

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
MAY 3, 2016**

The meeting was opened at 6:11 p.m. by Chairperson Payment.

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

Absent: Darcy Morrow.

Moved by Director Causley, supported by Director McLeod, to excuse Director Morrow from the meeting.

Motion carried unanimously.

Moved by Director Abramson, supported by Director Gravelle, to approve the agenda as read.

Motion carried unanimously.

Without objection, the last three resolutions on the agenda will be referred to the Constitutional Review Committee, which is to come back within 45 days. No objections.

Without objection, will recess until the Membership Issues are over. No objections.

Moved by Director Sorenson, supported by Director Abramson, to approve Res. 2016-102, 2016 Head Start and Early Head Start Grant.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors hereby supports and recommends the submission of a grant to the Office of Head Start, American Indian and Alaskan Natives Program Branch for the annual grant application to provide Head Start and Early Head Start Services.

Roll Call Vote: Motion carried unanimously.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2016-103, Michigan Indian Elders Association Tribal Elder Delegates Appointment.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians appoints Gary (Tom) Derwin, for a two year period, expiring May 2018, as a delegate representing the Elders of the Sault Ste. Marie Tribe of Chippewa Indians. He will exercise the duties of the delegate as outlined in the MIEA by-laws.

BE IT FURTHER RESOLVED, that Aaron Payment, Tribal Chairperson or his duly authorized designees, is authorized to sign, negotiate, amend, and/or rescind any agreement thereto.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director McKelvie, to approve Res. 2016-104, Oscar W. Larson Contract Consent to Indemnify.

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 Oscar W. Larson Company, for services which will be used for the purpose of repairs and replacements at the Sault Ste. Marie and St. Ignace Midjim locations, and for no other purpose.

1.3 Oscar W. Larson Company has refused to consent to a modification of its contract in a manner that would permit the Tribe to contract without an agreement to indemnify the Company for losses.

1.4 In order to induce Oscar W. Larson Company to enter into the contracts, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will indemnify Oscar W. Larson Company in the manner set forth above.

1.5 It is in the best interests of the Tribe to consent to the Oscar W. Larson Company contract and to enter into the Waiver and Consent Obligations.

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 with Oscar W. Larson Company on such terms and conditions as he deems necessary for the completion of the Sault Ste. Marie and St. Ignace Midjim projects.

2.2 The Board of Directors authorizes and directs the Tribe to give its express consent to the terms and provisions of the Oscar W. Larson Company contracts.

2.3 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.

Section 3 CONSENT TO INDEMNIFY

3.1 The Tribe hereby consents to indemnify Oscar W. Larson Company should an action be commenced against the Company implicating the indemnification provisions of the contracts.

This consent:

i) shall terminate upon performance by the Tribe of all of its obligations under the Oscar W. Larson Company contracts;

ii) is granted solely to Oscar W. Larson Company and its successors and assigns;

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 enforce the rights of Oscar W. Larson Company and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations of Oscar W. Larson Company under the Oscar W. Larson Company contract;

iv) shall be enforceable only in a court of competent jurisdiction; and;

vi) the Oscar W. Larson Company contracts shall be construed in accordance with and governed by the internal laws of the State of Michigan.

Roll Call Vote: Motion carried unanimously.

Moved by Director Massaway, supported by Director Sorenson, to approve Res. 2016-105, GLRI American Marten Establishment of FY 2016 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 2016 budget for GLRI American Marten with Federal BIA monies of \$63,413.09. No effect on Tribal Support.

Motion carried with Director Hoffman abstaining.

Moved by Director Gravelle, supported by Director Massaway, to approve Res. 2016-106, Transportation Planning, IRR Road Maintenance and IRR Roads FY 2016 Budget Modifications.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modifications to Transportation Planning, IRR Road Maintenance, and IRR Roads for an increase of Federal BIA monies of \$669,100.46. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director McLeod, to approve Res. 2016-107, Governmental Capital Purchases Building – Motorized Door Opening Devices FY 2016 Budget Modification.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby directs that the repairs to the Fred Hatch, Mary Murray, Shedawin, Lambert Center, Administration, Pow Wow Showers, George K. Nolan Judicial, Eavou Group Home, Inland Fish, Enrollment, Niigaanagiizhik Cultural Bldg., Mary Murray Culture Camp, Northern Hospitality, McCann, Newberry Health Center, ARC, and Chi Mukwa all be undertaken. BE IT FURTHER RESOLVED, that this FY 2016 budget modification to the Governmental Capital Purchases Budget, not to exceed \$100,000.00, to be covered by Other Revenue/Fund Balance is approved. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Abramson, supported by Director Hollowell, to refer the resolution regarding amending Ch. 11: Membership Ordinance to the Enrollment Special Needs Committee.

Motion carried with Directors McKelvie, Hoffman opposing.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2016-108, Unit Five Seat.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs the Election Committee to swear into the vacant Unit 5 Directors seat, the candidate from the special advisory election who receives the most votes subject to the provisions of Tribal Code Chapter 10: Election Ordinance, dealing with contest, complaints, recounts, ties or any other matter addressed therein.

BE IT FURTHER RESOLVED, that this resolution shall formally serve as the Board of Directors', fulfilling their charge under Article VI of the Constitution.

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

Moved by Director Hoffman, supported by Director McLeod, to approve Res. 2016-109, Two Percent Agreement Sault Schools.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby obligates \$50,000 to the Sault Ste. Marie Schools for a term of five years for the purposes described in the attachment.

BE IT FURTHER RESOLVED, that the Administration is directed to draft a 2% agreement to effectuate this resolution.

BE IT FINALLY, resolved that the Chairperson is hereby authorized and directed to execute said agreement.

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

Moved by Director Sorenson, supported by Director Hollowell, to approve Res. 2016-110, ACFS – USDA 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 USDA to reallocate expenses for consulting. No effect on Tribal Support.

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

Minutes
5-3-2016

Moved by Director Chase, supported by Director Causley, to appoint Ron Nelson and Nina Sutter to the Unit Four -Escanaba Elder Subcommittee, for four year terms, expiring May 2020, Regular Member.

Motion carried unanimously.

Moved by Director McKelvie, supported by Director McLeod, to accept the resignation of Joyce McCoy from the Unit One Elders Subcommittee and declare the seat vacant.

Motion carried unanimously.

Moved by Director Causley, supported by Director Hollowell, to appoint Stan Johnston, Regular Member and Gail Mattson, Alternate Member, to the Unit Two Newberry Elders Subcommittee, for four year terms, expiring May 2020.

Motion carried unanimously.

Moved by Director Massaway, supported by Director McKelvie, to appoint Otto Hyslop, Alternate Member, to the Unit Three Elder Subcommittee, for a four year term, expiring May 2020.

Motion carried.

Moved by Director Chase, supported by Director Sorenson, to appoint Marilyn LaFave, as Regular Member, to the Unit Five Marquette Elders Subcommittee for a four year term, expiring May 2020.

Motion carried unanimously.

Moved by Director Causley, supported by Director Sorenson, to adjourn the meeting.

Motion carried unanimously.

Meeting adjourned: 8:27 p.m.

Date: 7-12-16

Secretary: Bridgett Sorenson

Others present: John Wernet, Bill Connolly, Jessica Dumback, Christine McPherson, Bob Marchand, Russ McKerchie, Joanne Carr.