not to exceed \$40,000.

Motion carried with Director McLeod abstaining.

Moved by Director Chase, supported by Director Morrow, to disenroll the following from the Tribe: David L. Crisp; Jason A. Crisp; Ethan T. Crisp; Jacob T. Crisp.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Hollowell, to disenroll Asher Croad from the Tribe.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Massaway, to relinquish Stanley Crisp from the Tribe.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2018-191, Amending Resolution 2013-61: Renaming Scholarships.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby amends Res. 2016-61, to add two additional scholarships in the names of Cathy Abramson and Dennis McKelvie and two additional technical and/or vocational scholarships.

BE IT FURTHER RESOLVED, these four scholarships can be awarded to full-time or part-time students; technical/vocational students; and traditional or non-traditional students.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Morrow, to accept the resignations of Theresa Little, Lora McMahan, from the Unit One Elders and declare both seats vacant.

Motion carried unanimously.

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Moved by Director Hollowell, supported by Director McLeod, to reappoint Lou Anne Bush, to the Unit One Advisory Committee, 4 year term, expiring August 2022.

Motion carried unanimously.

Moved by Director Hollowell, supported by Director Causley, to reappoint Kathleen Egert, to the Unit Two, Newberry Elders Elder Advisory Committee, for the remaining term, expiring March 2020.

Motion carried unanimously.

Board Issues:

Director Hollowell: Membership Complaint.

Meeting adjourned: 7:02 p.m.

Date: 9-4-18 Secretary: Bridgett Sorenson

Others present: Christine McPherson, John Wernet, Jessica Dumback, Robert Schulte, Leo Chugunov, Jennifer Clerc, Joel Schultz, Bob Marchand, Tony Nertoli, Eric Clark, Joni Talentino, Julie Salo, Melissa Morehouse, Lisa Corbiere Moran, Melissa VanLuven, Cheryl LaPlaunt, Sheila Berger, Rick Smith, Russ McKerchie, Joanne Carr.