

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN SHORES CASINO  
ST. IGNACE, MICHIGAN  
MINUTES  
February 16, 2016**

The meeting was opened at 6:03 p.m. by Chairperson Payment.

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

Absent:

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

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director McKelvie, to remove from the agenda the following resolutions: 2016 Tribal Elder Checks Supplement; Am. Purchasing Policy; Rescinding Transfer and Promotion Policy and the Ethics Code.**

**Motion carried with Director Causley opposing.**

**Moved by Director McKelvie, supported by Director McLeod, to approve the Minutes of 11-17-2015; 12-7-2015; and 12-8-2015 (with correction) and table the Minutes of 11-23/24-2015.**

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2016-47, Amending Tribal Code Chapter 70: Criminal Procedure – Probation.**

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors amends Tribal Code Chapter 70: Criminal Procedure, at Section 70.128, Probation, subsection (1), by deleting “shall not exceed one year for all offenses” and replacing it with “shall not exceed two years for all offenses.”

**Motion carried with Director Hollowell opposing.**

**Moved by Director Morrow, supported by Director McKelvie, to approve Res. 2016-48, Appointing Audit Committee Member.**

**NOW, THEREFORE, BE IT RESOLVED, it is the recommendation of the Audit Committee that the Tribal Board of Directors appoint Director Cathy Abramson to fill that vacancy; until the end of her current term.**

**Motion carried unanimously.**

**Moved by Director Morrow, supported by Director Hoffman, to approve Res. 2016-49, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction DLP Marquette General Hospital, dba UP Health System.**

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 (the "Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.
  - 1.2 The Tribe has negotiated a contract with DLP Marquette General Hospital, dba UP Health System, (“UPHS”) for clinical laboratory services.

1.3 UPHS has refused to consent to a modification of its contract in a manner that would permit the Tribe to contract without a waiver of sovereign immunity or Tribal Court jurisdiction, including the indemnification clauses and dispute resolution terms in paragraph 14.

Section 2 APPROVALS AND AUTHORIZATION

2.1 The Board of Directors authorizes and directs the Tribe, through its Chairperson, for and on behalf of the Tribe to enter into such agreements on such terms and conditions as he deems necessary concerning governing law, waiver of Tribal Court jurisdiction, and waiver of tribal immunity, and gives its express consent to the terms and provisions of the UPHS Clinical Laboratory Services Agreement.

Section 3 WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

3.1 The Tribe hereby waives its sovereign immunity from suit should an action be commenced under the UPHS Agreement.

This waiver:

- i) shall terminate upon performance by the Tribe of all of its obligations under the UPHS Agreement;
- ii) is granted solely to UPHS and its successors and assigns; and
- iii) the UPHS Agreement shall be construed in accordance with and governed by the internal laws of the State of Michigan.

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

4.1 The Board of Directors waives jurisdiction of the Tribal Court over any action arising under the UPHS Agreement.

BE IT FURTHER RESOLVED that the Chairperson is authorized and directed to execute and deliver such other agreements, certificates, documents, or instruments, as may be required or to take any and all such action which may be necessary or convenient to effectuate the foregoing.

**Motion carried unanimously.**

**Moved by Director Hollowell, supported by Director McKelvie, to approve Res. 2016-50, FY 2015 Year End Reconciliation.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2015 Year End Reconciliations for the re-allocation of Tribal Support of up to \$147,598.81, with an overall reduction in total Tribal Support of \$867,266.00.

**Roll Call Vote: Motion carried with Directors Sorenson, Causley, Abramson, Morrow, Gravelle, Hollowell, McLeod, Chase, Massaway, McKelvie approving; Director Hoffman opposing.**

**Moved by Director Morrow, supported by Director McKelvie, to approve Res. 2016-51, ACFS – Child Care Fund (State) FY 2016 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification to Child Care Fund (State) for an increase in State monies of \$1,877.00, a decrease in Other monies of \$17,832.00, with the loss of \$29,275.66 coming from the programs Fund Balance. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Sorenson, to approve Res. 2016-52, Education –Head Start BIA FY 2016 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification to Head Start BIA for an increase in Federal BIA monies of \$8,104.54. This budget modification reflects carry over and the actual award amount. No effect on Tribal Support.

**Motion carried unanimously.**

Minutes  
2-16-2016

Moved by Director McLeod, supported by Director Morrow, to approve the recommendation of the Child Welfare Committee and remove Sheryl McKerchie from the Child Welfare Committee.

Motion carried unanimously.

Moved by Director Causley, supported by Director Chase, to approve the recommendation of the Great Lakes Conservation Committee and approve a Small Mesh Permit for 2016 to Ian Frazier.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Chase, to approve the recommendation of the Great Lakes Conservation Committee and approve a Small Mesh Permit for 2016 to Noah Lownds.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Chase to table the issue of the Fisherman's Fund for Epoufette Harbor Project.

Motion carried with Directors McKelvie, Causley opposing.

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

Motion carried unanimously.

Meeting adjourned: 6:40 p.m.

Date: 3-8-16

Secretary: Bridgett Jensen

Others present: John Wernet, Christine McPherson, Bill Connolly, Steve Sprecker, Russ McKerchie, Joanne Carr.