

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

December 7, 2021

The meeting was opened at 5:02 p.m. by Chairperson Payment.

Present: Kim Gravelle, Austin Lowes, DJ Hoffman, Betty Freiheit, Michael McKerchie, Lana Causley, Catherine Hollowell, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, Charles Matson, and Aaron Payment.
Absent:

Moved by Director Freiheit, supported by Director Lowes, to approve the agenda as read.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Causley, to approve Res. 2021-296, Approving Covid-19 Commercial Fisher Assistance Program.

NOW, THEREFORE, BE IT RESOLVED, that the Tribe should and does hereby approve the attached COVID-19 Commercial Fisher Assistance Program ("Program") to offer financial assistance to eligible Tribal member fishers to meet necessary and eligible expenses incurred directly or indirectly as a result of the COVID-19 public health emergency and its negative economic impacts.

BE IT FURTHER RESOLVED, the Board of Directors has determined that \$645,551.34 is necessary to fund this Program to meet the needs of eligible Tribal Captains and Helpers for necessary and eligible expenditures incurred due to the public health emergency.

BE IT FURTHER RESOLVED, it is the intent of the Board of Directors that all assistance provided under the Program is done so under exigent circumstances as the sovereign act of a legislative body under the General Welfare Doctrine and thus payments made under the Program shall be eligible for non-taxable treatment to the fullest extent allowable.

BE IT FURTHER RESOLVED, it is the intent of the Board of Directors that assistance provided under the Program shall not be calculated as "eligible income" to limit or otherwise adversely impact a recipient's eligibility to receive assistance from any other existing tribal programs.

BE IT FURTHER RESOLVED, that the Program shall be funded with CARES Act Governmental Relief Funds received by the Tribe that are allocated through the existing administrative and budgeting processes of the Tribe.

BE IT FURTHER RESOLVED, that the COVID-19 Executive Task Force shall retain the right consistent with Board of Directors Resolution 2020-260 to redeploy any residual funds that cannot be expended pursuant to the Program based on ineligible or incomplete applications, or failure of any number of fishers to file an application under the Program.

BE IF FINALLY RESOLVED, that the Board of Directors reserves the right to amend the Program on an ongoing and as needed basis as additional guidance, funds, and needs arise.

Roll Call Vote: Motion carried unanimously.

Moved by Director Massaway, supported by Director Freiheit, to approve Res. 2021-297, Board of Director FY 2021 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2021 budget modification to the Board of Directors for a change to the personnel sheet. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Freiheit, to approve Res. 2021-298, Cultural – After School Ojibwe Language FY 2022 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to After School Ojibwe Language for a decrease in Federal HHS revenue monies of \$24,795.29. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Gravelle, to approve Res. 2021-299, Natural Resources – Collaborative Fish, Wildlife, and Ecosystem Assessment and Management Survey Project Establishment of FY 2022 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of FY 2022 budget for Collaborative Fish, Wildlife, and Ecosystem Assessment and Management Survey Project with U.S. Forest Service monies of \$19,138.31. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Freiheit, supported by Director Massaway, to approve Res. 2021-300, Natural Resources – Ruffed Grouse FY 2022 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to Ruffed Grouse to change the personnel sheet and increase Federal BIA Revenue monies of \$30,231.16. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2021-301. DeMawating Development Tanglewood Marsh Golf Course FY 2022 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification for DeMawating Development to add Tanglewood Marsh Golf Course with Other Revenue monies of \$445,503.00. No effect Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director Hoffman, to approve Res. 2021-302, Governmental – Industrial Warehouse Complex and MEDC Warehouse FY 2022 Budget Modifications.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to Industrial Warehouse Complex for an increase in Federal Department of Commerce revenue monies of \$1,898,255.34 and Tribal Support monies of \$232,373.00. This budget modification will also transfer in \$100,000.00 from Eagle Lending.

BE IT FURTHER RESOLVED, that that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to MEDC Warehouse for an increase in State of Michigan revenue monies of \$83,333.36. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2021-303, Continuing Funding Authority for Fiscal Year 2022 January to December.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost centers for fiscal year 2022, at their 2021 spending levels, for a period not to exceed March 31, 2022:

Roll Call Vote: Motion carried unanimously.

Moved by Director Freiheit, supported by Director Hoffman, to approve Res. 2021-304, Transportation Program 2022-2025 Transportation Improvement Plan (TIP).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors supports and adopts the 2022-2025 Transportation Improvement Plan, for the projects listed in the attached TIP forms that were developed between the Sault Tribe and the BIA for Tribal Shares Funding.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hollowell, supported by Director Sorenson, to approve Res. 2021-305, 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, a duly organized County Government, and the Sault Ste. Marie Tribe of Chippewa Indians, and authorizes expenditures up to \$60,000, from the Transportation Maintenance Fund, cost center 2931.

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.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director Massaway, to approve Res. 2021-306, Approve Contract Award and Federal Funds for Sault Tribe USDA Reconnect Broadband Consultant Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Sault Tribe Broadband project and authorizes Aaron A. Payment, Tribal Chairperson or his designee, to negotiate, execute and amend any documents resulting therefrom, on the Tribe's behalf, on a contract between the Sault Ste. Marie Tribe of Chippewa Indians and the Consultant, for contracted services required to complete the Sault Tribe Broadband Project, and authorizes up to \$200,000 from funding that was discussed in a workshop, and approving an administrative budget modification.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2021-307, Authorization to Apply for a Grant from the Michigan Economic Development Corporation (MEDC).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Sault Tribe EDC Executive Director or his designee to apply to the Michigan Economic Development Corporation for a grant of up to \$350,000 for the purpose of renovating the vacant space at 531 Ashmun Street for the enhancement of the Tamarack Business Center.

BE IT FURTHER RESOLVED, that the renovated space will be for the purpose of expanding professional space to support tribally owned and tribally member owned businesses, using the current Tamarack Business Center model in place.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Tribal Chairperson, or his designee, to sign, negotiate, amend, execute and accept any agreement and grant funding of up to \$ 350,000.00, if awarded from the MEDC, for the construction and expansion of the Tamarack Business Center.

Roll Call Vote: Motion carried unanimously.

Moved by Director Morrow, supported by Director Chase, to approve Res. 2021-308, Authorization to Negotiate – Gladstone Medical 2002 Minneapolis Ave. Gladstone, Mi, Property Acquisition.

RESOLVED, that the Sault Ste. Marie Board of Directors authorizes the Sault Tribe EDC Executive Director or his designee, to negotiate the purchase of the Gladstone Medical Property – 2002 Minneapolis Ave. Gladstone, MI at a price not to exceed the agreed upon terms approved by the Board of Directors and using funds identified during the workshop the acquisition was discussed.

BE IT FURTHER RESOLVED, upon successful negotiations, the Board of Director authorizes the Tribal Chairperson, or his designee to sign any and all documentation to complete the purchase.

BE IT FINALLY RESOLVED, the Chairperson and or designee is authorized to sign the Gladstone Building lease in accordance with the terms identify during the workshop.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-309, Sault Tribe Corporation Charter Board Appointment Approval.

RESOLVED, pursuant to Article VI, Section 6.6 of the Sault Tribe Corporation Charter, the following individuals are hereby appointed to the Corporate Board of the Sault Tribe Incorporated, to serve time as specified below, replacing the vacant seat of Wendy James: Steve Johnson – for a term expiring June 30, 2022.

Motion carried with Directors Morrow, Sorenson opposing.

Moved by Director Massaway, supported by Director Gravelle, to approve Res. 2021-310, Reaffirm and Reapprove Loans from the Self Sufficiency Funds to the Tribe.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Tribe hereby re-affirms and re-approves the \$11,000,000.00 in loans from the Funds to the Tribe.

BE IT FURTHER RESOLVED, that such terms shall apply on said loans:

Company 905-Education Self Sufficiency 8% interest (Current Balance \$1,195,000.00). Company 907-Funeral 8% interest (Current Balance \$1,266,666.90). Company 909-Self Sufficiency 8% interest (Current Balance \$840,000.01).

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

Roll Call Vote: Motion carried unanimously.

Moved by Director Matson, supported by Director Gravelle, to suspend the rules and add the resolution titled Authorizing Temporary Management Agreement with Sault Tribe Inc. to the agenda.

Roll Call Vote: Motion carried with Directors Matson, Hoffman, Morrow, McKerchie, Causley, Massaway, Chase, Sorenson, Hollowell, Gravelle approving; Directors Freiheit, Lowes opposing.

Moved by Director Sorenson, supported by Director Hoffman, to approve Res. 2021-Authorizing Temporary Management Agreement with Sault Tribe Inc.

Moved by Director Hoffman, supported by Director Morrow, to move into closed session.

Roll Call Vote: Motion carried with Directors Gravelle, Sorenson, Matson, McKerchie, Causley, Hoffman, Massaway, Morrow, Hollowell, Chase approving; Directors Freiheit, Lowes opposing.

5:54 pm – Chair left meeting, Vice Chair took over the meeting.

Without objections, will move back into open session. No objections.

Moved by Director Sorenson, supported by Director Hoffman, to approve Res. 2021-311, Authorizing Temporary Management Agreement with Sault Tribe Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes and approves the Management Agreement between Sault Tribe Inc. and the Tribe's Economic Development Corporation, attached hereto and incorporated herein, providing for Sault Tribe Inc.'s temporary management of the Tribe's Economic Development Corporation.

BE IT FURTHER RESOLVED, that pursuant to the Management Agreement, Sault Tribe Inc.'s temporary management of the Tribe's Economic Development Corporation shall be for a term of six months or until such time that a new Economic Development Corporation Director can be hired.

BE IT FURTHER RESOLVED, that the Management Agreement shall be subject to a thirty-day cancellation clause wherein either party can terminate the agreement upon thirty-day notice.

BE IT FURTHER RESOLVED, that Sault Tribe Inc.'s temporary management of the Tribe's Economic Development Corporation shall be performed for the valuable consideration of one dollar.

BE IT FURTHER RESOLVED, that any transfer of the Economic Development Corporation's assets during Sault Tribe Inc.'s temporary management period shall be strictly prohibited.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Executive Director, or her designee, to execute the Management Agreement between Sault Tribe Inc. and the Tribe's Economic Development Corporation, attached hereto and incorporated within, and any and all other documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Roll Call Vote: Motion carried with Directors Matson, Morrow, McKerchie, Causley, Massaway, Chase, Sorenson, Hollowell, Gravelle approving; Director Lowes opposing. Director Freiheit had left the meeting earlier.

Moved by Director Sorenson, supported by Director Gravelle, to approve Res. 2021-312, Authorizing Vacation Pay-out Adjustment Plan Governmental/EDC.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve and authorize the One-Time Pandemic Related Vacation Pay-out of 80 hours of vacation leave, for Governmental/EDC Team Members, if the team member has over 160 hours accrued. The team member will need to make application to cash out this 80 hours specifically for 2021.

BE IT FURTHER RESOLVED that the terms of this Resolution hereby control, supersede, and rescind any past Resolution or policy that is contrary to the action of the Board of Directors set forth in this Resolution.

BE IT FURTHER RESOLVED, that the carry-over for 2021 will remain at 400 hours for carry over into 2022 and at the end of 2022 will return to the maximum hours of carry forward of 240 hours.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves Human Resources, Payroll, and Budget to implement this vacation pay out to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Roll Call Vote: Motion carried unanimously.

Moved by Director Massaway, supported by Director Morrow, to accept the recommendation of the Enrollment Special Needs Committee and relinquish Ernest Lahti Jr. from the Tribe.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Causley, to have the Executive Task Force review the mask mandate for our businesses.

Without objections, this will be referred to the Executive Task Force. No objections.

Meeting adjourned: 6:35 p.m.

Date: 1-4-22

Secretary: Bridgette Sorenson

Others present: Christine McPherson, Robert Schulte, Jeremy Patterson, Jenna Killips, Jen Clerc, Brenda Jeffreys, Larry Jacques, Wendy Hoffman, Sheila Berger, Joanne Carr.