

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
April 18, 2023**

This meeting was opened at 5:00 p.m. by Chairman, Austin Lowes.

Present: Robert McRorie, Bridgett Sorenson, Tyler LaPlaunt, Michael McKerchie, Lana Causley-Smith, Isaac McKechnie, Betty Freiheit, Darcy Morrow, Kimberly Lee, Kimberly Hampton, Shawn Borowicz and Austin Lowes.

Absent: None

**Moved by Director McKechnie, supported by Director Freiheit, to approve the agenda as read.
Motion carried unanimously.**

**Moved by Director McKechnie, supported by Director McKerchie, to approve the Minutes from 2/21/2023 Meeting.
Motion carried unanimously.**

Moved by unanimous consent, no objections, to approve Resolution 2023-146, Trust Land Lease Cancellation-Erickson, Da-Haack

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairman, and Treasurer to execute this lease cancellation, and land being described as:

Township of Kinross, County of Chippewa, State of Michigan
Sec. 29, T 45 N, R 1 W
Lot(s) 661 and 660, Cedar Grove Estates III
(0.28 acres)

BE IT FURTHER RESOLVED, that the Tribal staff is directed to prepare the appropriate lease cancellation documents.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby requests the Bureau of Indian Affairs to cancel BIA Lease No. 469-23-00112(06) (DD-0072(06)) along with any Modifications or Assignments pursuant to applicable law and regulations.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-147, Trust Land Lease-Erickson, Do

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairman and Treasurer to execute a lease to the land located at Kinross, Michigan to, Dominic Erickson and land being described as follows:

Township of Kinross, County of Chippewa, State of Michigan
Sec. 29, T 45 N, R 1 W (.028 acres),
Lots 661 and 660, Cedar Grove Estates III

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.

Roll Call Vote: Motion carries unanimously

Moved by Director Freiheit, supported by Director McKechnie, to approve Resolution 2023-148, ACFS-Child Care Fund

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Child Care Fund (State) for an increase in MDHHS Revenue monies of \$26,796.36. No effect on Tribal Support. This budget modification will change the personnel sheet and reallocate expenses.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-149, ACFS-ICWA Title IV-B Subpart 1

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to ICWA Title IV-B Subpart 1 for a decrease in Tribal Support of \$16,158.20 and reallocation of expenses.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2023-150, Health-Community Health Technician and 3rd Party

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Community Health Technician for an increase in Third-Party Revenue monies of \$46,019.06. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Third-Party Revenue increasing the transfer out of \$46,019.06. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director Freiheit, supported by Director McKechnie, to approve Resolution 2023-151, Health-Lab and 3rd Party

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Lab for an increase in Third-Party Revenue monies of \$214,957.51. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Third-Party Revenue increasing the transfer out of \$214,957.51. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2023-152, Health-Traditional Medicine and 3rd Party

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Traditional Medicine for an increase in Third-Party Revenue monies of \$21,944.71. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Third-Party Revenue increasing the transfer out of \$21,944.71. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-153, Natural Resources-Inland Fish & Wildlife

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Inland Fish & Wildlife for an increase in Federal BIA Revenue monies of \$107,652.58. This budget modification will change the personnel sheet and reallocate expenses. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2023-154, EDC-Economic Development to Establish a FY 2023 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 2023 budget for EDC with Tribal Support monies of \$370,788.31 and other revenues of \$144,312.98.

Roll Call Vote: Motion carries; Directors McKerchie, Freiheit, McKechnie, McRorie, Causley-Smith, Lee, Sorenson, Borowicz, Hampton and LaPlaunt supporting; Directors Morrow opposing.

Moved by Director Sorenson, supported by Director Morrow, to table the EDC resolution Roll Call Vote: Motion fails. Directors Sorenson, Morrow supporting; Directors McRorie, LaPlaunt, McKerchie, Causley-Smith, McKechnie, Borowicz, Freiheit, Lee, Hampton opposing.

Moved by Director LaPlaunt, supported by Director Hampton, to approve resolution 2023-155, Tribal Court-Judicial Services FY 2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Judicial Services with an increase in Tribal Support monies of \$42,127.90 and to make changes to the personnel sheet.

Roll Call Vote: Motion carries. Directors McKerchie, Freiheit, McRorie, Causley-Smith, Lee, Borowicz, Hampton and LaPlaunt supporting; Directors McKechnie, Sorenson, Morrow opposing.

Moved by Director McKechnie, supported by Director McKerchie, to approve Resolution 2023-156, Accept. Of the 2022 Kewadin Casinos Audit

BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby accepts and approves the 2022 Northern Kewadin Casinos Audit as accepted by the Audit Committee, on April 13, 2023.

Roll Call Vote: Motion carries unanimously

Moved by Director McKechnie, supported by Director McKerchie, to approve Resolution 2023-157, Accept. Of the 2022 Kewadin Casinos Gaming Authority Audit

BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors, hereby accepts and approves the 2022 Kewadin Casinos Audit, which includes the Downstate Developments, as accepted by the Audit Committee, on April 13, 2023.

Roll Call Vote: Motion carries unanimously

Moved by Director McRorie, supported by Director McKechnie, to approve Resolution 2023-158, Acting Appointment for Fishery Program

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Acting appointment of Amanda Stoneman for the Administrative oversight of the Fishery program until the Lead Fishery Biologist Position is filled. This appointment will provide a 5%

increase in salary per this resolution with an administrative modification.

Roll Call Vote: Motion carries unanimously

Moved by Director Sorenson, supported by Director Morrow, to table the Assigning Chi Mukwa CRC to Sault Tribe Health Division

Roll Call Vote: Motion carries. Directors Sorenson, Morrow, McKerchie, Lee, McRorie, Causley-Smith supporting; Directors LaPlaunt, McKechnie, Borowicz, Hampton, Freiheit opposing.

Moved by Director Sorenson, supported by Director McRorie, to approve Resolution 2023-159, 2023 Missing and Murdered Indigenous Relatives Day

THEREFORE, BE IT RESOLVED, As Anishinabek people, we know that all life is sacred. The Sault Ste. Marie Tribe of Chippewa Indians Board of Directors honor and recognize the importance of protecting and supporting ALL of our relatives impacted by the epidemic of Missing and Murdered Indigenous Relatives.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby designates May 05, 2023, as a Day of Awareness for Missing and Murdered Indigenous Relatives throughout our Tribal Nation.

Roll Call Vote: Motion carries unanimously

Moved by Director Freiheit, supported by Director McKechnie, to approve Resolution 2023-160, Round About Statue with amendments

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors will utilize Unit One cultural enhancement funds to purchase this statue (\$40,000) to honor our Tribe's history.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairman, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

Roll Call Vote: Motion carries. Directors approving McKerchie, Causley-Smith, Sorenson, Borowicz, Morrow, Hampton and LaPlaunt; Directors opposing Freiheit, McKechnie, McRorie and Lee.

Moved by Director Sorenson, supported by Director Morrow, to approve Resolution 2023-161, Authorizing RFP for Documentary on Commercial Fishery

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors directs administration to publish a request for proposals for a commercial fisheries documentary.

Moved by Director McKechnie, supported by Director McRorie to amend using cultural enhancement funds for Documentary on Commercial Fishery

Roll Call Vote: Motion fails. Directors McKechnie, McRorie, Freiheit supporting; Directors Sorenson, Morrow, LaPlaunt, Borowicz, McKerchie, Lee, Hampton, Causley-Smith opposing.

Moved by Director McKechnie, supported by Freiheit to table use of NOAA funds for the Documentary on Commercial Fishery until Board speaks to fisherman

Roll Call Vote: Motion fails. Directors Freiheit, McKechnie supporting; Directors Causley-Smith, McKerchie, Lee, Morrow, LaPlaunt, Sorenson, Borowicz, McRorie, Hampton opposing.

Roll Call Vote: Motion carries. Directors McKerchie, McKechnie, McRorie, Causley-Smith, Lee, Sorenson, and Morrow supporting; Directors Freiheit opposing.

Moved by Director Sorenson, supported by Director McKechnie, to approve Resolution 2023-162, Approval/Adoption of Schedule of Tribal Prevailing Wage

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors hereby approves the 2023 Tribal Prevailing Wage Grid for the Sault Tribe Construction and Housing Authority Field Workers as attached.

Roll Call Vote: Motion carries. Directors McKerchie, Freiheit, McKechnie, McRorie, Causley-Smith, Lee, Sorenson, Borowicz, Hampton and LaPlaunt supporting; Directors Morrow abstaining.

Moved by Director Freiheit, supported by Director McKechnie, to approve Resolution 2023-163, Approval/Adoption of Benefits/Eligibility Sheets Tribal Prevailing Wage

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors approves the attached Benefit/Eligibility Sheet with amended Sick Leave and Holiday pay for the Sault Tribe Construction and Housing Authority Field Workers as attached.

BE IT FURTHER RESOLVED, that the Board of Directors hereby rescinds the Leave Pay for Field Workers Policy per Resolution # 2001-163; Amendment Governmental Policy.

Roll Call Vote: Motion carries unanimously

Moved by Director Freiheit, supported by Director Borowicz, to approve Resolution 2023-164, Limited Waiver of Sovereign Immunity

Moved by Director Freiheit, supported by Director Sorenson, to waive reading and Aaron Schlehuber will give a summary

Motion carries unanimously

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

Section 1 APPROVALS AND AUTHORIZATION

1.1 The Board authorizes and directs the Tribe, through its Chairman and attorneys, on such conditions and terms as they deem fit, to enter into the Membership Agreement and Term Sheet for ARC Membership ("Agreements") with American Rural Cooperative Power, Inc. ("ARC") on such terms as they may agree upon.

1.2 The Chairman and attorneys are authorized and directed to execute and deliver such other 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 Agreements consistent with this Resolution.

Section 2 LIMITED WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO JURISDICTION.

2.1 The Tribe hereby grants a limited waiver of sovereign immunity from suit in favor of ARC only should an action be commenced to enforce the Agreements.

This waiver:

- i) shall terminate upon performance by the Authority of all of its obligations under the Agreements,
- ii) is granted solely to ARC;
- 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 Authority and the ARC to enforce the obligations under the Agreements;

iv) shall be enforceable only in the state courts of Chippewa County, Michigan and any court from which an appeal may be taken from that court; and
v) shall be enforceable against all assets of the Tribe to the extent necessary to satisfy the Authority's obligation under the Agreements.

2.2 The Agreements shall be construed in accordance with and governed by the internal laws of the State of Michigan, as set forth in the Agreements.

Section 3 LIMITED WAIVER OF TRIBAL COURT JURISDICTION

The Board expressly grants a limited waiver of jurisdiction of the Tribal Court over any action arising related to enforcement by ARC of the Agreements pursuant to the provisions of Tribal Code Chapter 44.107.

Section 4 TIME LIMITATION

This Resolution shall become automatically void, without further action of the Board, upon conclusion of all of the Tribe's obligation under the Agreements.

Roll Call Vote: Motion carries. Directors Freiheit, McKechnie, Lee, Borowicz, Hampton, LaPlaunt supporting; Directors McKerchie, McRorie, Causley-Smith, Sorenson, Morrow opposing.

Moved by Director McKechnie supported by Director Hampton, to Amend Tribal Code Ch. 71: Criminal Offenses

Moved by Director Causley-Smith, supported by Director Freiheit to table the resolution

Roll Call Vote: Motion carries. Directors Lee, Freiheit, Borowicz, Morrow Causley-Smith, McKerchie, Sorenson supporting; Directors McRorie, Hampton, LaPlaunt, McKechnie opposing.

Resolution to Lower Board of Directors Pay, dies lack of support

Moved by Director Morrow, supported by Director McKechnie, to approve the (2) relinquishments submitted by Enrollment

Motion carried unanimously.

Adjourned at 7:20 PM

Date:

9/7/2023

Secretary



Kimberly Hampton

Others Present: Christine McPherson, Jessica Dumback, Robert Schulte, Aaron Schlehuber, Elaine Clement, Jennifer Clerc, Clarence Hudak, Brenda Jeffreys, Juanita Bye, Leo Chugunov, Jenni O'Dell, Carrie Horton, Lori Gambardella, Eric Clark, Dana Schlehuber, Joni Talentino,