

**BOARD OF DIRECTORS REGULAR MEETING
MANISTIQUE TRIBAL CENTER
MANISTIQUE, MICHIGAN
MINUTES
July 22, 2014**

The meeting was opened at 6:09 p.m. by Chairperson Payment.

Present: Dennis McKelvie, Kim Gravelle, Cathy Abramson, Jennifer McLeod, DJ Hoffman, Keith Massaway, Bridgett Sorenson, Denise Chase, Darcy Morrow, Rita Glyptis, Aaron Payment.

Absent: Lana Causley, Catherine Hollowell.

Moved by Director Hoffman, supported by Director Massaway, to excuse Directors Causley, Hollowell from the meeting.

Motion carried unanimously.

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

Motion carried unanimously.

Without objection, will add Jail Services Working Group to the agenda. No objections.

Moved by Director Hoffman, supported by Director Abramson, to suspend and add to the agenda, Reimburse the Interim Veteran Representative.

Roll Call Vote: Motion denied with Directors Abramson, Hoffman, Massaway, Gravelle, McKelvie, McLeod approving, Directors Chase, Sorenson, Morrow, Glyptis opposing.

Without objection, will add a resolution to rescind Chapter 93. No objections.

Moved by Director Morrow, supported by Director Abramson, to refer the presentation that Director McLeod was going to give regarding JKL School to the JKL Anishinaabe Grant School Board.

Roll Call Vote: Motion carried with Directors Morrow, Hoffman, Chase, Abramson, Glyptis approving, Directors McLeod, Massaway, Gravelle, Sorenson, McKelvie opposing. Chairperson Payment approving to refer to the Grant School Board, breaking the tie vote.

Moved by Director McKelvie, supported by Director Hoffman, to read only the resolved section of the resolutions.

Roll Call Vote: Motion carried with Directors Hoffman, Abramson, Glyptis, Gravelle, Chase, McKelvie, Morrow approving, Directors Sorenson, McLeod, Massaway opposing.

Moved by Director Hoffman, supported by Director Morrow, to approve Res. 2014-123, Partial Waiver of Convictions for Ms. Kellie Nolan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Kellie Nolan for the convictions of: Felony Controlled Substance –Del/Mfg. – 1/2014; Misdemeanor Controlled Substances – Maintaining a Drug House – 1/2014.

Motion carried with Directors Sorenson, Hoffman, Massaway opposing, Director McLeod abstaining.

Moved by Director Abramson, supported by Director McKelvie, to approve Res. 2014-124, Approving Jail Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Chairperson to negotiate and execute the Agreement for Jail Services as attached, provided the attached agreement is amended to state that payment for the provision of services thereunder shall not commence until January 1, 2015, as has been agreed to by all parties.

BE IT FURTHER RESOLVED, that the Administration shall cause a budget implementing the Agreement for Jail Services to be brought forth as soon as is possible.

Roll Call Vote: Motion carried with Directors McLeod, Abramson, Massaway, Gravelle, Sorenson, McKelvie approving, Directors Morrow, Hoffman, Chase, Glyptis opposing.

Moved by Director Hoffman, supported by Director McLeod, to approve Res. 2014-125, U. S. Department of Housing and Urban Development (HUD) FY 2014 Community Development Block Grant Program for Indian Tribes and Alaska Native Villages.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe Board of Directors hereby authorizes the Sault Tribe Housing Authority or its duly authorized representative, to submit an application requesting \$600,000 for the FY 2014 Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG), administered by the Department of Housing & Urban Development (HUD) to provide correct the drainage issue at JK Lumsden Way and repair the crawl spaces of twenty (20) homes.

Roll Call Vote: Motion carried unanimously.

Moved by Director McKelvie, supported by Director Sorenson, to approve Res. 2014-126, U. S. Department of Housing and Urban Development (HUD) FY 2014 Community Development Block Grant Program for Indian Tribes and Alaska Native Villages 24 CFR Requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe Board of Directors hereby confirms that the requirements of 24 CFR 1003.604(a) have been met by the Housing Authority. That all comments have been considered and any modifications to the proposed application have been made.

Motion carried unanimously.

Moved by Director McKelvie, supported by Director Massaway, to approve Res. 2014-127, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Finance Agreement with Lake Forest Bank & Trust.

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 The Tribe would like to enter into a Commercial Premium Finance Agreement with Lake Forest Bank & Trust Company ("Lender"), with said financing agreement to be serviced by First Insurance Funding Corp. ("Servicing Company"); and

1.3 Lender has refused to consent to such Financing Agreement without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.4 In order to induce Lender to enter into the Financing Agreement, 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 Lender or Servicing Company that might arise from, or relate to, in any respect, the Premium Financing Agreement. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 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 Lender only should an action be commenced under the Premium Financing Agreement referenced above.

This waiver:

- i) shall terminate upon performance by the Tribe of all of its obligations under the Premium Finance Agreement or any subsequent extensions of the Premium Finance Agreement
- ii) is granted solely to Lender or Servicing Company;
- 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 Lender or Servicing Company 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 Premium Finance Agreement.
- 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 Premium Finance Agreement; and

vi) the Premium Finance Agreement, 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 Premium Finance Agreement.

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 Premium Finance Agreement.

Roll Call Vote: Motion carried unanimously.

Moved by Director McKelvie, supported by Director Massaway, to approve Res. 2014-128, Community Services Block Grant (CSBG).

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Chairperson, Aaron Payment, or his designee to sign, negotiate, and execute documents on behalf of the Tribe, to obtain a CSBG Block grant award for the purpose of developing, enhancing, and implementing the Community Services Block Grant Program for Tribal members, through FY 2016.

Motion carried unanimously.

Moved by Director McKelvie, supported by Director Massaway, to approve Res. 2014-129, Lake Michigan Water Trail Project Michigan Economic Development Corporation (M.E.D.C.)

NOW, THEREFORE, BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians fully supports the efforts of the Lake Michigan Water Trail Project and partnership between the M.E.D.C. and the Sault Tribe, and the application for a grant of \$14,400.00.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2014-130, Authorization of Easement Outlot "V" Kinross Township.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the granting of an easement for no monetary consideration due to the overall benefits to the Tribe and its members derived from the public road across the following described property:

Land situated in the Township of Kinross, County of Chippewa, State of Michigan, and more particularly described as follows:
The South 66 feet of that part of Outlot "V" lying in Section 20, Town 45 North, Range 1 West, Cedar Grove Estates No. 3, as recorded in Liber 14 of Plats, pages 1-31, Chippewa county Records, being a part of Section 29, Town 45 North, Range 1 West, and a part of the South ½ of Section 20, Town 45 North, Range 1 West, Kinross Township, Chippewa County, Michigan. Containing 0.042 acres

BE IT FURTHER RESOLVED, that the Board of Directors authorizes its Chairperson, Aaron A. Payment, and Treasurer, Dennis McKelvie, to execute any documentation required concerning the grant of easement, without tenure, and for no monetary consideration, consistent with this resolution for and on behalf of the Tribe.

Motion carried unanimously.

Moved by Director Abramson, supported by Director Massaway, to approve Res. 2014-131, Board of Director Head Start Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED, it is the intent of the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians that the Membership of the Head Start Advisory Committee will consist of four members, at least two of whom shall be sitting members of the Board of Directors, who will be appointed by the Board of Directors and when needed, appointed and/or reappointed by the Board of Directors.

BE IT FURTHER RESOLVED, Jennifer McLeod, Kimberle Gravelle, Bridgett Sorenson will be appointed to the Head Start Advisory Committee.

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BE IT STILL FURTHER RESOLVED, that Keith Massaway and Angeline Bouley will be appointed as alternate members of the Head Start Advisory Committee.

Motion carried with Directors McLeod, Sorenson, Gravelle abstaining.

Moved by Director Morrow, supported by Director Gravelle, to approve Res. 2014-132, Amending Adhoc Health Access Exploratory Group.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs the creation of an *Adhoc Health Access Exploratory Group* to analyze, determine feasibility, and recommend opportunities for health access revitalization and/or expansion in the geographic areas of: Escanaba, Marquette, Kinross, Detour, Drummond Island, Newberry, and after hour clinic access in partnerships in St. Ignace, Marquette, and additional areas to be identified.

BE IT FURTHER RESOLVED, that the following individuals from the Tribe's governing board are hereby appointed to the Adhoc Health Access Exploratory Group:

Tribal Chairperson: Aaron A. Payment

Unit 1: Cathy Abramson, DJ Hoffman, Kim Gravelle

Unit 2: Lana Causley, Catherine Hollowell

Unit 3: Keith Massaway

Unit 4: Denise Chase, Darcy Morrow

Unit 5: Rita Glyptis

...and the following health division team members are also appointed: Bonnie Culfa, Health Division Director; Tony Abramson, STHC Clinic Manager; Marlene Glaesmann, Rural Health Clinic Manager; and Christine McPherson, Executive Director of the Sault Tribe.

BE IT FINALLY RESOLVED, the *Adhoc Health Access Exploratory Group* shall also evaluate and bring back a recommendation for the creation of an autonomous *Tribally Designated Health Entity* patterned after the Tribal Housing Commission.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Chase, to approve Res. 2014-133, Authorize the Chairperson to Pay Contract Overages East Streets Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Chairperson to expend an additional of \$6,657.03 from the Transportation Construction fund, cost center 2932 to cover the overages for the East Streets project.

Motion carried unanimously.

Moved by Director Abramson, supported by Director Hoffman, to approve Res. 2014-134, Tribal Operations Budget Modification Expenditure.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the expenditure to Tribal Operations for an expenditure of \$1,500.

Roll Call Vote: Motion carried with Directors Abramson, Hoffman, Massaway, Gravelle, McLeod approving, Directors McKelvie, Chase, Sorenson, Morrow, Glyptis opposing, Chairperson Payment approving, breaking the tie vote.

Moved by Director Sorenson, supported by Director Massaway, to approve Res. 2014-135, Governmental –MEDC Lake Michigan Waterways Establish FY 2014 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves establishing the FY 2014 budget for Governmental – MEDC Lake Michigan Waterways with State of Michigan MEDC revenues \$14,400. No effect on Tribal Support.

Motion carried unanimously.

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Moved by Director Chase, supported by Director Sorenson, to approve Res. 2014-136, ACFS – Tribal Foster Care FY 2014 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2014 budget modification to Tribal Foster Care for an increase to State Revenue of \$28,226.40 and Other Revenue of \$21,862.00 and a decrease to Fund Balance of \$166,864.23. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Morrow, supported by Director McLeod, to approve Res. 2014-137, Education –Farm to School Establish FY 2015 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 2015 budget for Farm to School with Other Revenue of \$2,000.00. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Hoffman, to approve Res. 2014-138, Governmental – Energy Rebates Establish FY 2014 Budgets.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves establishing the FY 2014 budget for Energy Rebates with Other Revenues \$2,017.20 and \$3,465.88 coming from Fund Balance. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Massaway, to approve Res. 2014-139, Law Enforcement Tribal Homeland Security Grant Program FY 2014 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2014 budget modification to Tribal Homeland Security Grant Program for an increase in Federal Department of Homeland Security Revenue of \$296,811.21. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Massaway, supported by Director Morrow, to approve Res. 2014-140, General – Youth Development Fund FY 2014 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2014 budget modification to the Youth Development Fund for an increase in Other Revenue of \$18,900. The criteria also have changed to reflect 300% of poverty guidelines and awards will go from \$100.00 to \$150.00. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Chase, to table the resolution regarding the Communications-Newspaper Budget Modification until August 19, 2014.

Roll Call Vote: Motion carried with Directors McKelvie, Morrow, Abramson, Glyptis, Chase, Hoffman, Gravelle, Massaway approving, Directors McLeod, Sorenson opposing.

Moved by Director Hoffman, supported by Director McKelvie, to create a Chippewa County –Tribal Work Group.

Motion carried unanimously. Note: Directors Hoffman, Abramson, Morrow, and Chairperson Payment agreed to participate in workgroup.

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Moved by Director Hoffman, supported by Director Chase, to approve Res. 2014-141, Rescinding Resolution 98-57 Tribal Code Chapter 93: Compliance with the Michigan Gaming Control and Revenue Act.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby rescinds Tribal Code Chapter 93: Compliance with the Michigan Gaming Control and Revenue Act, effective immediately.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Chase, to approve the Request for Travel from Director McKelvie, to attend the Native Veterans Training in North Dakota, August 7 & 8.

Motion carried with Director McKelvie abstaining.

Moved by Director Hoffman, supported by Director Morrow, to adjourn the meeting.

Motion carried unanimously.

Meeting adjourned: 7:40 p.m.

Date: 11-25-14

Secretary: Bridgett Severson

Others present: Christine McPherson, Bill Connolly, John Wernet, Trish Gough, Angeline Boulley, James Lamoreaux, Joanne Carr.