

**BOARD OF DIRECTORS REGULAR MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
February 5, 2013**

The meeting was opened at 6:26 p.m. by Chairperson Payment.

Present: Dennis McKelvie, Deb Pine, Jennifer McLeod, DJ Malloy, Lana Causley, Catherine Hollowell, Keith Massaway, Bridgett Sorenson, Denise Chase, Darcy Morrow, Joan Anderson, Aaron Payment.

Absent: Cathy Abramson.

**Moved by Director Malloy, supported by Director McLeod, to excuse Director Abramson from the meeting.**

**Motion carried unanimously.**

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

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to suspend the rules and add the resolution regarding the Supreme Court Child Welfare case.**

**Roll Call Vote: Motion unanimously.**

**Moved by Director Massaway, supported by Director Sorenson, to approve the Minutes of 1-2-2013 and 1-15-2013, as written.**

**Motion carried with Directors Malloy, McLeod, Anderson abstaining for 1-2-2013 and Director Pine abstaining for 1-15-2013.**

**Moved by Director Malloy, supported by Director McLeod, to approve Res. 2013-23, Amending Resolution 2007-64, Tribal Non-Profit Entity.**

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby directs that the administrative work begin for the formation of a Tribal non-profit entity under Section 501 (c)(3) of the Internal Revenue Code.

BE IT RESOLVED, that this Resolution amends and replaces Resolution 2007-64, adopted April 2007.

BE IT RESOLVED, that the Administration Departments shall report back with a full plan, together with the necessary formation documents by April 1, 2013.

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

**Moved by Director Massaway, supported by Director Hollowell, to approve Res. 2013-24, City of Sault Ste. Marie Water Operations and Maintenance Agreement.**

NOW, THEREFORE, BE IT RESOLVED, that the proposed Water Operations and Maintenance Agreement is hereby approved, and the Chairperson is authorized to execute such Agreement on behalf of the Tribe.

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Sorenson, to approve Res. 2013-25, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction City of Sault Ste. Marie Water Supply Services Agreement.**

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 Sault Ste. Marie Tribe Housing Authority (the "Authority") is an autonomous instrumentality of the Tribe.

1.3 The Tribe and Authority operate and promote the Odenaang Tribal Housing Development.

1.4 The Tribe and Authority are undertaking to cause the houses within Odenaang to be connected to the City of Sault Ste. Marie water and sewer systems.

1.5 The Tribe and Authority wish to enter into agreements with the City of Sault Ste. Marie for the purposes of governing the water and sewer service arrangements for the Odenaang Development. (the "Agreement").

1.6 In order to induce the City to enter into this Agreement, the Tribe must waive sovereign immunity and consent to State Court jurisdiction and binding arbitration.

Section 2 Approvals and Authorization

2.1 The Board of Directors authorizes and directs the Tribe, through its Chairperson, on such conditions and terms as he deems fit, to enter into the Water Supply Services Agreement with the City of Sault Ste. Marie on such terms as he may agree upon, which approval shall be conclusively presumed by execution and delivery of the Amendment by the Chairperson, and to perform its obligations thereunder.

2.2 The Chairperson is authorized and directed to execute and deliver such other certificates, documents, or instruments, as may be required or to take any and all such action which may be necessary or convenient to effectuate the Agreement.

Section 3 Waiver of Sovereign Immunity and Consent to Jurisdiction.

3.1 The Tribe hereby waives its sovereign immunity from suit in favor of the City of Sault Ste. Marie only should an action be commenced under the Agreement.

This waiver:

- i) shall terminate upon performance by the Tribe of all of its obligations under the Agreement, or any subsequent extensions,
- ii) is granted solely to the City of Sault Ste. Marie;

- 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 the City of Sault Ste. Marie 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 Agreement;
- iv) shall be enforceable only in a court of competent jurisdiction, including courts of the State of Michigan the Sault Ste. Marie 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 all assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the Agreement.

3.2 The Agreement shall be construed in accordance with and governed by the internal laws of the State of Michigan, as set forth in such documents. The Tribe expressly consents 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, the Agreement, any amendments thereto, or to any transactions in connection therewith.

#### Section 4 WAIVER OF TRIBAL COURT JURISDICTION

The Board of Directors expressly confirms its waiver under the Agreement and waives jurisdiction of the Tribal Court over any action arising under the Agreement pursuant to the provisions of Section 44.108 of the Tribal Code, except to the extent that the Agreement may provide for limited jurisdiction for enforcement of an arbitration award under Chapter 95 of the Tribal Code.

**Motion carried unanimously.**

**Moved by Director Causley, supported by Director McLeod, to approve Res. 2013-26, Tribal Code Chapter 60: Land Use Ordinance Amendment.**

NOW, THEREFORE, BE IT RESOLVED, that the proposed amendments to Tribal Code Chapter 60, Land Use Ordinance, Subchapter XI: Odenaang Housing Development Restrictions Sections 60.935.1 and 60.936, as attached, is hereby approved, by the Sault Ste. Marie Tribe of Chippewa Indians Tribal Board of Directors.

**Motion carried unanimously.**

**Moved by Director Sorenson, supported by Director Massaway, to approve Res. 2013-27, Support for 2013 Low Income Housing Tax Credit Funding.**

NOW, THEREFORE, BE IT RESOLVED, the proposed development is consistent with the Sault Ste. Marie Tribe of Chippewa Indians affordable housing strategies and efforts to promote quality, affordable housing on the Reservation as identified in the 2013 Indian Housing Plan.

BE IT FURTHER RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Tribal Board of Directors supports the submission of a Low Income Housing Tax Credit application and requests favorable consideration is given for a Low Income Housing Tax Credit award for this project.

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director McLeod, to approve Res. 2013-28, Emerald Ash Borer FY 2013 Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the request to establish a FY 2013 budget for Emerald Ash Borer, with Federal BIA monies \$3,916.95. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Causley, to approve Res. 2013-29, Kellogg Grant FY 2013 Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the request to establish a FY 2013 budget for the Kellogg Grant, with Other Revenue W.K. Kellogg Foundation Planning Grant monies \$5,100.00. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Chase, to approve Res. 2013-30, ACFS – Community Service Block Grants FY 2013 Budget Modifications (Award 1 and 2).**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to the Community Service Block Grants (Award 1) to close and decrease Federal HHS monies \$5,000.00. There were no funds to carry over. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to Community Service Block Grant (Award 2) to increase Federal HHS monies \$8,200.00 to the full award amount. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Morrow, to approve Res. 2013-31, ACFS Child Care Development Funds FY 2013 Budget Modification and Establishment of a Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to the Child Care Development Fund (Award 1) to reduce Federal HHS Revenue monies \$125,492.43 to the actual carry over amount. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2013 budget to the Child Care Development Fund (Award 2) with Federal HHS monies of \$275,000.00. No effect on Tribal Support.

**Motion carried unanimously.**

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**Moved by Director Massaway, supported by Director McLeod, to approve Res. 2013-32, Tribal Court – Tribal Youth Program, FY 2013 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to the Tribal Youth Program to increase Federal DOJ monies \$15,104.00. This will allow for the purchase of a server for Tribal Court. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Malloy, to approve Res. 2013-33, DeMawating Development FY 2013 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to DeMawating Development to change the personnel sheet. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Malloy, to approve Res. 2013-34, IRR Roads Planning Establishment of a FY 2013 Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2013 budget to IRR Roads Planning with Federal BIA monies of \$28,357.52. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Malloy, to approve Res. 2013-35, Support for a Tribal Amicus Brief in the United States Supreme Court in the Case of Adoptive Couple v. Baby Girl ( The “Baby Veronica” Case)**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby declare their support for the effort to prepare an amicus brief in the Baby Veronica case and hereby authorize the Tribal Chairperson and Chief Financial Officer to make a one-time contribution of \$25,000 to the Native American Rights Fund in support of that effort. The Chairperson and the Chief Financial Officer are further directed and authorized to modify the FY 2013 budget for Tribal Operations to add this expense to that budget.

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

**Moved by Director Pine, supported by Director McKelvie, to reappoint Gail Nesberg and Grace Gravelle to the Unit One Elders Subcommittee, both for four year terms, expiring February 2017.**

**Motion carried unanimously.**

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**Moved by Director Hollowell, supported by Director Causley, to appoint Kathy Egert, as a Unit Two alternate, to the Elder Advisory Committee, for a four year term, expiring February 2017.**

**Motion carried unanimously.**

**Moved by Director Chase, supported by Director Morrow, to accept the resignation of Eileen Valancia from the Unit Four Escanaba Elders Subcommittee and to appoint Betty Majestic to the Unit Four Escanaba Elders Subcommittee, for a four year term, expiring February 2017.**

**Motion carried unanimously.**

**Moved by Director Causley, supported by Director Massaway, to accept the recommendation of the Great Lakes Conservation Committee and approve a Small Mesh Permit to James Sorenson for the 2013 fishing season.**

**Motion carried with Director Sorenson abstaining.**

**Moved by Director Chase, supported by Director Morrow, to appoint Boyd Snyder to the Special Needs/Enrollment Committee for a two year term, expiring February 2015.**

**Motion carried unanimously.**

**Moved by Director Causley, supported by Director McLeod, to adjourn the meeting.**

**Motion carried.**

Meeting adjourned: 7:19 p.m.

Date: 2-26-13

Secretary: Cathy Bramson

Others present: John Wernet, Bill Connolly, Angeline Bouley, Bonnie Culfa, Christine McPherson, Bob Marchand, Tony Goetz, Joni Talentino, Juanita Bye, Lisa Bumstead, Jocelyn Fabry, Russ McKerchie, Jennifer Tadgerson, Joanne Carr.