

**BOARD OF DIRECTORS REGULAR MEETING
NORTHERN MICHIGAN UNIVERSITY
MARQUETTE, MICHIGAN
MINUTES
JUNE 17, 2008**

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

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

Absent:

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

Motion carried unanimously.

Without Objection, the Board approves moving the June 24, 2008 Special Meeting to June 23, 2008 beginning at 2 p.m.

Moved by Director Gravelle, supported by Director McKelvie, to delete from the agenda the resolution regarding the Midjim Gas Tax.

Motion carried, with Director Hoffman opposing.

Moved by Director Massaway, supported by Director Abramson, to approve the following Minutes: 3-18-08; 4-1-08; 4-8-08; 4-15-08; 4-22-08; 4-29-08; 5-6-08; 5-20-08; 5-27-08; 6-3-08; 6-11-08, with noted corrections for March 18 and April 22, 2008.

Motion carried with Director Abramson abstaining for 6-3-08, Director Chase abstaining for 4-8-08, and Director Causley abstaining for 4-15-08.

Without Objection, the Board excused Director Abramson from the 6-11-08 Special Meeting, she had a family emergency.

Moved by Director Causley, supported by Director Paquin, to approve Resolution 2008-133, Amending Chapters 71 And 36, Prohibiting Use of Tobacco by Minors, Except for Religious or Ceremonial Purposes.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby amends Section 71.1504, renumbers Sections 36.807, 36.808, and 36.809 to become 36.808, 36.809, and 36.810 and adopts Sections 71.1505, 71.1506 and a new 36.807 of the Tribal Code, in the form set forth below, and mandates that this Code shall be the law of this Tribe.
71.1505 Under Age Possession of Tobacco by a Minor.

(1) Offense. A person under the age of Eighteen (18) years commits the offense of under age possession of tobacco, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any tobacco containing product.

(2) A person convicted of under age possession of tobacco may be sentenced to the following:

(a) upon a first offense, one session of education, to include traditional use and commercial abuse education, one educational tobacco related assignment, and two hours volunteer work in the community; and

(b) upon a second offense, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third offense, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent offense, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term "tobacco containing product" shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with under age possession of tobacco shall be relieved of all liability for the offense if he or she can demonstrate that the possession of the tobacco was done for religious or ceremonial purposes.

71.1506 Delivery of Tobacco to a Minor.

(1) Offense. A person commits the offense of delivery of tobacco to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any tobacco containing product to any person under the age of eighteen (18) years.

(2) Sentence. A person convicted of delivery of tobacco to a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the term "tobacco containing product" shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with delivery of tobacco to a minor shall be relieved of all liability for the offense if he or she can demonstrate that the delivery of the tobacco was done for religious or ceremonial purposes.

36.807 Under Age Possession of Tobacco by a Minor.

(1) A person under the age of Eighteen (18) years shall not buy, receive, possess or consume, or attempt to buy, receive or possess any tobacco containing product.

(2) A person violating this Section may be ordered to do the following:

(a) upon a first violation, one session of education, to include traditional use and commercial abuse education, one educational tobacco related assignment, and two hours volunteer work in the community; and

(b) upon a second violation, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third violation, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent violations, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term "tobacco containing product" shall include, but not be limited to cigars, cigarettes, snuff, chewing tobacco, and the raw materials necessary to prepare these products.

(4) Affirmative Defense. Any person charged with under age possession of tobacco shall be relieved of all liability for the offense if he or she can demonstrate that the possession of the tobacco was done for religious or ceremonial purposes.

36.808 Enforcement.

(1) Any Tribal Law Enforcement Officer may enforce the provisions of this subchapter.

(2) Any person authorized to enforce the provisions of this Chapter may stop and question any person upon reasonable belief that there is a violation of this Chapter. Any person authorized to enforce this Chapter may issue a citation to any person upon reasonable belief that such person has violated a provision of this Chapter and may seize and hold any property needed as evidence or any property authorized to be seized pursuant to the civil remedial forfeiture provisions of this Chapter.

36.809 Resisting or Fleeing an Officer.

No person may assault, obstruct or flee from any law enforcement officer enforcing or attempting to enforce the provisions of this Chapter.

36.810 Enforcement Procedure.

The Juvenile Division shall have jurisdiction over cases brought to enforce this subchapter. Proceedings shall be conducted in accordance with the provisions of Subchapter V. Jurisdiction is hereby conferred upon the Tribal Court over matters related to the enforcement of this subchapter regarding individuals over seventeen (17) years old.

71.1504 Under Age Possession of Liquor by a Minor.

(1) Offense. A person under the age of twenty-one (21) years commits the offense of under age possession of liquor, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any beer, wine or intoxicating liquor.

(2) A person convicted of under age possession of liquor may be confined in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

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

Moved by Director McKelvie, supported by Director Miller, to approve Resolution 2008-134, MOU with US Environmental Protection Agency for Stormwater Credential.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby accepts the conditions of the MOU.

BE IT FURTHER RESOLVED that the Chairperson of the Sault Ste. Marie Tribe of Chippewa Indians, on behalf of the Environmental Department is authorized and directed to execute the MOU with the United States EPA.

Motion carried unanimously.

Minutes
6-17-2008

Moved by Director McKelvie, supported by Director Abramson, to approve Resolution 2008-135, FT 2008 Cultural Camp Nature Trail June 2008.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the attached FY 2008 Budget Modification to establish a budget for Cultural Camp Nature Trail with Federal US Farm Bill and IRR Roads funds.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Abramson, to approve Resolution 2008-136, FY 2008 Appellate Defense June 2008.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2008 Budget Modification to establish a budget for Appellate Defense with Tribal Support monies \$25,925.00. The Board of Directors further directs that only the Tribal Court Trial Judge has the authority to appoint appellate indigent defense.

Motion carried unanimously.

Moved by Director Eitrem, supported by Director Hoffman, to approve Resolution 2008-137, Grant Application Approval Competitive Grant Spirit of Eagles.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, to sign, negotiate, amend, and execute any agreements thereof for the Spirit of EAGLES competitive grant to reduce disparities in cancer occurrence among minority and under-served peoples and improve cancer outcomes among American Indians and Alaska Natives administered by the National Cancer Institute.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director Eitrem, to approve Resolution 2008-138, 2008-2009 Environmental Protection Tribal Environmental General Assistance.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians authorizes its Chairperson Aaron Payment, to sign, negotiate, amend, and execute any grant agreement thereof for the 2008-2009 General Assistance Grant Program with the United States Environmental Protection Agency.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to table the resolution regarding random drug testing.

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

Minutes
6-17-2008

Moved by Director Gravelle, supported by Director Chase, to accept the recommendation of the Conservation Committee and approve the request of Tom Boynton to transfer his license to David Whitman.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to suspend the rules and add the issue of the Conservation Committee regarding EPIRBS.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director Hoffman, to approve the request from the Conservation Committee for the following: 1. expenditure of \$20,000 (not to exceed) from the Fisherman's Fund for the purchase of EPIRBS, with GPS feature; 2. for the 20 active large boats only; 3. in order for captains to get a new epirb, the old epirb must be turned in; 4. if the captain has already purchased the new epirb, he can be reimbursed if he turns the old epirb back into the Fisheries Department. No reimbursement without the old one.

Motion carried unanimously.

Moved by Director Gravelle, supported by Director McKelvie, to adjourn the meeting.

Motion carried unanimously.

Meeting adjourned: 6:21 pm.

Date: 7-1-08

Secretary: Jana Causley

Others present: Vic Matson, Kristi Little, Lona Stewart, Sue Stiver-Paulsen.

Acct: Bill Connolly
H.R.: Cheryl Bernier
Legal: Aaron Schlehuber

Admin: Casino: Tony Goetz
Communications: Dustin Bacon
Law Enf: