

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
JUNE 7, 2011**

The meeting was opened at 6:10 p.m. by Vice-Chair Causley.

Present: Cathy Abramson, Joe Eitrem, Debra Pine, DJ Malloy, Catherine Hollowell, Pat Rickley, Keith Massaway, Denise Chase, Tom Miller, Joan Anderson, Lana Causley.

Absent: Bernard Bouschor.

**Moved by Director Miller, supported by Director Malloy, to excuse Director Bouschor.**

**Motion carried with Director Hollowell opposing.**

**Moved by Director Miller, supported by Director Malloy, to approve the agenda as written.**

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Malloy, to suspend the rules and add the resolution regarding the Treaty Rights Appellate Court Case, to the agenda.**

**Motion carried with Director Abramson abstaining.**

**Moved by Director Miller, supported by Director Malloy, to suspend the rules and add the resolution regarding the severance agreement for John Hatch, to the agenda.**

**Motion carried with Directors Abramson and Chase abstaining.**

**Moved by Director Massaway, supported by Director Malloy, to suspend the rules and add the resolution regarding the Health Division Signature Authority, to the agenda.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Abramson, to suspend the rules and add the resolution regarding the Stocking Surplus Walleye, to the agenda.**

**Motion carried unanimously.**

**Moved by Director Pine, supported by Director Hollowell, to suspend the rules and add the resolution regarding the, Interim Powers of Vice Chair, to the agenda.**

**Motion carried with Directors Abramson, Chase, Miller opposing.**

**Moved by Director Hollowell, supported by Director Eitrem, to suspend the rules and add the resolution regarding the CEO Job Description to the agenda.**

**Roll Call Vote: Motion carried with Directors Eitrem, Hollowell, Pine, Massaway, Rickley approving, Directors Anderson, Abramson, Malloy, Miller, Chase opposing, Vice-Chair Causley approving, breaking the tie vote.**

**Moved by Director Rickley, supported by Director Massaway, to approve Res. 2011-112, Child Care Development Fund (CCDF).**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application to the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau for continued funding of the Child Care Development Fund.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Vice Chairperson, Lana Causley, or her designee to sign, negotiate, and execute documents on behalf of the Tribe, to obtain a CCDF grant award for the purpose of providing quality child care services.

**Motion carried unanimously.**

**Moved by Director Rickley, supported by Director Pine, to approve Res. 2011-113, OVC FY 2011 American Indian and Alaska Native SANE-SART Program Grant (CFDA #16.582).**

NOW, THEREFORE BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors supports and authorizes the Sault Tribal Health Program to seek funding to enhance the capability of victim service providers in our Tribal communities to better respond to the needs and rights of all sexual assault victims.

BE IT FURTHER RESOLVED, that Bonnie Culfa, Health Division Director, or her duly authorized designees, are authorized to execute a grant application for the American Indian and Alaska Native (AI/AN) SANE-SART Program Grant (CFDA # 16.582).

BE IT FURTHER RESOLVED that in the event that the Tribe is awarded a grant under this program, Bonnie Culfa, or her duly authorized designees, are authorized to accept such grant and execute any and all documents necessary for the proper and orderly administration of the grant, and further to negotiate, amend or rescind any agreements necessary for the administration of the grant.

**Motion carried unanimously.**

**Moved by Director Rickley, supported by Director Abramson, to approve Res. 2011-114, U.S. Department of Homeland Security (DHS) Tribal Homeland Security Grant Program (THSGP) FY 11.**

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the application for the Tribal Homeland Security Grant Program (THSGP) Fiscal Year 2011.

BE IT FURTHER RESOLVED, that this resolution serves as the Sault Ste. Marie Tribe of Chippewa Indians' commitment and support of the project for the entire project period.

BE IT FURTHER RESOLVED, that the Vice-Chairperson of the Tribe, or her designee, is authorized to execute or amend all documents relating to the grant application and award.

**Motion carried unanimously.**

**Moved by Director Rickley, supported by Director Abramson, to approve Res. 2011-115, Adoption of the National Incident Management System (NIMS).**

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Tribal Board of Director's hereby proclaims that the National Incident Management System (NIMS) is established as the Sault Ste. Marie Tribe of Chippewa Indians standard for incident management.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Abramson, to approve Res. 2011-16, Approving Lease JKL School.**

BE IT FURTHER RESOLVED, that the Vice-Chairperson and the Treasurer of the Tribe are authorized and directed to execute the lease for the property located at 1301 Marquette Avenue, in the form attached.

BE IT FURTHER RESOLVED, that the Tribe does hereby grant a limited waiver of sovereign immunity for declaratory and equitable relief only should an action be commenced under this Lease.

BE IT FURTHER RESOLVED, that this limited waiver of sovereign immunity does explicitly state that no monetary damages shall be awarded against the Tribe in any court or dispute resolution process, and the Tribe shall not be ordered to pay any money whatsoever, be it in damages, recoupment, equity, as a sanction, or in any other manner and this limited waiver shall terminate upon performance by the Tribe of all its obligations under this Lease; and

BE IT FURTHER RESOLVED, that this limited waiver is granted solely to the JKL School Board, its successors and assigns.

BE IT FURTHER RESOLVED, this limited waiver shall apply only to judicial action, limited to lawsuits for equitable or declaratory relief, in the Tribal Court of the Sault Ste. Marie Tribe of Chippewa Indians, the Tribe shall not and does not consent to suit in any other court or any other jurisdiction.

BE IT FURTHER RESOLVED, that this Lease shall be construed in accordance with and governed by the internal laws of the State of Michigan. The Board of Directors does hereby authorize the Tribe, as Lessor to consent to the jurisdiction of the Tribal Court solely for equitable and declaratory relief, and no other, and this Lease shall not be construed so as to permit monetary damages or judgments against the Sault Ste. Marie Tribe of Chippewa Indians.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Miller, to approve Res. 2011-117, National Congress of American Indians.**

NOW, THEREFORE, BE IT RESOLVED, pursuant to Article III, Section 2 of the NCAI Constitution, the Sault Ste. Marie Tribe of Chippewa Indians designates the following individuals as Delegate and Alternate Delegates and instructs them to become Individual Members in Good Standing in the NCAI in order to fulfill their responsibilities. Delegate: Cathy Abramson, Alternate: Keith Massaway, Alternate: Bernard Bouschor, Alternate: Debra Pine, Alternate: Tom Miller, Alternate: Kenneth Ermatinger.

**Motion carried unanimously.**

**Moved by Director Rickley, supported by Director Hollowell, to table the resolution regarding the Special Advisory Election for Chairperson.**

**Roll Call Vote: Motion carried with Directors Eitrem, Hollowell, Pine, Massaway, Rickley approving, Directors Anderson, Abramson, Malloy, Miller, Chase opposing, Vice-Chair Causley approving, breaking the tie vote.**

**Moved by Director Rickley, supported by Director Abramson, to approve Res. 2011-118, Amending Tribal Code Chapter 20: Great Lakes and St. Mary's River Treaty Fishing Regulations Waishkey Bay Closure.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors amends Tribal Code Chapter 20: Great Lakes and St. Mary's River Treaty Fishing Regulations by amending Section 20.108 to read:  
"There shall be no netting in that portion of Grid S-1646 which lies west of a line beginning at the west bank of the Waishkey River and ending at Bay Mills Point. This closure shall automatically expire on May 31, 2012."

**Motion carried with Director Chase opposing.**

**Moved by Director Rickley, supported by Director Massaway, to approve Res. 2011-119, Amending Attendance Policy.**

NOW, THEREFORE, BE IT RESOLVED, that the BOD hereby enacts the proposed revision to the Governmental Attendance Policy, as attached, beginning on July 1, 2011.

BE IT FURTHER RESOLVED, that the BOD hereby enacts the proposed revision to the Casino Attendance Policy, as attached, beginning on July 1, 2011.

BE IT FURTHER RESOLVED, that the BOD hereby enacts the proposed revision to the Enterprise Attendance Policy, as attached, beginning on July 1, 2011.

**Motion carried unanimously.**

**Moved by Director Pine, supported by Director Miller, to table the resolution regarding the No Show Policy for the Hiring Process.**

**Roll Call Vote: Motion carried with Directors Anderson, Eitrem, Pine, Massaway, Chase, Malloy, Miller, Abramson approving, Directors Hollowell, Rickley opposing.**

**Moved by Director Miller, supported by Director Chase, to table the resolution regarding the Appeal Policy.**

**Roll Call Vote: Motion carried with Directors Abramson, Anderson, Massaway, Eitrem, Chase, Miller, Malloy approving, Directors Pine, Hollowell, Rickley opposing.**

**Moved by Director Abramson, supported by Director Malloy, to approve Res. 2011-120, Amending Bereavement Policy to Funeral Policy.**

NOW, THEREFORE, BE IT RESOLVED, that the BOD hereby enacts the proposed revision to the Governmental Bereavement Policy, as attached, beginning on July 1, 2011.

BE IT FURTHER RESOLVED, that the BOD hereby enacts the proposed revision to the Casino Bereavement Policy, as attached, beginning on July 1, 2011.

BE IT FURTHER RESOLVED, that the BOD hereby enacts the proposed revision to the Enterprise Bereavement Policy, as attached, beginning on July 1, 2011.

**Motion carried unanimously.**

**Moved by Director Eitrem, supported by Director Abramson, to approve Res. 2011-121, Remote Community Alert Systems FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification for Remote Community Alert Systems to establish a budget with Federal Department of Commerce monies \$250,000. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Pine, to approve the resolution regarding Legal Special Projects.**

**Roll Call Vote: Motion denied with Directors Hollowell, Rickley, Eitrem, Massaway approving, Directors Anderson, Chase, Malloy, Miller opposing, Directors Pine, Abramson abstaining. Vice-Chair Causley voted to approve, breaking the tie vote. The vote needed a vote of seven to approve.**

**Moved by Director Pine, supported by Director Abramson, to reconsider the vote on the Legal Special Projects FY 2011 Budget Modification resolution.**

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

**Moved by Director Massaway, supported by Director Pine, to approve Res. 2011-122, Legal Special Projects, FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of the Chippewa Indians here by approves the FY 2011 budget modification to Legal Special Projects for an increase in Tribal Support of \$513,174.00 for consultant services.

**Roll Call Vote: Motion carried with Directors Hollowell, Rickley, Anderson, Eitrem, Pine, Massaway, Malloy, Miller, Abramson approving, Director Chase opposing.**

**Moved by Director Pine, supported by Director Massaway, to approve Res. 2011-123, Legal Tribal Attorney FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of the Chippewa Indians here by approves the FY 2011 budget modification to Legal Tribal Attorney for an increase in Tribal Support of \$93,679.35. This budget modification represents changes to the personnel sheet, consultant services, and equipment.

**Roll Call Vote: Motion carried with Directors Abramson, Anderson, Massaway, Hollowell, Eitrem, Rickley, Miller approving, Directors Chase, Malloy opposing, Director Pine abstaining.**

**Moved by Director Rickley, supported by Director Miller, to approve Res. 2011-124, Health Center Maintenance Improvements and Capital Outlays FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification for Health Center Maintenance Improvements and Capital Outlays for an increase in Federal IHS monies of \$349,929.00. With no change in Tribal Support.

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

**Moved by Director Miller, supported by Director Rickley, to approve Res. 2011-125, Health Center Radiology, FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification for Health Center Radiology to reallocate expenses, increase Federal IHS monies \$67,481.57 and reduce Tribal Support monies \$231.43.

**Motion carried unanimously.**

**Moved by Director Rickley, supported by Director Miller, to approve Res. 2011-126, Health Center Optical and St. Ignace Clinic FY 2011 Budget Modifications.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modifications for Health Center Optical and the St. Ignace Clinic, to change the personnel sheet, reallocate expenses, and reduce Tribal Support monies \$11,826.06.

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

**Moved by Director Malloy, supported by Director Miller, to approve Res. 2011-127, Health Center Medical Nursing FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification for Health Center Medical Nursing to change the personnel sheet, reallocate expenses, and reduce Federal IHS monies \$463.05. No effect on Tribal Support.

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

**Moved by Director Rickley, supported by Director Massaway, to approve Res. 2011-128, Health Center Traditional Medicine FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification to Health Center Traditional Medicine to change the personnel sheet, reallocate expenses, and reduce Tribal Support monies \$37,651.48.

**Roll Call Vote: Motion carried with Directors Pine, Anderson, Abramson, Malloy, Massaway, Miller, Rickley, Chase approving, Directors Eitrem, Hollowell opposing.**

**Moved by Director Miller, supported by Director Anderson, to approve Res. 2011-129, Health Center Laboratory FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification for Health Center Laboratory to change the personnel sheet, reallocate expenses, and reduce Tribal Support monies \$1,676.42.

**Roll Call Vote: Motion carried with Directors Malloy, Abramson, Pine, Eitrem, Massaway, Anderson, Chase, Miller approving, Directors Rickley, Hollowell opposing.**

**Moved by Director Malloy, supported by Director Massaway, to approve Res. 2011-130, Education Division – Self Sufficiency Higher Education FY 2011 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2011 budget modification to Self Sufficiency Higher Education to increase Trust Fund Revenue monies \$11,593.51. This budget modification will increase direct services. No effect on Tribal Support.

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

**Moved by Director Miller, supported by Director Chase, to approve the resolution regarding the Treaty Rights Appellate Court case.**

**Roll Call Vote: Motion denied with Directors Anderson, Pine, Chase, Miller, Malloy approving, Directors Massaway, Hollowell, Eitrem, Rickley opposing, Director Abramson abstaining. Note: the resolution needed a vote of seven to be approved.**

**Moved by Director Malloy, supported by Director Hollowell, to table the resolution regarding the John Hatch Severance Agreement.**

**Roll Call Vote: Motion carried with Directors Rickley, Malloy, Hollowell, Massaway, Anderson, Chase approving, Directors Abramson, Pine, Eitrem, Miller opposing.**

**Moved by Director Abramson, supported by Director Rickley, to approve Res. 2011-131, Options and Pre-Approval for Stocking Surplus Walleye Fingerlings.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians supports the tribal/state biologists' recommendation for stocking ITFAP's surplus walleye fingerlings, and authorizes the ITFAP to decide which of the recommended sites to stock on an annual basis.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Massaway, to approve Res. 2011-132, Health Division Director Signature Authority.**

NOW, THEREFORE, BE IT RESOLVED that the Health Division Director is hereby authorized and permitted to sign any and all documents approving the expenditure of funds from the health division cost centers up to \$30,000 (thirty thousand dollars).

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

**Moved by Director Eitrem, supported by Director Hollowell, to approve Res. 2011-133, Interim Powers of the Vice-Chairperson.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors acknowledges that the Vice-Chairperson, pursuant to Article II, Section 2 of the Bylaws, shall preside over meetings of the Board of Directors.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors hereby declares that until such time as a Chairperson is appointed the Vice-Chairperson shall exercise the following powers:

- (a) Serve as the ceremonial figure head of the Tribe for public events and visiting dignitaries.
- (b) Serve as the spokesperson of the Tribe on issues requiring a singular voice.
- (c) Sign any correspondence to a third party that would normally and for good cause require the signature of the Chairperson.
- (d) Perform any and all duties delegated to, authorized to be performed or directed to be performed by the Chairperson in a previously adopted resolution.
- (e) Perform any and all duties delegated to, authorized to be performed or directed to be performed by the Chairperson in the various Team Member Manuals.
- (f) In furtherance of and in further explanation of the above, execute all documents that require the Chairperson's signature due to administrative staff's spending limits signature authority, as indicated on the attached signature authority matrix.
- (g) Perform all administrative functions required to be performed pursuant to the June 9, 2009, organizational chart.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that any and all actions taken by the Vice-Chairperson since May 10, 2011, are hereby deemed to have been taken pursuant to this Resolution and considered fully ratified and approved *nunc pro tunc*, however, this ratification and approval shall not be construed to mean that the prior actions were taken absent authority, but acknowledges through ratification and approval that they were taken pursuant to a constructive authority granted by the Board of Directors on May, 10, 2011.



NOW, THEREFORE, BE IT FURTHER RESOLVED, that this declaration of power in the Vice-Chairperson shall cease upon the appointment of a Chairperson by the Board of Directors.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this declaration of power in the Vice-Chairperson shall have no precedential value regarding the question of what powers the Chairperson may or may not have subsequent to the April 7, 2010, amendment to the Constitution; but rather is to be strictly construed as a declaration of power vested in the Vice-Chairperson for the limited purpose of ensuring the continuation of governmental and administrative functions until such time as a Chairperson is appointed.

BE IT FINALLY RESOLVED, that the Co-Executive Directors, the COO, the Gaming Commission Director, the Health Division Director, the Human Resource Director and the Legislative Director, shall, at every workshop of the Board of Directors, report in person and in writing, the general activities within their areas of responsibility and those documents they have executed or plan to execute in the immediate future. Nothing herein shall be construed to circumvent the authority and obligation of the Kewadin Casinos Gaming Authority to oversee the COO pursuant to Tribal Code Chapter 42: Gaming Ordinance. Further, nothing herein shall be construed to circumvent the authority and obligation of the Gaming Commission to oversee the Director of the Gaming Commission pursuant to Tribal Code Chapter 42: Gaming Ordinance.

**Roll Call Vote: Motion carried with Directors Eitrem, Hollowell, Pine, Anderson, Abramson, Malloy, Massaway, Miller, Rickley approving, Director Chase opposing.**

**Moved by Director Eitrem, supported by Director Hollowell, to approve Res. 2011-134, Preparation of Job Description CEO of the Tribe.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs the Human Resources Department of the Tribe to prepare and submit to the Board of Directors for review, no later than June 27<sup>th</sup>, 2011, a comprehensive position description and job duties outline for the position of CEO of the Tribe, so as to facilitate the hiring of an individual to fill that position.

**Roll Call Vote: Motion carried with Directors Malloy, Pine, Hollowell, Eitrem, Massaway, Anderson, Miller approving, Directors Rickley, Chase opposing, Director Abramson abstaining.**

**Moved by Director Abramson, supported by Director Pine, to accept the resignation of Betty Lounds from the Unit One Elder Sub Committee.**

**Motion carried unanimously.**

**Moved by Director Anderson, supported by Director Massaway, to accept the resignation of Bernadine Allie from the Unit Five Munising Elder Sub Committee.**

**Motion carried unanimously.**

**Moved by Director Chase, supported by Director Miller, to appoint Ernest Demmon, Mary Young, Robert Macabee, and Jerry Miller to the Unit Four Escanaba Elder Sub Committee, all for four year terms, expiring June 2015.**

**Motion carried unanimously.**

**Moved by Director Pine, supported by Director Miller, to appoint Carol Strausser to the Housing Commission as the Unit Four Representative, with the seat expiring January 2014.**

**Motion carried unanimously.**

**Moved by Director Hollowell, supported by Director Miller, to suspend the rules and reconsider the resolution regarding the John Hatch Severance Agreement.**

**Roll Call Vote: Motion carried with Directors Hollowell, Rickley, Anderson, Eitrem, Pine, Massaway, Malloy, Miller, Abramson approving, Director Chase opposing.**

**Moved by Director Miller, supported by Director Hollowell, to approve Res. 2011-135, Severance Agreement and Release John Hatch.**

NOW THEREFORE BE IT RESOLVED that the Severance Agreement and Release for John Hatch is hereby amended by deleting Section 5 in its entirety.

BE IT FURTHER RESOLVED that the Vice-Chairperson is hereby authorized to execute an amendment to that effect.

**Roll Call Vote: Motion carried with Directors Abramson, Anderson, Pine, Massaway, Hollowell, Eitrem, Rickley, Miller, Malloy approving, Director Chase abstaining.**

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

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

Meeting adjourned: 9:26 p.m.

Date: 9-13-11

Secretary: Cathy Abramson

Others present: Aaron Schlehber, Vic Matson, Bill Connolly, Kristi Harwood, Tony Goetz, Bonnie Culfa, Rich Rand, Alexis Lambros, Michael McKerchie, Courtney Kachur, Tony Abramson, Ken Ermatinger, Carol Eavou, Michelle Bouschor, Bob Marchand, Sheri Wallis, Tara Benoit, Joanne Carr.