

ROLL CALL MATRIX

Meeting Date: 12-05-2022

P	A	Resolution Number	2022-344	2022-345	2022-346	2022-347	2022-348	2022-349	2022-350	2022-351	2022-352	2022-353
		Unanimous	UA	UA	UA	U	U	U			U	
X		Michael McKerchie	Y	Y	Y				2 Y	Y		Y

X		Betty Freiheit	Y	Y	Y				A	N		Y
X		Isaac McKechnie	Y	Y	Y				Y	Y		Y
X		Robert McRorie	Y	Y	Y				A	Y		2 Y
X		Lana Causley	Y	Y	Y	1	1		A	Y	1	A
X		Kimberly Lee	Y	Y	Y				Y	Y		Y
X		Bridgett Sorenson	1 Y	1 Y	1 Y	2	2	1	Y	1 Y	2	Y
X		Shawn Borowicz	Y	Y	Y				Y	Y		Y
X		Darcy Morrow	Y	Y	2 Y			2	N	Y		A
X		Kimberly Hampton	Y	Y	Y				Y	Y		Y
X		Tyler LaPlaunt	2 Y	2 Y	Y				1 Y	2 Y		1 Y
X		Austin Lowes										

1 = Made Motion

Y - Voted Yes

A = Abstained

UA = Unanimous Vote

2 = Second/Support Motion

N = Voted No

U = Unanimous

ROLL CALL MATRIX

Meeting Date: 12-05-2022

P	A	Resolution Number	2022-354	2022-355	2022-356							
		Unanimous										
X		Michael McKerchie	Y	Y	Y							

X		Betty Freiheit	N	Y	Y							
X		Isaac McKechnie	N	Y	Y							
X		Robert McRorie	1 Y	Y	Y							
X		Lana Causley	Y	Y	Y							
X		Kimberly Lee	Y	Y	Y							
X		Bridgett Sorenson	Y	2 Y	2 Y							
X		Shawn Borowicz	Y	Y	Y							
X		Darcy Morrow	Y	N	N							
X		Kimberly Hampton	Y	Y	Y							
X		Tyler LaPlaunt	2 Y	1 Y	1 Y							
X		Austin Lowes										

1 = Made Motion

Y - Voted Yes

A = Abstained

UA = Unanimous Vote

2 = Second/Support Motion

N = Voted No

U = Unanimous



RESOLUTION NO: 2022-344

**CONTINUING FUNDING AUTHORITY
FOR FISCAL YEAR 2023 JANUARY TO DECEMBER**

Min Waban Dan

**Administrative
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**Government
Services**

**Membership
Services**

**Economic
Development
Commission**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Board of Directors and tribal staff have not completed the process of reviewing budgets for their respective budget year 2023; and

WHEREAS, the attached cost center list, with fiscal year of January to December, for budget year 2023 is still under review and will not be completed until after the fiscal year start date of January; and

WHEREAS, the Board of Directors wants to ensure that services are not left unfunded for a period between expiration of the fiscal year 2022 budgets and approval of the fiscal year 2023 budgets.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost centers for fiscal year 2023, at their 2022 spending levels, for a period not to exceed March 31, 2023.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-345

**ARPA – PROPRIETARY CAPITAL PROJECTS
ESTABLISHMENT OF FY 2022 BUDGET**

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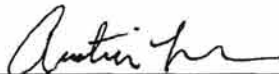
**Membership
Services**

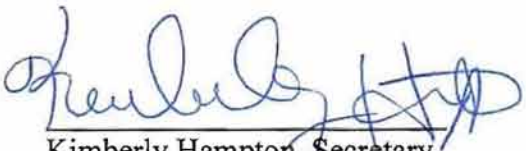
**Economic
Development
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for ARPA – Proprietary Capital Projects with ARPA Federal Revenue of \$2,820,000.00. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians


Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-346

**ARPA – REVENUE LOSS
ESTABLISHMENT OF FY 2022 BUDGET**

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Development
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for ARPA – Revenue Loss with ARPA Federal Revenue of \$17,054,128.31. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-347

**FISHERMAN'S FUND
ESTABLISHMENT OF FY2023 BUDGET**

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**Government
Services**

**Membership
Services**

**Economic
Development
Commission**

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 Fisherman's Fund with Other Revenue monies of \$32,714.19. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-348

**MEDC EPOUFETTE HARBOR DEVELOPMENT PROJECT
ESTABLISHMENT OF FY 2023 BUDGET**

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**Government
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**Economic
Development
Commission**

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 MEDC Epoufette Harbor Development Project with State of Michigan monies of \$40,000.00. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-349

**NRCS EPOUFETTE HARBOR ACCESS ROAD PROJECT
ESTABLISHMENT OF FY 2023 BUDGET**

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**Government
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**Economic
Development
Commission**

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 NRCS Epoufette Harbor Access Road Project with Federal USDA monies of \$21,598.00. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-350

**ACFS DIVISION – SOCIAL WORK
FY 2022 BUDGET MODIFICATION**

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**Government
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**Membership
Services**

**Economic
Development
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2022 budget modification to Social Work for a change to the personnel sheet. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 7 members for, 1 members against, 3 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-351

**AUTHORIZATION FOR PROPERTY ACQUISITION —ST. IGNACE, MI
EVERGREEN SHORES**

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Services**

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Development
Commission**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) is organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the Sault Ste. Marie Board of Directors is the governing body of the Tribe pursuant to the Constitution and By-laws of the Tribe, Article IV, Section 1; and

WHEREAS, the Sault Ste. Marie Board of Directors is vested with enumerated powers in Article VII of the Constitution, including the authority to expend funds for public purposes of the Tribe and to regulate the conduct of trade and the acquisition, use and disposition of property pursuant to Section 1(d) and to manage, lease, sell, acquire or otherwise deal with the tribal lands, interest in lands and water or other tribal assets pursuant to Section 1(k); and

WHEREAS, the Sault Tribe Housing Authority (“STHA”) is a Tribally Designated Housing Entity (TDHE), organized by Tribal Ordinance pursuant to the authority of the Sault Ste. Marie Tribe of Chippewa Indians, that creates, manages, and sustains affordable housing opportunities for Tribal members to strengthen the quality of life, economic self-sufficiency, and future growth of the Tribe; and

WHEREAS, the STHA has the power to purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law and approved by the Commission and ratified by the Board in the Indian Housing Plan pursuant to the Sault Ste. Marie Tribal Code, Chapter 90, Section 90.403(7); and

WHEREAS, the STHA is interested in acquiring, with non-program income funds, certain fee property (hereinafter referred to as the “Property”) legally described as:

PLAT OF EVERGREEN SHORES LOT 1 EXC THE
S 273 FT AND EXC COM AT NE COR OF LOT 1
TH S 15 DEG 30’ E 240 FT TO PT OF BEG TH S 75
DEG 38’ W 148 FT TH S 89 DEG 14’ E 154 FT TH
N 15 DEG 30’ W 40 FT TO PT OF BEG.

to expand affordable housing and community development for the benefit of Tribal members; and

WHEREAS, the STHA requests that the Sault Ste. Marie Board of Directors authorize the STHA, through Sault Tribe Inc. (STI), or its designee, to negotiate and acquire the Property in the Tribe's name for the land to be placed in trust for the benefit of the Tribe and use and management of the STHA to further its mission.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Sault Tribe Housing Authority, through Sault Tribe Inc. (STI), or its designee, to negotiate the purchase of the Property legally described herein on behalf of the Tribe with STHA non-program income funds.

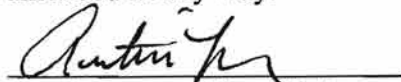
BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the acquisition of the Property in the Tribe's name and authorize the Legal Department to initiate a fee to trust application with the Bureau of Indian Affairs after acquisition of the Property to be placed in trust for the specific purpose of furthering the mission of the STHA.


BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians shall lease the Property to the STHA for their sole management and use.

BE IT FINALLY RESOLVED, upon successful negotiations, the Board of Director authorizes the Tribal Vice-Chairman, or his designee, to sign any and all documentation to complete the purchase of the Property using STHA nonprogram income funds.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians


Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-352

SAULT TRIBE YOUTH HEALTH SURVEY

Min Waban Dan

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian tribe organized under the Indian Reorganization Act of 1934, as amended; and

Administrative Office

WHEREAS, the Sault Ste. Marie Tribe has affirmed the commitment to eliminate health disparities and promote the health of Tribal members, and

523 Ashmun Street

WHEREAS, the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, requires evaluation of the Sault Tribe's Good Health and Wellness in Indian Country and Tribal Health and Wellness in Indian Country Grant Projects to support our intervention efforts and demonstrate outcomes for this grant projects.

Sault Ste. Marie

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NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Health Division's Community Health Program to conduct a Sault Tribe Youth Health Survey to all Tribal youth, ages 12 to 17, residing in the 7-county service area, using labels generated from Tribal enrollment, or by electronic data base shared by Tribal enrollment with Michigan Public Health Institute.

Government Services

BE IT FINALLY RESOLVED, that the MIS and Enrollment Departments are authorized and directed to cooperate with the Health Division in generating the database, lists, and labels for this project.

Membership Services

Economic Development Commission

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-353

ADOPTING TRIBAL CODE CHAPTER 102: NON-PROFIT ORDINANCE

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (“Tribe”) is organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the Board of Directors wishes to establish a Tribal Ordinance to allow non-profit business entities to be organized under Tribal law rather than state law to further promote the Tribe’s sovereignty and self-determination.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors hereby adopts and approves the Non-Profit Ordinance, incorporated herein by reference, to be established as Chapter 102 of the Tribal Code.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Vice-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.

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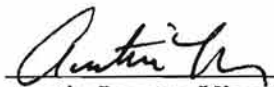
Government Services

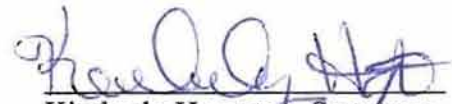
Membership Services

Economic Development Commission

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 0 members against, 2 members abstaining, and that said resolution has not been rescinded or amended in any way.


Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians


Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-354

EXCEPTION TO TEMPORARY HOLD ON ARPA FUND PROJECTS

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Government Services

Membership Services

Economic Development Commission

WHEREAS, pursuant to Resolution No. 2022-69, the Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") Board of Directors authorized the development and implementation of COVID-19 federal relief fiscal recovery fund procedures and protocols to administer the Tribe's COVID-19 federal relief funds and to carry forward COVID-19 federal relief funding expenditures approved by the Board of Directors; and

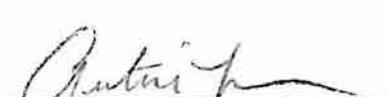
WHEREAS, the Board of Directors has placed a temporary hold on all projects being performed pursuant to Board-approved appropriations of ARPA Funds to each Board Member's Unit for certain design, engineering, construction, and renovation projects to further address each project's compliance with federal and Tribal requirements and procedures.


NOW, THEREFORE BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and directs all projects. to include units two, three, and four, that have previously been approved through the appropriate procedures and protocols of the Tribe are authorized to proceed with continued development of the projects.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Vice-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.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians


Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-355

AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO JURISDICTION AS REQUIRED TO OBTAIN A LIQUOR LICENSE FROM THE MICHIGAN LIQUOR CONTROL COMMISSION

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Government Services

Membership Services

Economic Development Commission

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

Section 1 RECITALS

- 1.1 The Sault Ste. Marie Tribe of Chippewa Indians (the "Tribe") purchased the BP gas station located at 301 W. Fair Avenue, Sault Ste. Marie, Michigan (the "gas station"), The purchase included the transfer of a liquor license issued by the Michigan Liquor Control Commission ("Commission") for the gas station.
- 1.2 The Commission requires the governing body of a federally recognized Indian tribe to adopt a resolution or otherwise take the steps required under Tribal law to authorize a limited waiver of Tribal sovereign immunity and consent to the Commission's jurisdiction to address the uncertainties related to the Commission's ability to monitor and ensure the Tribe's compliance with, and prosecute violations of, the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder.
- 1.3 In order for the Commission to approve the transfer the liquor license for the gas station to the Tribe, the Tribe pledges herein not to claim or assert Tribal sovereign immunity, exclusive Tribal Court jurisdiction, or the non-applicability of the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, with respect to any disputes, claims, issues, or causes of action between the Commission and Tribe that might arise from, or relate to, in any respect, the operation, management, and business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine and the liquor license for that location, as limited below. All of the foregoing are referred to herein as "Waiver and Consent Obligations."
- 1.4 It is in the Tribe's interest to resolve as stated herein.

Section 2 **LIMITED WAIVER OF SOVEREIGN IMMUNITY;
CONSENT TO JURISDICTION; GOVERNING LAW**

- 2.1 **Limited Waiver of Sovereign Immunity and Consent to Jurisdiction.** The Tribe waives its sovereign immunity and consents to the Commission's jurisdiction solely for the limited purpose of allowing the Commission to enforce the terms and requirements of the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder against the Tribe for its operation, management, and business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine, and its liquor license. This limited waiver applies to any Tribal sovereign immunity that may be asserted or claimed on behalf of the Tribe's officers, employees, clerks, representatives, and agents for the operation, management, and business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine, and its liquor license.
- 2.2 **Actions by Those Working with or on Behalf of the Commission.** The Tribe recognizes and agrees that this limited waiver of Tribal sovereign immunity and consent to the Commission's jurisdiction is intended to allow any individuals working for or on behalf of the Commission, including the Commission's members, employees, and attorneys, as well as any state or local law enforcement agency or its staff, to enforce the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder in connection with the operation, management, and business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine, and its liquor license.
- 2.3 **Limits on the Waiver of Tribal Sovereign Immunity.** This limited waiver of Tribal sovereign immunity and consent to the Commission's jurisdiction does not extend to any claim or action against any other instrumentality of the Tribe, person or entity, other state liquor licenses that the Tribe may possess, or to any issue arising under the Tribe's gaming compact with the State of Michigan in its current form as it may be amended or superseded in the future. Nor shall this limited waiver of Tribal sovereign immunity and consent to the Commission's jurisdiction be deemed a waiver of any other of the rights, privileges, or immunities of any other person or entity.

- 2.4 **No Expanded Scope Without the Board of Directors' Express, Written Consent.** This limited waiver of sovereign immunity and consent to the Commission's jurisdiction may not be expanded beyond the scope stated in this resolution without the Board of Directors' express, written consent on behalf of the Tribe.
- 2.5 **Governing Law.** The Tribe agrees to be bound by, and to comply with the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, in the same manner as any other licensee of the Commission without Tribal sovereign immunity.
- 2.6 **Enforcement.** The Tribe agrees that the Commission may seek and/or impose any legal, equitable, or other relief or penalties, including fines and the seizure and forfeiture of contraband, authorized by the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, without limitation.
- 2.7 **No Specific Pledge of Assets.** To the extent that the Commission seeks to recover any unpaid fees or fines, no specific pledge of assets is required if the fees or fines can be satisfied or otherwise recovered from the gas station assets, including its real property. Nor is any specific pledge of assets required for the Commission to seek to seize and forfeit any contraband associated with the gas station in accordance with the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder.
- 2.8 **Effective Date.** This limited waiver of Tribal sovereign immunity takes effect upon the date that the liquor license, if any, is transferred to the Tribe by the Commission and the license is effective under Michigan law. This limited waiver of Tribal sovereign immunity remains in effect as long as the Tribe, or any assignee of the Tribe's rights, holds any liquor license under the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, at the gas station.
- 2.9 **Survival.** This limited waiver of Tribal sovereign immunity shall survive until the *later* of either one of the following two circumstances:
- a. The conclusion of any legal proceedings by or against the Tribe for its operation, management, and business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine, or its liquor license.

- b. The Tribe permanently ceases to own, operate, manage, or engage in business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine, or liquor license, whether directly or through a different entity or Tribal instrumentality.

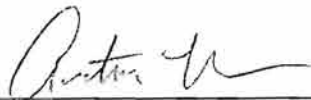
2.10 **Revoking, Rescinding, Altering, or Rendering this Resolution Ineffective.** The Tribe understands and agrees that, if this resolution is revoked, rescinded, altered, or made otherwise ineffective while the Tribe owns, operates, manages, or engages in business activities at the gas station involving the purchase, sale, transportation, and/or dispensing of liquor, beer, and/or wine, or a liquor license, the Commission may initiate disciplinary proceedings, including proceedings to summarily suspend and/or revoke the liquor license for the gas station.

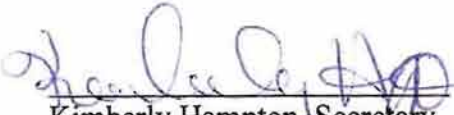
Section 3 WAIVER OF TRIBAL COURT JURISDICTION

- 3.1 **Waiver of Tribal Court Jurisdiction.** The Board of Directors waives any exclusive jurisdiction that the Tribe's Tribal Court may otherwise have over any action arising under Section 2.
- 3.2 **Consent to Jurisdiction in State Court and in the Commission.** The Tribe agrees that actions initiated by the Commission in accordance with this limited waiver of sovereign immunity and consent to the Commission's jurisdiction may be brought in the courts of the State of Michigan and/or in an administrative proceeding before the Commission.

CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians


Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians



RESOLUTION NO: 2022-356

AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO JURISDICTION AS REQUIRED TO OBTAIN A LOTTERY RETAILER LICENSE FROM THE MICHIGAN BUREAU OF STATE LOTTERY

Min Waban Dan

Administrative Office

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

Phone

906.635.6050

Fax

906.635.4969

Government Services

Membership Services

Economic Development Commission

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

Section 1 **RECITALS**

- 1.1 The Sault Ste. Marie Tribe of Chippewa Indians (the "Tribe") purchased the BP gas station located at 301 W. Fair Avenue, Sault Ste. Marie, Michigan (the "gas station"), as a wholly owned governmental instrumentality of the Tribe. The Tribe wishes to apply for a lottery retailer license issued by the Michigan Bureau of State Lottery ("Bureau") for the gas station.
- 1.2 The Bureau requires the governing body of a federally recognized Indian tribe to adopt a resolution or otherwise take the steps required under Tribal law to authorize a limited waiver of Tribal sovereign immunity and consent to the Bureau's jurisdiction before it can issue a lottery retailer license pursuant to the McCauley-Traxler-Law-Bowman-McNeeley Lottery Act, MCL 432.1 *et seq.* ("the Act"), the rules promulgated thereunder, directives issued by the Bureau, the retailer contract, and administrative proceedings.
- 1.3 In order for the Bureau to issue a lottery retailer license for the Tribe to sell the Bureau's products at the gas station, the Tribe pledges herein not to claim or assert Tribal sovereign immunity, exclusive Tribal Court jurisdiction, or the non-applicability of the Act, the rules promulgated thereunder, directives issued by the Bureau, and the retailer contract, with respect to any disputes, claims, issues, or causes of action between the Bureau and Tribe that might arise from, or relate to, in any respect, the operation, management, and business activities at the gas station involving the sale of Bureau products, as limited below. All of the foregoing are referred to herein as "Waiver and Consent Obligations."
- 1.4 It is in the Tribe's interest to resolve as stated herein.

Section 2 **LIMITED WAIVER OF SOVEREIGN IMMUNITY;
CONSENT TO JURISDICTION; GOVERNING LAW**

- 2.1. **Limited Waiver of Sovereign Immunity and Consent to Jurisdiction.** The Tribe waives its sovereign immunity and consents to the Bureau's jurisdiction solely for the limited purpose of allowing the Bureau to enforce the terms and requirements of the Act, the rules promulgated thereunder, directives issued by the Bureau, and the retailer contract, and administrative proceedings related thereto against the Tribe for its operation, management, and business activities at the gas station involving the sale of Bureau products. This limited waiver applies to any Tribal sovereign immunity that may be asserted or claimed on behalf of the Tribe's officers, employees, clerks, representatives, and agents for the operation, management, and business activities at the gas station involving the sale of Bureau products.
- 2.2. **Actions by Those Working with or on Behalf of the Bureau.** The Tribe recognizes and agrees that this limited waiver of Tribal sovereign immunity and consent to the Bureau's jurisdiction is intended to allow any individuals working for or on behalf of the Bureau, including the Bureau's members, employees, and attorneys, as well as any state or local law enforcement agency or its staff, to enforce the Act, the rules promulgated thereunder, directives issued by the Bureau, and the retailer contract, and administrative proceedings in connection with the operation, management, and business activities at the gas station involving the sale of Bureau products.
- 2.3. **Limits on the Waiver of Tribal Sovereign Immunity.** This limited waiver of Tribal sovereign immunity and consent to the Bureau's jurisdiction does not extend to any claim or action against any other instrumentality of the Tribe, person or entity, other state licenses that the Tribe may possess, including other lottery retailer licenses, or to any issue arising under the Tribe's gaming compact with the State of Michigan in its current form as it may be amended or superseded in the future. Nor shall this limited waiver of Tribal sovereign immunity and consent to the Bureau's jurisdiction be deemed a waiver of any other of the rights, privileges, or immunities of any other person or entity.
- 2.4. **No Expanded Scope Without the Board of Directors' Express, Written Consent.** This limited waiver of sovereign immunity and consent to the Bureau's jurisdiction may not be expanded beyond the scope stated in this resolution without the Board of Directors' express, written consent on behalf of the Tribe.
- 2.5. **Governing Law.** The Tribe agrees to be bound by, and to comply with the Act, the administrative rules promulgated thereunder, directives, retailer contract, and administrative proceedings in the same manner as any other licensee of the Bureau without Tribal sovereign immunity.

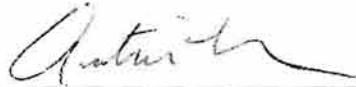
- 2.6. **Enforcement.** The Tribe agrees that the Bureau may seek and/or impose any legal, equitable, or other relief or penalties, including fines and the seizure and forfeiture of contraband, authorized by the Act, the administrative rules promulgated thereunder, directives, retailer contract, and administrative proceedings without limitation.
- 2.7. **No Specific Pledge of Assets.** To the extent that the Bureau seeks to recover any unpaid fees or fines, no specific pledge of assets is required if the fees or fines can be satisfied or otherwise recovered from the gas station, including its real property.
- 2.8. **Effective Date.** This limited waiver of Tribal sovereign immunity takes effect upon the date that Bureau issues a lottery retailer license for the Tribe to sell the Bureau's products at the gas station. This limited waiver of Tribal sovereign immunity remains in effect as long as the Tribe, or any assignee of the Tribe's rights, holds any lottery retailer license issued by the Bureau under the Act, the administrative rules promulgated thereunder, directives, and retailer contract, at the gas station.
- 2.9. **Survival.** This limited waiver of Tribal sovereign immunity shall survive until the *later* of either one of the following two circumstances:
 - 2.9.1. The conclusion of any legal proceedings by or against the Tribe for its operation, management, and business activities at the gas station involving the sale of Bureau products.
 - 2.9.2. The Tribe permanently ceases to own, operate, manage, or engage in business activities at the gas station involving the sale of Bureau products, the Tribe has fulfilled any obligation to pay the Bureau, and any Bureau equipment and products have been returned.
- 2.10. **Revoking, Rescinding, Altering, or Rendering this Resolution Ineffective.** The Tribe understands and agrees that, if this resolution is revoked, rescinded, altered, or made otherwise ineffective while the Tribe owns, operates, manages, or engages in business activities at the gas station involving the sale of Bureau products, the Bureau may initiate disciplinary proceedings, including proceedings to summarily suspend and/or revoke the lottery retailer license for the gas station.

Section 3 **WAIVER OF TRIBAL COURT JURISDICTION**

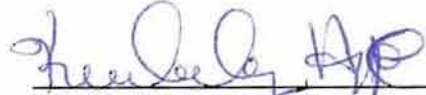
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CERTIFICATION

We, the undersigned, as Vice-Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 5 day of December 2022; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Austin Lowes, Vice-Chairman
Sault Ste. Marie Tribe of
Chippewa Indians



Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians