

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
JULY 12, 2011**

The meeting was opened at 6:05 p.m. by Vice-Chair Causley.

Present: Bernard Bouschor, Joe Eitrem, Debra Pine, DJ Malloy, Catherine Hollowell, Keith Massaway, Denise Chase, Tom Miller, Joan Anderson, Cathy Abramson.

Absent: Pat Rickley, Lana Causley.

**Moved by Director Massaway, supported by Director Hollowell, to excuse Directors Rickley and Causley.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Pine, to approve the agenda as written.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Bouschor, to suspend the rules and add the resolutions regarding Chapter 21; Chapter 72; and Special Meeting Date.**

**Motion carried unanimously.**

**Moved by Director Eitrem, supported by Director Miller, to approve Res. 2011-158, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Renewal of Credit Agreement with Huntington Bank.**

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

Section 1 FINDINGS AND DETERMINATIONS: The Board of Directors finds and determines that:

1.1 The Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Tribe currently has a "Line of Credit" with Huntington Bank ("Bank") which was authorized by Resolution 2008-184, and re-authorized for six months by resolution 2010-37, and re-authorized for twelve months by resolution 2010-149; and

1.3 The Tribe wishes to amend this Line of Credit to extend the interest only period until January 2012 at which time monthly principal payments of \$83,333.33 plus interest will commence for an additional forty-eight (48) months until December 2015; and

1.3 Bank has refused to consent to such amendment without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.4 In order to induce Bank to enter into the amended Line of Credit, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim tribal immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Bank that might arise from, or relate to, in any respect, the Line of Credit. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 It is in the Tribe's interest to resolve as stated herein.

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

2.1 The Tribe hereby waives its sovereign immunity from suit in favor of Bank only should an action be commenced under the Bank contract referenced above.

This waiver:

- i) shall terminate upon performance by the Tribe of all of its obligations under the Line of Credit or any subsequent extensions of the Line of Credit
- ii) is granted solely to Bank;
- iii) shall extend to inter alia, any judicial or non judicial action, including, but not limited to, any lawsuit, arbitration, and judicial or non judicial action to resolve disputes between the Tribe and Bank and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations under the Line of Credit.
- iv) shall be enforceable only in a court of competent jurisdiction, including courts of the State of Michigan the Tribal Court and federal courts in Michigan (including the United States Bankruptcy Court) or any arbitrator or arbitration panel; and
- v) shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the line of credit, note and other finance documents, including but not limited to any Tribal property or assets pledged under those finance documents; and
- vi) the Note, line of credit, and other associated finance documents shall be construed in accordance with and governed by the internal laws of the State of Michigan, as set forth in such documents. The Board authorizes the Tribe to consent to the jurisdiction of the courts of the State of Michigan and the federal courts in Michigan, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution or any of the finance documents, note or line of credit.

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

4.1 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the Line of Credit.

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

**Moved by Director Massaway, supported by Director Malloy, to approve Res. 2011-159, Amending Chapter 30: Child Welfare Code: Decreasing the Number of Child Welfare Committee Members Required to Reach a Quorum.**

NOW, THEREFORE, BE IT RESOLVED, that the BOD hereby approves that the language of Sections 30.1204 (Meetings) and 30.1208 (Voting) of the Child Welfare Code shall be amended to change the number of Committee members required to reach a quorum from five (5) to four (4).

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

**Moved by Director Bouschor, supported by Director Miller, to table the resolution regarding funeral leave.**

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Massaway, to approve Res. 2011-160, SYEP and SYEP Administration FY 2012 Budget Modifications.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2012 budget modifications to SYEP and SYEP Administration to change the personnel sheet, reallocate expenses, and reduce Federal Department of Labor monies \$1,980.91. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Miller, to approve Res. 2011-161, Emerald Ash Borer 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 establish a budget for Emerald Ash Borer with Federal BIA monies of \$6,978.56. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Massaway, to approve Res. 2011-162, EPA Water Quality 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 EPA Water Quality for an increase in Federal EPA monies of \$30,000 and an increase in Tribal Support of \$1,500. This budget modification reflects changes in the personnel sheet and expenses.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Bouschor, to approve Res. 2011-163, EPA GAP 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 EPA GAP to increase Federal EPA monies \$28,172.65. This budget modification reflects changes in the personnel sheet and expenses. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Bouschor, supported by Director Eitrem, to approve Res. 2011-164, Community Care Clinic and Health Center Medical Nursing.**

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 to Community Care Clinic and Health Center Medical Nursing to change the personnel sheets, reallocate expenses, reduce Federal IHS monies \$27,270.71 and increase Other Revenue monies \$23,592.52. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Massaway, to approve Res. 2011-165, Emergency Preparedness 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 Emergency Preparedness to change the personnel sheet, reallocate expenses, and increase State of Michigan monies \$4,457.83.

**Motion carried unanimously.**

**Moved by Director Eitrem, supported by Director Miller, to approve Res. 2011-166, Manistique Health Center 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 Manistique Health Center to change the personnel sheet, reallocate expenses, increase IHS monies \$27,270.71, and decrease Tribal Support monies \$27,270.71.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Massaway, to approve Res. 2011-167, Education – STAY Project 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 STAY Project for an increase in Federal HHS monies of \$107,073.10. This budget modification reflects carry over funds, actual expenditures and changes to the personnel sheet. No effect on Tribal Support.

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

**Moved by Director Miller, supported by Director Malloy, to approve Res. 2011-168, Law Enforcement – Juvenile Detention Ops 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 Juvenile Detention Ops for an increase in Federal BIA monies of \$23,913.29. This budget modification reflects actual expenditures and changes to the personnel sheet retroactive to March 13, 2011.

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Massaway, to approve Res. 2011-169, Amending Tribal Code: Chapter 21 Baiting Regulations.**

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

**21.519 Baiting.**

- (1) The use of salt and/or bait to hunt for game is permitted, unless specifically disallowed elsewhere in this Chapter or in an administrative regulation.
- (2) All containers used to carry bait to the baiting site must be removed.
- (3) No drugs or poisons shall be used.

(4) No Tribal member shall use material grains, fruits, vegetables, salts or any other minerals as bait for elk and deer in any area designated by the State of Michigan as a TB designated zones.

(5) ~~Notwithstanding subsection (1) above the baiting of deer in any manner whatsoever in the Lower Peninsula is prohibited.~~

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Eitrem, to approve Res. 2011-170, Amendment of the Sault Ste. Marie Tribe of Chippewa Indians Sex Offender Registration and Notification Code Tribal Code: Chapter 72.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the amendment to Chapter 72: the Sault Ste. Marie Tribe of Chippewa Indian's Sex Offender Registration and Notification Code, as attached, to be effective immediately.

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Miller, to accept the recommendations of the Special Needs/Enrollment Committee and relinquish the following from the Tribe: Angela Shinos, Vernon Seymour, and Garth Jackson Sr.**

**Motion carried unanimously.**

**Moved by Director Miller, supported by Director Massaway, to approve a Rough Permit to Dean Hyslop for the 2011 fishing season.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Hollowell, to hold a Special Meeting on July 19, 2011, at 3 p.m., for a referendum issue.**

**Motion carried unanimously.**

**Moved by Director Eitrem, supported by Director Hollowell, to suspend the rules and add two employment issues.**

**Motion carried with Director Chase opposing.**

**Moved by Director Eitrem, supported by Director Hollowell, to give Bill Thorne, \$4,500.00 in recognition of his years of service to the Tribe.**

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

**Moved by Director Miller, supported by Director Malloy, to add the other employment issue to the July 19 Special Meeting.**

**Motion carried with Director Chase opposing.**

Minutes  
7-12-2011

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

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

Meeting adjourned: 8:02 p.m.

Date: 11-8-11 Secretary: Cathy Gramson

Others present: Vic Matson, Bill Connolly, Kristi Harwood, Tony Goetz, Rich Rand, Alexis Lambros, Michael McKerchie, Tony Abramson, Carol Eavou, Bob Marchand, Joel Lunsden, Faith McGruther, Eric Clark, Eric Blubaugh, Lona Stewart, Angeline Boulley, Sheri Wallis, Tara Benoit, Joanne Carr.