

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
November 5, 2019**

The meeting was opened at 5:07 p.m. by Chairperson Payment.

Present: Kim Gravelle, Jennifer McLeod, Michael McKerchie, DJ Hoffman, Lana Causley, Catherine Hollowell, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, Charles Matson, and Aaron Payment.

Absent:

Moved by Director Hoffman, supported by Director Chase, to approve the agenda as read.

Motion carried with Directors Causley, Sorenson opposing.

Moved by Director Sorenson, supported by Director Causley, to approve Minutes of 8-6-2019; 9-3-2019, with technical corrections.

Motion carried with Director Sorenson abstaining.

Moved by Director McLeod, supported by Director Causley, to approve Res. 2019-280, Education – TED Grant (Extension) Establishment of FY 2020 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 2020 budget TED Grant with BIA Revenue monies of \$12,912.12. These funds are carry over. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Causley, supported by Director McLeod, to approve Res. 2019-281, Education – TED Grant Establishment of FY 2020 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 2020 budget TED Grant with BIA Revenue monies of \$84,415.68. This is new grant funding. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Causley, supported by Director Massaway, to approve Res. 2019-282, Internal Auditor 2019 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modification to Internal Auditor to increase Tribal Support monies by \$2,000.

Motion carried unanimously.

Moved by Director McLeod, supported by Director Causley, to approve Res. 2019-283, Adam Walsh (SORNA) Establishment of 2020 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 2020 budget for Adam Walsh (SORNA) with Federal DOJ monies of \$90,317.76. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director McLeod, supported by Director Hollowell, to approve Res. 2019-284, Recovery Hospital Establishment of 2020 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 2020 budget for Recovery Hospital with Other Revenue Third Party monies of \$185,000.00. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously. Note: There is a requirement that the water has to be tested before the end of 2019.

Moved by Director Chase, supported by Director Gravelle, to approve Res. 2019-285, Saving Lives Grant Establishment of 2020 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 2020 budget for Saving Lives Grant with Other Revenue – Intertribal Council monies of \$19,191.24. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Causley, supported by Director Sorenson, to approve Res. 2019-286, Sault Tribe Thrive Establishment of 2020 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 2020 budget for Sault Tribe Thrive Federal Department of Commerce monies of \$208,628.65. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Sorenson, supported by Director Causley, to approve Res. 2019-287, Fiscal Year 2020 Budget Document 004 Enterprises.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Fiscal Year 2020 Budget Document 004 Enterprises for revenue of \$15,394,722 and expenses of \$15,314,897.

Roll Call Vote: Motion carried unanimously.

Moved by Director Causley, supported by Director Sorenson, to approve Res. 2019-288, Economic Development 2019 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modification to EDC to increase Tribal Support monies \$10,000.00.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Causley, to approve Res. 2019-289, Fiscal Year 2020 Enterprises Capital Purchases Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves a total of \$1,038,933 as the Enterprises Fiscal Year 2020 Capital Purchases Budget.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-290, Tribal Liquor License Midjim Convenience Store Sault Ste. Marie.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS B: Retailer License and CLASS A: Retail Intoxicating Liquor License to the Midjim Convenience Store, Sault Ste. Marie.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-291, Tribal Liquor License Midjim Convenience Store St. Ignace.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS B: Retailer License and CLASS A: Retail Intoxicating Liquor License to the Midjim Convenience Store, St. Ignace.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-292, Tribal Liquor License Kewadin Casino Hotel and Convention Center.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Hotel and Convention Center.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-293, Tribal Liquor License Kewadin Casino Hessel.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Hessel.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-294, Tribal Liquor License Kewadin Shores Casino.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Shores Casino.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-295, Tribal Liquor License Kewadin Casino Manistique.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Manistique.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2019-296, Tribal Liquor License Kewadin Casino Christmas.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Christmas.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2020.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Hollowell, to approve Res. 2019-297, Limited Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction for White Pine Lodge Enterprises Liquor License.

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

Section 1 FINDINGS AND DETERMINATIONS: The Board of Directors finds and determines that:

- 1.1 The tribe has purchased White Pine Lodge hotel and convenience store located in Christmas, MI, as a wholly owned governmental instrumentality of the tribe.
- 1.2 The purchase includes the transfer of a state liquor license from the seller to the tribe in the name of White Pine Lodge Enterprises
- 1.3 The state of Michigan is unable to transfer the liquor license to the tribe in the name of White Pine Lodge Enterprises absent a limited waiver of sovereign immunity from the tribe in favor of the state.
- 1.4 In order to facilitate the transfer of the liquor license the tribe pledges herein to not claim tribal immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the state and tribe that might arise from, or relate to, in any respect, the state liquor license at White Pine Lodge Enterprises as limited below. 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 the state of Michigan only should an action be commenced by the state in furtherance of its obligations to regulate the liquor license at White Pine Lodge Enterprises. This waiver is not granted for any other state of Michigan liquor licenses the tribe may possess or for any issue arising under the tribe's gaming compact in its current form or as it may be amended or replaced.

This waiver:

- i) shall terminate upon the tribe no longer having a state of Michigan liquor license at White Pine Lodge Enterprises;
- ii) is granted solely to the state of Michigan in the state's furtherance of its obligations to regulate the state of Michigan liquor license at White Pine Lodge Enterprises;
- 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 the state of Michigan, 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 Agreement;
- iv) shall be limited to Tribal assets; and

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

vi) shall not extend to any third party.

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under section 2.

Roll Call Vote: Motion carried unanimously.

Moved by Director McLeod, supported by Director Causley, to approve Res. 2019-298, Trust Land Lease – 150 Spring Street Massaway St. Ignace, MI.

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Tribal Chairperson and Treasurer, to execute a lease to the land located in St. Ignace, Michigan to: Robert J. Massaway, Sr. and Patina M. Massaway, husband and wife and land being described as follows:

Lot 17 and the East ½ of Lot 18, Block 2,
Lachance's Plat of a Portion of Private Claim Number 14,
City of St. Ignace, Mackinac County, Michigan.
Containing 0.206 acres more or less (8981 s.f.).

Subject to all easements, conditions, reservations, exceptions and restrictions contained in prior conveyances of record.

RESOLVED, the lease is in furtherance of a housing program operated in the promotion of the public purposes and the negotiated rental amount has been determined to be in the best interest of the Tribe and its people, and valuation in accordance with 25 CFR 162.320 is hereby waived.

Motion carried unanimously.

Moved by Director McLeod, supported by Director Causley, to approve Res. 2019-299, Trust Land Lease – Parcel 34 Aikens Sault Ste. Marie, MI.

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Tribal Chairman and Treasurer to execute a lease to the land located at Sault Ste. Marie, Michigan to: Randy W. Aikens and Brenda J. Aikens, husband and wife and land being described as follows: Parcel 34

A parcel of land located in the West ½ of the Northeast ¼ of Section 29, Town 47 North,

Range 1 East, Soo Township, Chippewa County, Michigan being more particularly described as follows:

Commencing at the East ¼ corner of Section 29, Town 47 North, Range 1 East; thence North 01°39'16" East, along the East line of the Northeast ¼ of said Section 29, a distance of 660.75 feet to the Southeast corner of the North ½ of the Southeast ¼ of the Northeast ¼ of said Section 29; thence North 87°39'02" West, along the South line of the North ½ of the Southeast ¼ of the Northeast ¼ of said Section 29, a distance of 50.00 feet

to the Westerly right-of-way of Shunk Road; thence North 01°39'16" East, along said Westerly right-of-way, 549.43 feet; thence North 77°51'32" West, 78.24 feet; thence North 44°32'58" West, 95.31 feet; thence North 87°36'56" West, parallel with the North line of the Southeast ¼ of the Northeast ¼ of said Section 29, a distance of 1153.71 feet to the Point of Beginning of the herein described parcel; Thence South 40°19'28" West, 161.90 feet to the Easterly right-of-way of East Polaris Drive; thence 83.40 feet, along said Easterly right-of-way, and along a curve with its center to the Southwest having a radius of 308.00 feet, a chord distance of 83.15 feet, and a chord bearing of North 43°45' 28" West; thence 203.61 feet, along said Easterly right-of-way, and along a curve with its center to the Northeast having a radius of 327.00 feet, a chord distance of 200.33 feet, and a chord bearing of North 33°40'38" West; thence South 88°18'17" East, 276.30 feet; thence South 01°41'43" West, parallel with the East line of the Northwest ¼ of the Northeast ¼ of said Section 29, a distance of 95.20 feet to the Point of Beginning.

Containing 0.89 acres of land more or less.

RESOLVED, the lease is in furtherance of a housing program operated in the promotion of the public purposes and the negotiated rental amount has been determined to be in the best interest of the Tribe and its people, and valuation in accordance with 25 CFR 162.320 is hereby waived.

Motion carried unanimously.

Moved by Director McLeod, supported by Director Morrow, Authorization for Signature Bureau of Indian Affairs 2020 Self Governance Annual Funding Agreements.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Chairperson or designee, to sign, negotiate, amend, and execute any agreement thereof for the Bureau of Indian Affairs 2020 Self Governance Program and Tribal Transportation Program.

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

Moved by Director Gravelle, supported by Director Hoffman, to approve Res. 2019-301, Chippewa County Community Foundation FY 2019 Sponsorships.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the donation from CC#2083, Sponsorships, of \$1,500.00 to the Chippewa County Community Foundation to support three Sault Tribe Youth in attending a public service trip in Nicaragua.

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

Moved by Director Causley, supported by Director Gravelle, to approve Res. 2019-302, Approve Project and Funds for Well Drilling on M-28 Parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves awarding the contract for well drilling as recommended by the Health Division and the Purchasing Department.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron A. Payment, Tribal Chairperson or his designee, to negotiate, execute and amend any contracts necessary on the Tribe's behalf with a budget of a \$67,100.00 for the drilling of these wells.

Roll Call Vote: Motion carried unanimously.

Moved by Director Morrow, supported by Director Causley, to approve Res. 2019-303, Approve Recovery Hospital Business Plan and Feasibility Study Consultant.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves awarding the contract for Business Plan Consultant as recommended by the Health Division and the Purchasing Department.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron A. Payment, Tribal Chairperson or his designee, to negotiate, execute and amend any contracts necessary on the Tribe's behalf with a budget of \$110,000 for the Recovery Hospital Business Plan and Feasibility Study.

Roll Call Vote: Motion carried unanimously.

Moved by Director McLeod, supported by Director Morrow, to approve Res. 2019-304, IHS Multi Year Funding Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe Board of Directors hereby approves the Funding Agreement as effective from October 1, 2018 through September 30, 2021, and authorizes the Tribal Chairperson to execute such Agreement on behalf of the Tribe.

Motion carried unanimously.

Moved Director Sorenson, supported by Director Massaway, to approve Res. 2019-305, Contract Approval Meritain Health (An AETNA Company) and Delta Dental.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribal Chairperson, Aaron Payment, or his designee, to execute contracts with Meritain Health and Delta Dental, with an effective date of January 1, 2020, for a one year period, and to further take such actions as may be required to extend the current contracts.

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

Moved by Director Hoffman, supported by Director Sorenson, to table the resolution regarding Lansing until November 26, after the meeting with the Mayor.

Motion carried unanimously.

Moved by Director Hollowell, supported by Director Sorenson, to appoint Paul Barbeaux, as the Chair of the Conservation Committee.

Motion carried with Directors Morrow, Chase opposing; Directors Hoffman, McLeod abstaining.

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

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

Moved by Director Morrow, supported by Director McKerchie, to hired the second candidate for the Assistant Executive Director.

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

Meeting adjourned: 6:33 p.m.

Date: 1-7-2020 Secretary: Bridgette Sorenson

Others present: Robert Schulte, Joel Schultz, Doug Goudreau, Kristin Green, Jeri Eby, Allen Kerridge, Leo Chugunov, Lona Stewart, Jen Clerc, Joanne Carr.