

ROLL CALL MATRIX

Meeting Date: 2-2-10

P	A	Res. Number	33	34	35	36	37			
		<u>2010</u>	<u>33</u>	<u>34</u>	<u>35</u>	<u>36</u>	<u>37</u>			
		Unanimous		<u>U</u>	<u>U</u>					
✓		Cathy Abramson	Y			Y	Y			
✓		Joe Eitrem	Y	1		1Y	Y			
✓		Bernard Bouschor	Y			N	N			
✓		DJ Hoffman	Y			2Y	1Y			
✓		Dennis McKelvie	N			Y	Y			
✓		Lana Causley		<u>chaired</u>			<u>meeting</u>			
✓		Bob LaPoint	Y			Y	N			
✓		Keith Massaway	N			Y	2Y			
✓		Pat Rickley	1Y		2	Y	Y			
✓		Denise Chase	N			Y	Y			
✓		Tom Miller	2Y	2	1	Y	Y			
✓		Shirley Petosky	Y			Y	Y			
✓		Joe McCoy	<u>D.C. tribal business</u>							

- 1 = Made Motion
- Y = Voted Yes
- A = Abstained
- S = Sponsored by Board Member
- 2 = Second/Support Motion
- N = Voted No
- U = Unanimous



RESOLUTION NO: 2010-33

**HEALTH CENTERS
COMPENSATION MODERNIZATION**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby directs the Human Resources Department and Health Division to adopt the wage grids as set forth in the Report on Compensation Plan Recommendations written by the Horne Group of business advisors; and

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BE IT FURTHER RESOLVED, that the Board of Directors adopts the attached Compensation Administrative Guidelines for the Health Division, and directs that these guidelines shall govern and control the compensation for Direct Care Health Professionals, and that these listed employee positions shall be given a copy of these Guidelines as part of orientation; and

BE IT FURTHER RESOLVED, that the Health Division is directed to undertake a pilot Pay for Performance evaluation system, tracking Direct Care Health Professionals' performance for the period March 1, 2010 through September 30, 2010, and shall report back to this Board a full report of the Pay For Performance program results for each Direct Care Health Professional for review during November, 2010.

BE IT FURTHER RESOLVED, that the Health Division shall present for review by this Board a proposed Pay for Performance Budget to be implemented in FY2011, with the proposed FY2011 budget documents.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 2 day of February 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 3 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 3010-34

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND
NATIONAL WEATHER SERVICE
REMOTE COMMUNITY ALERT SYSTEMS PROGRAM 2010**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the National Oceanic and Atmospheric Administration (NOAA) and National Weather Service (NWS) have announced the Remote Community Alert Systems Program 2010, which represents a NOAA / NWS effort to provide for outdoor alerting technologies in remote communities effectively underserved by commercial mobile service for the purpose of enabling residents of those communities to receive emergency messages; and

WHEREAS, the seven counties in the Tribal Service Area meet criteria for "remote" areas, defined by the Federal Communications Commission to consist of a county with a population density of 100 persons per square mile or less, as documented by the 2000 U. S. Census; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians' 500+ residential units located in ten Tribal Housing sites across the seven-county Tribal Service Area do not have outdoor alert systems to communicate emergency messages to residents.

THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application for the NOAA / NWS Remote Community Alert Systems Program 2010, and that this resolution serves as the Sault Ste. Marie Tribe of Chippewa Indians' support of the project for the entire project period.

BE IT FURTHER RESOLVED that the Chairman of the Tribe, or his designee, is authorized to execute or amend all documents relating to the grant application and award.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 2 day of February 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2010-35

**2010 OFFICE OF INDIAN EDUCATION (OIE)
DEMONSTRATION GRANT**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended, and

WHEREAS, the U.S. Department of Education was established in 1980 under Public Law 96-88 to strengthen the Federal commitment to assuring access to equal educational opportunity for every individual; and

WHEREAS, the Office of Indian Education within the U.S. Department of Education is offering demonstration grants to develop, test, and demonstrate the effectiveness of services and programs to improve the educational opportunities and achievement of preschool, elementary, and secondary Indian students; and

WHEREAS, an Absolute Priority has been identified in the Request For Applications for school readiness projects that provide age-appropriate educational programs and language skills to three- and four-year-old Indian students to prepare them for successful entry into school at the kindergarten school level; and

WHEREAS, the Sault Tribe has a mission to improve the health, welfare, and education of its members and has determined there is a need for additional services to improve the educational opportunities and achievement of our youngest tribal members who represent the very future of our Tribe.

NOW THEREFORE BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians supports the submission of a 2010 Office of Indian Education Demonstration Grant to the U.S. Department of Education for a four-year project named Project Binoogiin Gezhiitaajik (Children Getting Ready).

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Darwin "Joe" McCoy, Tribal Chairman, or his duly authorized representative to sign, negotiate, amend, and execute any agreement thereof for the grant program.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 2 day of February 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians



DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2010-36

**GOVERNMENT RELATIONS AND LEGAL SPECIAL PROJECTS
FY 2010 BUDGET MODIFICATIONS**

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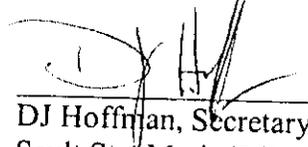
BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2010 budget modification to Government Relations, to reduce Consulting \$48,000, and the FY 2010 budget modification to Legal Special Projects, to increase Consulting \$48,000.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 2 day of February 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians



DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2010-37

**WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO WAIVER
OF TRIBAL COURT JURISDICTION
CREDIT AGREEMENT WITH HUNTINGTON BANK**

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

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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 The Tribe currently has a "Line of Credit" with Huntington Bank ("Bank") which was authorized by Resolution 2008-184; and

1.3 The Tribe wishes to amend this Line of Credit to extend the interest only period for an additional six (6) months; and

1.4 Bank has refused to consent to such amendment without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.5 In order to induce Bank to enter into the amended Line of Credit, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim tribal immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Bank that might arise from, or relate to, in any respect, the Line of Credit. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

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

Section 2 WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

2.1 The Tribe hereby waives its sovereign immunity from suit in favor of Bank only should an action be commenced under the Bank contract referenced above.

This waiver:

i) shall terminate upon performance by the Tribe of all of its obligations under the Line of Credit or any subsequent extensions of the Line of Credit

ii) is granted solely to Bank;

iii) shall extend to inter alia, any judicial or non judicial action, including, but not limited to, any lawsuit, arbitration, and judicial or non judicial action to resolve disputes between the Tribe and Bank and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations under the Line of Credit.

iv) shall be enforceable only in a court of competent jurisdiction, including courts of the State of Michigan the Tribal Court and federal courts in Michigan (including the United States Bankruptcy Court) or any arbitrator or arbitration panel; and

v) shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the line of credit, note and other finance documents, including but not limited to any Tribal property or assets pledged under those finance documents; and

vi) the Note, line of credit, and other associated finance documents shall be construed in accordance with and governed by the internal laws of the State of Michigan, as set forth in such documents. The Board authorizes the Tribe to consent to the jurisdiction of the courts of the State of Michigan and the federal courts in Michigan, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution or any of the finance documents, note or line of credit.

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

4.1 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the Line of Credit.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 2 day of February 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of
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DJ Hoffman, Secretary
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