

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
November 19, 2024**

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

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

Absent: Lana Causley-Smith, Kimberly Lee

**Without objection, excuse Directors' Causley-Smith and Lee.
No objection.**

**Without objection, add Resolution, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Teleradiology Specialists, LLC DBA Experity Teleradiology.
No objection.**

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

Motion carries unanimously.

Moved by Director McKechnie, supported by Director McRorie, to approve the meeting minutes from Regular Meeting November 5, 2024.

Without objection, make technical corrections.

No objection.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-335, Federal Transportation Administration Establishment of FY 2025 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 2025 budget for Federal Transportation Administration with Federal Department of Transportation Revenue monies of \$430,836.00. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-336, Natural Resources Division – Nature Conservancy Establishment of FY 2025 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 2025 budget for Nature Conservancy with Other Revenue monies of \$53,100.00. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-337, Natural Resources Division – Air Program Sensors Establishment of FY 2025 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 2025 budget for Air Program Sensors with Federal EPA Revenue monies of \$5,826.00. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-338, ACFS – USDA Food Distribution Programs FY 2025 Budget Modification and Establishment of FY 2025 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2025 budget modification to USDA Food Distribution Program (#2740) for a decrease in Federal USDA monies of \$674,904.25 and a decrease in Tribal Support monies of \$254,759.86. This budget modification reflects the carry over amount.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2025 budget to USDA Food Distribution Program (#New) with Federal USDA monies of \$753,135.00 and Tribal Support monies of \$237,669.90. This budget is the annual grant award.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-339, ACFS – USDA Nutrition Education FY 2025 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2025 budget modification to USDA Nutrition Education (#2741) for a decrease in Federal USDA monies of \$27,823.93. This budget modification reflects the carry over amount. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-340, ACFS – USDA Nutrition Education Establishment of FY 2025 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 2025 a budget for USDA Nutrition Education (#2743) with Federal USDA monies of \$20,000.00. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-341, ACFS – Foster Care, Child Care State, and Child Care Basic Grant FY 2024 and FY 2025 Budget Modifications.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Tribal Foster Care for an increase in State of Michigan Revenue monies off \$97,863.23 and a decrease in Tribal Support Revenue monies of \$129,452.32.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2025 budget modification to Child Care State for an

increase in State of Michigan Revenue monies of \$47,197.60 and an increase in Fund Balance of \$7,176.27. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2025 budget to Child Care Basic Grant for an increase in State of Michigan Revenue monies of \$3,870.88 and a decrease in Tribal Support monies of \$12,352.27.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-342, Continuing Funding Authority – Health Division for FY 2025 Schedule B Budgets October Through September, January Through December.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost center list for fiscal year 2025, at their 2024 spending levels, for a period not to exceed March 31, 2025.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-343, Continuing Funding Authority – Governmental for Fiscal Year 2025 January to December.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost centers for fiscal year 2025, at their 2024 spending levels, for a period not to exceed March 31, 2025.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-344, Continuing Operating Authority – Enterprises for Fiscal Year 2025.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing operation for the attached cost centers for fiscal year 2025, at their 2024 spending levels, for a period not to exceed January 31, 2025.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-345, Internal Services – Budget Department FY 2024 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to the Budget Department for a decrease in Indirect Revenue monies of \$18,325.74 and Other Revenue monies of \$11,431.02. This budget modification reflects changes to the personnel sheet and actual expenses.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Gravelle, to approve Resolution 2024-346, Contract Awarding to Albert Heating and Cooling, INC. for Professional Services for Big Bear Arena.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby approves the recommended contractor, Albert Heating and Cooling, Inc. to conduct the HVAC Upgrade Project at Big Bear Arena not to exceed \$2,801,360.

BE IT FURTHER RESOLVED, that the Board of Directors hereby approves the use of funding allocated by Resolution 2022-123 for Big Bear Community Center enhancements and any available ARPA or LATCF funds.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes and approves the Chief Financial Officer to create the necessary budget documents that appropriate the funds.

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

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Sorenson, to approve Resolution 2024-347, Indian Health Services Project BE 22-M84 MOA.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe of Chippewa Indians Board of Directors hereby authorizes the Chairman of the Tribe to execute the Memorandum of Agreement titled "Kincheloe Sewer Laterals Rehabilitation" to serve homes on the Sault Ste. Marie Reservation Chippewa, County, MI and such other documents as may be necessary to further this purpose.

Roll Call Vote: Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2024-348, Personnel Sheet/CEO of Health Division.

Moved by Director McKerchie, supported by Director McRorie, to amend to add in "as attached" at the end.

Motion to amend carries unanimously.

NOW, THEREFORE, BE IT RESOLVED, that changes to the personnel sheet can be approved at the executive level and do not have to come before the Board of Directors for approval in order to maintain staff for daily health care operations, as attached.

Roll Call Vote: Motion carries unanimously.

Moved by Director Gravelle, supported by Director Sorenson, to approve Resolution 2024-349, Renewal of Tribal License for Sault Tribe Youth Facility.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a facility license, attached and incorporated herein by this reference, for the Sault Tribe Youth Facility to operate within the boundaries of the Tribe.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairman, or designee, to execute any and all documents, including ancillary or supplemental documents or forms that do not change the substantive terms of the License as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

Motion carries unanimously.

Moved by Director Sorenson, supported by Director Hampton, to approve a Resolution, Amending Chapter 90: Housing Authority Ordinance.

Without objection, the reading of this Resolution was waived.

No objection.

Moved by Director Payment, supported by Director Barbeau, to Table.

Roll Call Vote: Motion to Table fails with Directors' Barbeau, Payment, McRorie, LaPlaut supporting; Directors' Borowicz, McKerchie, Sorenson, Gravelle, Hampton opposing.

Moved by Director Payment to amend to make all low-income households rent zero dollars. Motion died due to lack of support.

Moved by Director Barbeau, supported by Director Payment, to Table.

Roll Call Vote: Motion to Table carries with Directors' Payment, Borowicz, Barbeau, McRorie, McKechnie, Hampton, LaPlaut supporting; Directors' Gravelle, McKerchie, Sorenson opposing.

Moved by Director McKechnie, supported by Director Hampton, to approve Resolution 2024-350, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Teleradiology Specialists, LLC DBA Experity Teleradiology.

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 Service Agreement ("Agreement") with Teleradiology Specialists, LLC DBA Experity Teleradiology ("Experity Teleradiology") as negotiated by the Health Division; and

1.3 Experity Teleradiology will not consent to such Agreement without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce Experity Teleradiology to enter into an Agreement, 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 Experity Teleradiology that might arise from, or relate to, in any respect, the Agreement, 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 Experity Teleradiology only should an action be commenced under the Agreement referenced above.

This waiver:

i) Shall terminate upon performance by the Tribe of all of its obligations under the Agreement; and

ii) Is granted solely to Experity Teleradiology; and

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 Experity Teleradiology 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; and

- iv) Shall be enforceable only in a court of competent jurisdiction, for the sole purpose of a of enforcement of the terms of the Agreement and does not extend to nor allow any award of punitive, exemplary, or other damages; and
- v) Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation in the Agreement; and
- vi) 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 in the state and federal courts in Winnebago County, Illinois, 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 April 1, 2025, shall render the waivers and consents granted in this resolution to become void immediately.

Section 5. AUTHORIZATION

5.1 T The Chairman or CEO of Health Services or their designee is authorized to execute any and all documents to effectuate the forgoing.

Motion carries unanimously.

Moved by Director Hampton, supported by Director Payment, to accept the Relinquishments for Nina L. Craig, Keri A. Feathers and Carol L. Schuitman.

Motion carries unanimously.

Moved by Director McRorie, supported by Director Barbeau, to terminate the CIO and post the position ASAP.

Without objection, passes with unanimous consent.


No objection.

Without objection, meeting adjourned.

No objection.

Adjourned at 6:31 p.m.

Date: 12/3/2024

Secretary: 
Kimberly Hampton

Others Present: Robert Schulte, Jessica Dumback, Christine McPherson, Ashlee Mielke, Lona Stewart, Aaron Schlehuger, Joseph Street, Michelle Moore, Gerard Sagassige, Josh Elliot, Dan Doyle, Joni Talentino, Robin Clark, Wendy Hoffman, Robin Bouschor, Sheryl McKerchie, Juanita Bye, Lisa Bumstead, Melissa VanLuven, Jen Clerc, Tammy Graham, Joel Lumsden, Carrie Horton, Robert Marchand, Julie Salo