

**BOARD OF DIRECTORS REGULAR MEETING  
SUGAR ISLAND COMMUNITY CENTER  
SUGAR ISLAND, MICHIGAN  
MINUTES  
APRIL 15, 2008**

The meeting was opened at 6:02 p.m. by Chairperson Payment.

Present: Dennis McKelvie, Todd Gravelle, DJ Hoffman, Cathy Abramson, Joe Eitrem, Bob LaPoint, Fred Paquin, Keith Massaway, Denise Chase, Tom Miller, Shirley Petosky, Aaron Payment.

Absent: Lana Causley – sick.

**Moved by Director Paquin, supported by Director Petosky, to excuse Director Causley from the meeting.**

**Motion carried unanimously.**

**Moved by Director Gravelle, supported by Director Massaway, to approve the agenda as read.**

**Motion carried with Director Abramson opposing.**

**Moved by Director Hoffman, supported by Director Gravelle, to suspend the rules and add the Indigent Defense issue.**

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director Abramson, to allow the Court Administrator to include the Appellate Court Indigent Defense under cost center 2782-Juvenile Detention and Trial Indigent Defense. The amount shall not exceed \$15,000 and is reserved exclusively for the 3 pending child welfare cases (involving 4 children).**

**Roll Call Vote: Motion carried with Directors Paquin, Abramson, McKelvie, Eitrem, Massaway, Chase, Petosky, Miller, Hoffman approving, Directors Gravelle, LaPoint opposing.**

**Moved by Director Hoffman, supported by Director Massaway, to table the resolution regarding the Appellate Court.**

**Roll Call Vote: Motion carried with Directors McKelvie, Abramson, Paquin, Massaway, Eitrem, Hoffman approving, Directors Miller, Gravelle, Petosky, Chase, LaPoint opposing.**

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**Moved by Director Abramson, supported by Director Hoffman, to approve Resolution 2008-72, 2008 Head Start and Early Head Start, Continuation Application, Head Start Bureau, American Indians, Alaskan Native Programs Branch.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby supports and recommends the submission of a continuation application enabling the Sault Ste. Marie Tribe of Chippewa Indians to provide Head Start and Early Head Start Services for the children and families residing in Chippewa, Mackinac, and Luce Counties, and authorizes the Tribal Chairman, Aaron Payment, or his designee to sign, submit, negotiate, contract and/or amend a grant with the Department of Health and Human Services, Head Start Bureau, American Indians Alaskan Native Programs Branch for the aforementioned purpose. Tribal Support monies of \$202,123.54 and In-Kind of \$54,578.96.

**Roll Call Vote: Motion carried with Directors Paquin, Hoffman, Petosky, Gravelle, Massaway, Miller, McKelvie, LaPoint, Abramson approving, Directors Eitrem, Chase opposing.**

**Moved by Director Eitrem, supported by Director Abramson, to approve Resolution 2008-73, IMLS-Native American Library Enhancement Grant.**

NOW THEREFORE BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians supports the submission of a Native American Library Enhancement Grant application to the Institute of Museum and Library Services in the amount of \$150,000 for a two-year project period to establish Sault Tribe Anishinaabek CENTERS (Cultural and Educational News, Technology, and Enrichment Resources) throughout our seven-county service area.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron A. Payment, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend, and execute any agreement thereof for the 2008 Native American Library Enhancement Grant program.

**Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Hoffman, to approve Resolution 2008-74, Grant Application Approval, Competitive Grant US Environmental Protection Agency, Region 5, Indoor Environmental Asthma Triggers-Education and Exposure Reduction.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairman, to sign, negotiate, amend, and execute any agreements thereof for the Region 5 Indoor Air Environments competitive grant for Indoor Environmental Asthma Triggers – Education and Exposure Reduction administered by the U.S. Environmental Protection Agency.

**Motion carried unanimously.**

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**Moved by Director Gravelle, supported by Director to table the resolution regarding the Live Scan Agency Agreement.**

**Roll Call Vote: Motion denied with Directors Chase, Hoffman, Gravelle, Miller, LaPoint approving, Directors Eitrem, Paquin, Petosky, Massaway, McKelvie, Abramson opposing.**

**Moved by Director Hoffman, supported by Director Abramson, to approve Resolution 2008-75, Authorization for Live Scan Agency Agreement.**

THEREFORE BE IT RESOLVED the Sault Tribe Police Chief Fred Paquin, by and on behalf of the Sault Ste. Marie Tribe of Chippewa Indians Law Enforcement Department is authorized to execute the Automated Fingerprint Identification System and Criminal History Record Information System with the Criminal Justice Information Systems Policy Council and the Department of State Police.

**Motion carried with Director Paquin abstaining.**

**Moved by Director Hoffman, supported by Director Paquin, to approve Resolution 2008-76, Tribal Land Lease Sault Ste. Marie, MI Housing Authority (T.D.H.E.)**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes it Tribal Chairman and Treasurer to execute a lease to the land located in the County of Chippewa, City of Sault Ste. Marie to the Tribe of Chippewa Indians Housing Authority (T.D.H.E.).

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Eitrem, to approve Resolution 2008-77, Chapter 21: Administrative Regulation Extending Trapping Season.**

NOW THEREFORE BE IT RESOLVED, that the Board of Directors hereby adopts Chapter 21: Temporary Administrative Regulation 1-08 as follows:

T.R.A. 1-08: Extending Beaver and Otter Trapping Season.

The beaver and otter 2007-2008 trapping seasons shall be extended from May 1 to May 15 in the Upper Peninsula and from April 15 to May 1 in the Lower Peninsula. [Deviating from 21.704(1) (d)]

**Motion carried unanimously.**

**Moved by Director Gravelle, supported by Director Abramson, to approve Resolution 2008-78, Amending Tribal Code Chapter 21: Hunting and Inland Fishing.**

NOW THEREFORE BE IT RESOLVED that Board of Directors hereby amends Tribal Code Chapter 21: Hunting and Inland Fishing as attached.

**Roll Call Vote: Motion carried with Directors McKelvie, Miller, Abramson, Paquin, Gravelle, Petosky, Massaway, Eitrem, Hoffman, LaPoint approving, Director Chase opposing.**

**Moved by Director Hoffman, supported by Director Massaway, to approve Resolution 2008-79, Amending Tribal Code Chapter 71: Criminal Offenses.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors amends Section 71.1202 of Chapter 71: Criminal Offenses as follows:

**71.1202 Disorderly Conduct.**

*(1) Offense. A person commits the offense of disorderly conduct, if the person intentionally, knowingly or recklessly:*

*(a) uses abusive, indecent, profane, or vulgar language in a public or private place which by its very utterance tends to incite violence, unlawful conduct, or a breach of the peace by others; or*

*(b) makes an offensive gesture or display in a public or private place which by its very nature tends to incite violence, unlawful conduct, or a breach of the peace by others; or*

*(c) abuses or threatens a person in a public or private place in a manner calculated to place the threatened person in fear of bodily harm; or*

*(d) makes unreasonable noise in a public place, or on or near private property that he has no right to occupy; or*

*(e) fights with another in a public or private place; or*

*(f) displays a deadly weapon in a public or private place in a manner calculated to alarm; or*

*(g) discharges a firearm in a public or private place; or*

*(h) disrupts any lawful public or religious meeting or assembly; or*

*(i) lies or sleeps on any public street, alley or private property that he has no right to occupy; or*

*(j) urinates or defecates in any public place, except where an approved sanitary facility is provided, or in public view; or*

*(k) obstructs any highway or other public passage, whether alone or with others; or*

*(l) refuses to obey a reasonable request issued by a person the actor knows to be or is informed is a law enforcement officer, a fireman, or a person with authority to control the use of the premises in order to prevent obstruction of a highway or other public passage or in order to maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.*

*(2) Sentence. A person convicted of disorderly conduct may be sentenced to imprisonment for a period not to exceed three (3) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.*

*(3) Comment.*

*As used in subsections 1(k) and 1(l), "obstructs" means render impassable without unreasonable inconvenience or hazard.*

*(a) No person shall be deemed guilty of an offense under subsection 1(k) solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.*

*(b) For purposes of subsection 1(l), an order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.*

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

**Moved by Director Gravelle, supported by Director Massaway, to approve Resolution 2008-80, Amending Tribal Code Chapter 76.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors amends Tribal Code, Chapter 76, Partial Waiver of Conviction for Gaming License Purposes so that the current language set forth in Section 76.105(b) "the individual has not been convicted of or entered a plea of guilty or *nolo contendere* to misdemeanor fraud or misrepresentation more than two (2) times" shall be deleted and the subsections re-numbered so that Section 76.105 in its entirety will be as follows:

**76.105 Eligibility for Waiver.**

(1) Any Tribal member who has been convicted of a crime within the immediately preceding five (5) years is eligible for a waiver only if all of the following conditions are met:

- (a) the individual has never been convicted of or entered a plea of guilty or *nolo contendere* to felony fraud, felony misrepresentation or any gambling-related offense;
- (b) the individual has never participated in organized crime;
- (c) the individual has not been denied a waiver nor had a waiver application dismissed for failure to disclose all criminal convictions within the preceding three (3) months; and
- (d) the individual does not have more than three (3) criminal convictions resulting from separate instances of conduct within the preceding two (2) years.

(2) The Gaming Commission and the Tribal Prosecutor shall not process any application for a waiver filed by an individual who is determined to be ineligible pursuant to Section 105(1) above.

BE IT FURTHER RESOLVED, that the Board of Directors amends Tribal Code, Chapter 76, Partial Waiver of Conviction for Gaming License Purposes so that Section 76.108 will now appear as follows:

**76.108 Standards for Granting a Waiver.**

- (1) The Board of Directors shall grant a waiver to an eligible applicant who only upon a finding that:
- (a) the applicant is not likely again to engage in any offensive or criminal course of conduct;
  - (b) the public good does not require that the applicant be denied a license as a key employee or primary management official; and
  - (c) the applicant's prior activities, criminal record, associations, and/or background do not pose a threat to the public interest, gaming regulation, or the Tribe's business and financial arrangements incidental to gaming.

(2) If an applicant has been convicted of or entered a plea of guilty or *nolo contendere* to misdemeanor fraud or misrepresentation more than two (2) times in the preceding two (2) years, that person shall be presumed not to meet the standards set forth in subsection (1) above. However, at the waiver hearing, such applicant shall be provided an opportunity to overcome that presumption with evidence establishing that the applicant has been rehabilitated.

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

**Moved by Director Hoffman, supported by Director Abramson, to approve Resolution 2008-81, FY 2008 ACFS Budget Modifications.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the attached FY 2008 ACFS Budget Modifications.

**Motion carried with Director McKelvie opposing.**

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**Moved by Director Abramson, supported by Director Hoffman, to approve Resolution 2008-82, FY 2008 Child Care (State) Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the attached FY 2008 Child Care State Budget Modifications.

**Motion carried unanimously.**

**Moved by Director Gravelle, supported by Director Massaway, to approve the recommendation of the Special Needs/Enrollment Committee and renew the terms (2yrs.) of the following: Kenneth J. Ermatinger, Shirley Goudreau, Diane McLeod-Maleport, Robert Lambert Jr., Isaac McKechnie.**

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Hoffman, to approve the recommendation of the Conservation Committee and approve the request to allow money from the Fisherman's Fund to be used for the purchase of new EPIRB batteries for the active fishers and to reimburse the ones who have already purchased, up to \$20,000.**

**Motion carried unanimously.**

**Moved by Director Hoffman, supported by Director Chase, to approve the recommendation of the Conservation Committee and approve the request that in 2009 the money the Tribe receives in fees from the fisherman to be used to purchase EPIRB batteries for small and large boat fisherman. This will be on going as every 7 years batteries must be replaced.**

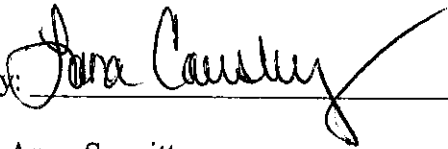
**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Chase, to adjourn the meeting.**

**Motion carried unanimously.**

Meeting adjourned: 7:50 p.m.

Date: 6-17-08

Secretary: 

Others present: Kristi Little, Kellie LaVictor, Anne Suggitt

Acct:

Casino: Tony Goetz

Gaming:

Housing: Carolyn O'Neil, Joni Talentino

Legal: Schlehuber

Law Enf: Marchand

ACFS:

Education:

Health:

H.R.: Jen Mitchell

Communications: