

**BOARD OF DIRECTORS REGULAR MEETING
MUNISING TRIBAL CENTER
MUNISING, MICHIGAN
MINUTES
SEPTEMBER 19, 2023**

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

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

Absent: None

Moved by Director Freiheit, supported by Director McKechnie, to approve the agenda as read.

Motion carries unanimously.

Without objection, will add the following items to the agenda:

- 1. Temporary Funding Authority in the Event of a Federal Government Funding Shutdown under Resolutions.**
- 2. Temporarily Disbanding the Election committee and Establish the Emergency Election Committee under Resolutions.**

No objections.

Moved by Director McKechnie, supported by Director McRorie, to add Referendum 2023-261 to New Business.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve the minutes from 9/05/23.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-288, ACFS Division – LIHWAP ARPA Establishment FY 2024 Budget.

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 Low Income Housing Water Assistance Program (LIHWAP) with Dept. of Human Health & Services Revenue monies of \$64,000.00. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Morrow, to approve Resolution 2023-289, Home Improvement Establishment of 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 Home Improvement with Federal BIA monies of \$30,500.00. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director Morrow, supported by Director McKechnie, to approve Resolution 2023-290, Health Division – Maintenance/Improvement/Capital Outlays and 3rd Party Revenue FY 2023 Budget Modifications.

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 Maintenance/Improvement/Capital Outlays for an increase in 3rd Party Revenue of \$328,200.00.

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 3rd Party Revenue increasing the transfer out of \$328,200.00 to Maintenance/Improvement/Capital Outlays.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-291, Health Center – Sault Ste. Marie Medical/Nursing 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 for Health Center – Sault Ste. Marie Medical/Nursing for a change to the personnel page and a reallocation of expenses. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Sorenson, to approve Resolution 2023-292, Human Resources and Indirect Costs 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 Human Resources for a decrease in Tribal Support of \$12,484.46 and Indirect of \$9,651.07. This budget modification reflects changes to the personnel sheet.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of the Chippewa Indians hereby approves the FY 2023 budget modification to Indirect Costs to decrease Tribal Support \$9,651.07 and decrease the transfer to Human Resources \$9,651.07.

Motion carries with Director Morrow opposing.

Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2023-293, Acceptance – 2024 Indian Housing Plan.

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors approves the 2024 Indian Housing Plan, Grant No. 55-IH-26-5480, as presented and does hereby request funding from the U. S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors and Sault Tribe Housing Commission does agree to follow the HUD approved Indian Housing Plan in order to provide housing opportunities.

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

Moved by Director LaPlaunt, supported by Director Freiheit, to approve Resolution 2023-294, Partial Waiver of Convictions for Ms. Sara M. Bowerman.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76, grants a partial waiver to Ms. Sara M. Bowerman.

Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2023-295, Approving the Language Revisions under the Tribe's Employee Benefit Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the language revisions as set forth by the Sault Tribe Insurance Department, under the Tribe's Employee Benefit Plan effective January 1, 2024.

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

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-296, Approval to Create FY23 Budget for Membership in ARC Power.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, in order to establish a Commercial Venture within its Accounting System and FY23 Budget, authorizes the Tribe's Chief Financial Officer to establish said entity and appropriate budget.

Motion carries with Director Morrow abstaining.

Moved by Director LaPlaunt, supported by Director Freiheit, to approve Resolution 2023-297, Authorization to Use Funds for the Food Sovereignty Committee.

Moved by Director Morrow, supported by Director McRorie, to amend Resolution by changing funding source to Tribal Operations Cost Center 1160.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorize up to \$6,000 for travel in FY 2023 from tribal operations Cost Center 1160.

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, including ancillary or supplemental documents or forms as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2023-298, Amending Chapter 16: Removal From Office.

Moved by Director Sorenson, supported by Director Morrow to Table.

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends Tribal Code Chapter 16: Removal from Office follows:

16.106 Procedure Upon Filing of Petition.

- (1) The Secretary shall maintain the original petition at all times. The allegations contained in the petition shall be made public. Information identifying the signatories to the petition shall be made public.
 - a. The Secretary shall deliver within two business days by United States mail to the accused official and each member of the Board of Directors a copy of the petition.
- (2) As soon as practicable after the filing of the petition, the Secretary shall refer the petition to the Tribal Registrar, who shall make a determination of whether the petition contains the requisite number of signatures of eligible voters. The Registrar shall review the petition and Tribal voter registration records under standards and procedures utilized for the verification of signatures on nominating petitions for Tribal elections conducted under Tribal Code Ch. 10. The Registrar shall certify the determination to the Board of Directors at least five (5) days before the date of the meeting at which the Board of Directors will consider the petition.
 - a. Immediately upon certification by the Tribal Registrar of the signatures, the names and addresses of all those signing the Petition shall be released to the accused official.
 - b. **Immediately upon certification by the Tribal Registrar of the signatures, Legal shall review the removal petition to determine if the required number of signatures have been obtained based on the Tribal Registrar certification.**
 - c. **If Legal determines that a removal petition does not have the required number of signatures, Legal will notify the Board of Directors, and that petition will immediately be declared invalid and not be considered by the Board of Directors.**
- (3) The Board of Directors shall consider the petition within fifteen (15) days of its receipt of the petition at a regular meeting or a special meeting called for that purpose. The Board of Directors shall consider the petition in an open meeting.
- (4) The Board of Directors shall determine whether the petition, on its face, appears to meet the criteria of §16.105. The Board of Directors may, in its discretion, request the opinion of the Legal Department or outside counsel on the facial sufficiency of the petition. If the Board of Directors determines that the petition appears to be insufficient, it shall dismiss the petition.
- (5) If the Board of Directors determines after the presentation of evidence by the principal sponsor that the petition is supported by probable cause, the Board of Directors shall set the date, time, and place for the initial hearing and direct the Secretary to prepare and serve a notice of hearing upon the accused official stating the date, time and place of the initial hearing and attach the allegations of the petition as notice of the charges against the accused official.
- (6) The determination of the Board of Directors on the sufficiency of the petition shall not be subject to the referendum provisions of Tribal Code Ch. 12.
- (7) The determination of the Board of Directors on the sufficiency of the petition shall only be heard and voted on once.

Motion carries with Directors' Sorenson, Morrow, Causley-Smith opposing.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-299, Authorizing Analysis of Options to Revise the Tribe's Election Process and Codes.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors hereby authorizes the continued analysis on potential long terms options to revise the Tribe's Election Process and Election Codes to create a clearly defined and independent process to carry out impartial elections in the long term.

BE IT FURTHER RESOLVED, that this analysis study shall be carried out by the Legal Department.

BE IT FURTHER RESOLVED, the Board of Directors will temporarily postpone the approval of new Election Committee members until the analysis of options is complete and until such time as the Board takes official action to revise the Tribe's Election Process and Election Codes.

BE IT FURTHER RESOLVED, that any letters of intent to be on the Election Committee received shall remain on file for future consideration.

BE IT FURTHER RESOLVED, that once a draft revision of potential Election Process and Code changes is in place there shall be an opportunity for the tribal membership to review and comment on any proposed changes.

Motion carries with Directors' Morrow, Sorenson opposing.

Moved by Director LaPlaunt, supported by Director McRorie, to approve Resolution 2023-300, Creating Department Specific Human Resources Departments.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs the Health Director to establish a human resources office to handle any and all employment matters for Sault Tribe Health Division.

BE IT FURTHER RESOLVED, that the Board of Directors hereby directs the Director of Enterprises to establish a human resources office to handle any and all employment matters for the Economic Development Commission.

BE IT FURTHER RESOLVED, that the Board of Directors hereby directs the Executive Director to realign the existing Human Resources Department to account for the decrease work load.

BE IT FURTHER RESOLVED, that the directive given herein may be accomplished by contracting for human resource services.

BE IT FURTHER RESOLVED, that the Board of Directors acknowledges that the Management Board of the Kewadin Casinos Gaming Authority has directed that casino management establish a human resources office to handle any and all employment matters for the five Kewadin Casinos.

BE IT FURTHER RESOLVED, that the Board of Directors hereby directs the Executive Director and Human Resources Director to assist the Health Director and or the Director of Enterprises as they may request.

BE IT FINALLY RESOLVED, that the directives given herein shall be accomplished within sixty days including securing any other approvals by the Board of Directors that may be required to implement the directive.

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

Moved by Director McKechnie, supported by Director Morrow, to approve Resolution 2023-301, Temporary Funding Authority in the Event of a Federal Government Funding Shutdown.

NOW, THEREFORE, BE IT RESOLVED, that, in the event of an interruption of federal funding during the next 60 day, the Board of Directors hereby authorize the Tribe's CFO to temporarily utilize such legally available fund balances as may be identified by the CFO, subject to applicable

restrictions on such funds, to assure the continued operation of federally funded tribal departments and programs until the necessary federal funding is restored or until further direction of the Board of Director.

BE IT FURTHER RESOLVED, that the CFO is authorized, with the assistance of the Internal Auditor, to create temporary cost centers and to take such additional steps as may be appropriate to assure a full and proper accounting and reconciliation of any funds so utilized.

Motion carries unanimously.

Moved by Director McRorie, supported by Director McKechnie, to move the Referendum on open enrollment forward.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-302, Temporarily Disbanding the Election Committee and Establishing the Emergency Election Committee.

NOW, THEREFORE, BE IT RESOLVED, that the current Election Committee as promulgated under Section 10.108 of the Tribal Code is hereby temporarily disbanded and replaced with the interim Emergency Election Committee as follows:

Emergency Election Committee.

(1) The Emergency Election Committee shall be composed of the Tribe's General Counsel, the Tribal Registrar, the Tribe's Enrollment Coordinator, and the Board Administrator. In the event that one or more of the above team members is unable to sit on the emergency election committee, the committee must, at minimum, consist of at least one representative from the following departments: Legal; Enrollment; and Admin. The Emergency Election Committee shall be comprised of enrolled Sault Tribe Members. No person shall be appointed who is currently holding tribal elective office. The Committee may assign or outsource specific tasks or duties as necessary to carry out election tasks or duties, consistent with the Constitution and this Chapter.

(2) It shall be the duty of the Emergency Election Committee to conduct the current Referendum Election.

(3) Should any election complaint or contest arise, due to the current referendum election, while the Emergency Election Committee is in place, the committee, in collaboration with the Election Attorney, shall handle all allegations in accordance with Tribal Code 10.120.

(a) Should it be determined that any allegations rise to the level of prosecution for any crime under Tribal Code Chapter 71, the matter shall be immediately sent to the Tribal prosecutor's office for further review.

(4) The Authority of the Emergency Election Committee is limited to matters involving the current Referendum Election.

BE IT FURTHER RESOLVED, that the Tribe's Senior Attorney shall be appointed in the role of Elections Attorney for the purposes of the Referendum Election.

BE IT FURTHER RESOLVED, that the Emergency Election Committee shall remain in place until the completion of the Referendum Election.

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately and shall expire upon the completion of the Referendum Election.

Motion carries with Director Morrow opposing.

Moved by Director McKechnie, supported by Director Morrow, to appoint Frederick T. Carr, III to the Child Welfare Committee, for a 4-year term expiring September 2027.
Motion carries unanimously.

Moved by Director McKechnie, supported by Director Morrow, to reappoint Judy LaJoie to the Health Board Committee, for a 4-year term expiring September 2027.
Motion carries unanimously.

Moved by Director Morrow, supported by Director McKechnie, to Amend the Calendar and add 10/17/23 as a Board Meeting in Manistique.
Motion carries unanimously.

Official Certification of the Referendum Elections for Tribal Resolutions 2023-189 and 2023-190: Election tabulation held on September 11, 2023. Number of ballots sent to registered voters = 14,750; pursuant to Constitution and Codes, threshold of 30% needed to make it binding on the board = 4,425. 3,873 ballots received, approximately 26%, under the threshold. Each referendum failed to garner the required 30% threshold of votes; the results are not binding on the board and the Resolutions stand as they were originally passed.

Adjourned at 6:59 p.m.

Date: 10/17/23 Secretary: 
Kimberly Hampton

Others Present: Aaron Schlehuber, Jessica Dumback (Z), Robert Schulte, Lona Stewart, Ryan Mills (Z), Ashlee Mielke, Juanita Bye (Z), Marica Mongene, Dr. Leo Chugunov (Z), Cheryl Nolan (Z), Dennis McShane (Z), Doug Goudreau (Z), Larry Jacques (Z), Jennifer Clerc (Z)