

**BOARD OF DIRECTORS REGULAR MEETING  
HESSEL TRIBAL COMMUNITY CENTER  
HESSEL, MICHIGAN  
MINUTES  
August 20, 2024**

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

Present: Kimberle Gravelle, Aaron Payment, Shawn Borowicz, Larry Barbeau, Rob McRorie, Isaac McKechnie, Lana Causley-Smith, Kimberly Hampton (Z), Michael McKerchie, Tyler LaPlaunt, Bridgett Sorenson, Kimberly Lee, Austin Lowes

Absent: None

**Moved by Director McKechnie, supported by Director Causley-Smith, to approve the agenda as read.**

**Motion carries unanimously.**

**Moved by Director Sorenson, supported by Director Barbeau, to approve the meeting minutes from Regular Meeting August 20, 2024.**

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-244, Tribal Court – Special Tribal Criminal Jurisdiction Reimbursement Program Establishment of FY 2024 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 2024 budget for Special Tribal Criminal Jurisdiction Reimbursement Program with Federal DOJ Revenue monies of \$13,592.00. No effect on Tribal Support.

**Motion carries unanimously.**

**Moved by Director Sorenson, supported by Director Causley-Smith, to approve Resolution 2024-245, Compensation of Appellate Court Judges.**

NOW THEREFORE BE IT RESOLVED, that the compensation structure for appellate attorney judges previously authorized by the Board of Directors in resolutions 2005-114 and 2024-34 is hereby modified to authorize contracting with all attorney judges at the rate of \$150/hour with no cap, plus travel expenses at the GSA rate and shall here on after exclude monthly stipends to the attorney judges only, beginning immediately.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes a FY2024 administrative budget modification to cost center 2781 for an additional \$31,500 with funding coming from unrestricted BIA funds.

**Roll Call Vote: Motion carries unanimously.**

**Moved by Director LaPlaunt, supported by Director Causley-Smith, to approve Resolution 2024-246, Composition of the Court of Appeals.**

NOW, THEREFORE, BE IT RESOLVED, that the Judges of Court of Appeals, shall be comprised of three (3) law-trained judges and, in an advisory capacity, one (1) community member and one (1) elder for a total panel of five (5) seated judges.

**Motion carries with Director McRorie opposing.**

**Moved by Director LaPlaunt, supported by Director Causley-Smith, to approve Resolution 2024-247, Re-Appointment of Karrie S. Biron as Chief Judge of the Court of Appeals.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors re-appoints Karrie S. Biron as Chief Judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals for a four (4) year term beginning August 26, 2024, and authorizes the Chairman or his designee to contract with her for said position.

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-248, Re-Appointment of Christina DeMoore as a Reserve Attorney Appellate Judge.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby appoints Christina DeMoore to serve as a Reserve Appellate Judge (attorney position) for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024, and authorizes the Chairman to contract with her for this position.

**Motion carries unanimously.**

**Moved by Director Gravelle, supported by Director McRorie, to approve Resolution 2024-249, Appointment of Andrew DeGuglielmo as a Appellate Judge (Attorney Position).**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby appoints Andrew DeGuglielmo to serve as a regular seated Appellate Judge (attorney position) for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024 and authorizes the Chairman or his designee to contract with him for said position.

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-250, Appointment of Eli Morelli as a Reserve Appellate Judge (Community Member Position).**

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby appoints Eli Morelli to serve as the Reserve Community Member Appellate Judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024.

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-251, U.S. Department of Housing and Urban Development (HUD) FY 2024 Indian Housing Block Grant Program-Competitive Grant (IHBG-C) Application.**

NOW, THEREFORE, BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and directs the Sault Tribe Housing Authority Director or its duly authorized representative, to develop and submit an application requesting up to \$7,500,000 for the FY 2024 Indian Housing Block Grant Competitive (FR-6800-N-48) and the Tribe will not be submitting a separate application.

BE IT FURTHER RESOLVED, that the Sault Tribe of Chippewa Indians Board of Directors hereby authorizes and approves the Tribal Chairman or their designee, to accept the FY 2024 Indian Housing Block Grant Program Competitive Grants (IHBG-C) grant if it is awarded and execute such documents and agreements as may be necessary to further this purpose.

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-252, Acceptance of the 2023 Housing Authority Audit.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, hereby accepts and approves the 2023 Housing Authority Audit, as presented to the Sault Tribe Audit Committee on August 15, 2024 by Anderson, Tackman & Company, PLC.

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-253, Acceptance of the 2023 Governmental Audit.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as accepted by the Audit Committee on August 15, 2024,

hereby accepts and approves the 2023 Governmental Audit as presented by their Auditors: Dennis, Gartland, & Niergarth.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians also approves the Chairman and CFO to execute any and all documents associated with the FY23 Audit including the Client Representation Letter.

**Motion carries unanimously.**

**Moved by Director Hampton, supported by Director McKerchie, to approve Resolution 2024-254, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Francis Energy.**

**Without objection, the reading of this Resolution was waived.**

**No objection.**

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 wishes to enter into Letter of Intent (“LOI”) with Francis Energy (“Francis”) as negotiated by Executive Director of Enterprise Operations to apply for Electric Vehicle Charging Stations; and

1.3 Francis will not consent to such LOI without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce Francis to enter into an LOI, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim sovereign immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Francis that might arise from, or relate to, in any respect, the LOI, or object to the venue clauses found in the Agreement. All the foregoing are referred to herein as the “Waiver and Consent Obligations”; and

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 Francis only should an action be commenced under the LOI referenced above.

This waiver:

Shall terminate upon performance by the Tribe of all of its obligations under the LOI; and

Is granted solely to Francis; and

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 Francis 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 LOI; and

Shall be enforceable only in a court of competent jurisdiction, including courts in the State of Oklahoma, the Tribal Court and federal courts in Oklahoma (including the United States Bankruptcy Court or any arbitrator or arbitration pane); and

Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation in the LOI; and

The Agreement, and other associated documents shall be construed in accordance with and governed by all applicable laws and regulations of governmental bodies with competent jurisdiction, as set forth in such documents.

### Section 3. WAIVER OF TRIBAL COURT JURISDICTION

3.1 The Board of Directors waiver the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement. The Board authorized the Tribe to consent to the jurisdiction of any courts with competent jurisdiction, 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 Agreement.

### Section 4. EFFECTIVE DATE

4.1 This waiver shall become effective upon the final execution of the Agreement executed by the Chairman or his designee. Failure or refusal of any individual to execute the Agreement shall render the waivers and consents granted in this resolution to become void immediately. Failure or refusal to execute the Agreement prior to the close of business on December 31, 2024, shall render the waivers and consents granted in this resolution to become void immediately.

### Section 5. AUTHORIZATION

5.1 T The Chairman is authorized to execute any and all documents to effectuate the forgoing.

**Motion carries unanimously.**

**Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-255, Kewadin Casino Renovations and Enhancement Project – Utilizing Revenue Replacement Program.**

**Moved by Director Sorenson, supported by Director Payment, to amend to take out the second WHEREAS paragraph.**

**Without objection, take this paragraph out.**

**Director Hampton objects.**

**Roll Call Vote: Motion to amend carries with Directors' Gravelle, Payment, McKerchie, Causley-Smith, McKechnie, Lee, Sorenson, Borowicz, LaPlaunt, Barbeau supporting; Directors' Hampton, McRorie opposing.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes \$8,000,000 of the remaining unallocated ARPA funds to be transferred to the Revenue Replacement Cost Center 12294. Funding in the amount of \$8,000,000 will be utilized under the Revenue Replacement Program for Kewadin Casino stage 2 projects including but not limited to: new windows, siding, and room remodeling and renovations.

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 and authorizes the Tribe's CFO to prepare the required internal administrative budget modifications from the authorized budgeted funding for the Governmental Cost Center 12294.

**Roll Call Vote: Motion carries unanimously.**

**Moved by Director LaPlaunt, supported by Director Causley-Smith, to approve Resolution 2024-256, Granting License Tribal Logo Alger County Commission on Aging Calendar.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby grant a limited, non-exclusive, world-wide, royalty-free, transferable license to the Alger County Commission on Aging for the Tribal Logo, in the form set forth below, for the limited purpose of printing on one month of the "80" and older Senior Calendar, to be used in a non-disparaging manner.

BE IT FURTHER RESOLVED, that this license shall expire on the date which is ten years from the date of the passage of this Resolution understanding Alger County Commission on Aging may request extension of this deadline in the future if they desire.

EXEMPLAR OF LOGO:



**Motion carries unanimously.**

**Moved by Director McRorie, supported by Director Causley-Smith, to approve Laura Elizabeth Bouschor and Tyler Bouschor's appointment to the Anishinabe Bimaadiziwin Waawiyeyaa Circle (fka Anishinabe Cultural Committee), for a 4-year term expiring August 2028.**

**Motion carries unanimously.**

**Moved by Director LaPlaunt, supported by Director McKechnie, to accept the removal of John Perault from the Unit 3 Elder Committee, declaring the seat vacant with a term set to expire March 2028.**

**Motion carries with Director Payment abstaining.**

**Moved by Director LaPlaunt, supported by Director McRorie, to approve the recommendation as presented in the workshop to negotiate to hire the Chief Judge.**

**Roll Call Vote: Motion carries with Directors' LaPlaunt, McKechnie, McKerchie, McRorie, Payment, Lee, Gravelle approving; Directors' Borowicz, Sorenson, Hampton, Barbeau, Causley-Smith opposing.**

Adjourned at 6:01 p.m.

Date: 9/3/24 Secretary:   
Kimberly Hampton

Others Present: Robert Schulte, Jessica Dumback, Christine McPherson, Ashlee Mielke, Lona Stewart, Aaron Schlehuder, Joseph Street, Traci Swan, Clarence Hudak, Josh Elliot (Z), Veronica Beaumont (Z)