

**BOARD OF DIRECTORS SPECIAL MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
July 14, 2020**

The meeting was opened at 10:10 a.m. by Chairperson Payment.

Present: Kim Gravelle, DJ Hoffman, Betty Freiheit, Michael McKerchie, Austin Lowes, Lana Causley, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, Charles Matson, and Aaron Payment.

Absent: Catherine Hollowell.

Moved by Director Causley, supported by Director Sorenson, to excuse Director Hollowell from the meeting.

Motion carried unanimously.

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

Motion carried unanimously.

Recess: 10:14 a.m. Reconvened: 11:22 a.m.

Moved by Director McKerchie, supported by Director Massaway, to send the assignment to Judge Cavanagh for the Consent Decree Negotiations.

Roll Call Vote: Motion carried with Directors Sorenson, Freiheit, Causley, Gravelle, Matson, Lowes, Massaway, McKerchie approving; Directors Chase, Hoffman opposing; Director Morrow abstaining.

Recess: 11:26 a.m. Reconvened 4:17 p.m.

Present: Kim Gravelle, DJ Hoffman, Betty Freiheit, Michael McKerchie, Austin Lowes, Lana Causley, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, and Aaron Payment.

Absent: Catherine Hollowell, Charles Matson.

Moved by Director Causley, supported by Director Hoffman, to approve Res. 2020-159, Approving GAN Entertainment.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Chairperson to negotiate and enter into a binding term sheet agreement with GAN Entertainment at terms presented and subject to legal review.

BE IT FURTHER RESOLVED, that the Board of Directors hereby discontinues any agreements with Bet 365.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2020-160, Federal Cares Act – Enterprises and Casinos Establishment of FY 2020 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2020 budget for Enterprises and Casinos with Federal CARES Act monies of \$28,106,000.00. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Sorenson, supported by Director Chase, to approve Res. 2020-161, Authorizing Development of Lease Agreement with Sault Tribe Inc. for Business Development Purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Tribe should and does hereby approve developing and entering into an agreement to lease the tribal trust lands listed in Attachment A, attached here to and incorporated herein by this reference, to Sault Tribe Inc., with such agreement authorizing Sault Tribe Inc., to manage and develop these lands for the economic benefit of the Tribe and its members, which shall include the authority to sublease tribal lands to third parties in furtherance of tribal economic development.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2020-162, Waiver of Immunity and Right to Exclude Three Mile Property.

NOW THEREFORE, BE IT RESOLVED THAT,

1. The Board of Directors, expressly waives any right the Tribe may have to exclude the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the Premises as permitted under MRTMA, applicable tax statutes, and associated administrative rules, without a warrant and without notice to Applicant, for the purpose of administering and enforcing the State of Michigan's marihuana laws, applicable tax laws, and associated administrative rules.
2. The right of the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or the Treasury, state and local law enforcement, and state building and fire officials to enter the Premises includes the right to go inside, outside, over, or below any structure or feature on the Premises in any matter related to Applicant's application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Applicant; and impound, seize, assume physical control of, or summarily remove records from the Premises if Applicant fails to cooperate with an investigation. Provided, however, nothing herein waives or alters any existing obligations that the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or the Treasury, state and local law enforcement, and/or state building and fire officials give notice to the Tribe's law enforcement prior to entering the Premises as may be required by Michigan State law or policy, or by agreement.
3. This limited waiver of the right to exclude is solely for the purpose of ensuring the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, and state building and fire officials have the ability to exercise all authorities, powers, duties, functions, and responsibilities under State of Michigan law and associated administrative rules for the specific purposes identified in this resolution.
4. The Tribe expressly waives its sovereign immunity for the limited purpose of subjecting the Tribe to the jurisdiction of State of Michigan courts, administrative agencies, and law enforcement agencies for the sole purpose of enforcing this waiver of the Tribe's right to exclude; provided, however, that this waiver is limited to injunctive and declaratory relief and therefore no pledge of specific assets by the Tribe is necessary to satisfy any judgment or decision obtained in a State of Michigan court action or administrative proceeding contemplated by this paragraph.
5. This waiver of the Tribe's right to exclude and limited waiver of sovereign immunity shall take effect immediately.
6. This waiver of the Tribe's right to exclude and limited waiver of sovereign immunity shall continue in effect so long as the above-referenced state license, if issued to Applicant, is in effect; for the duration of any dispute arising out of or related to the license or operations under the license; and to allow the MRA to take action after expiration of the license as permitted under State of Michigan law and associated administrative rules.
7. If Applicant's application for a state license is denied, this waiver of the Tribe's right to exclude and limited waiver of sovereign immunity shall continue in effect for the duration of any administrative or judicial proceedings related to the license denial, including any appeals.
8. The Tribe expressly waives the jurisdiction of the Tribal Court with respect to any claim or cause of action for declaratory or injunctive relief arising out of or within the scope of this resolution.
9. The Tribe acknowledges that if this limited waiver of sovereign immunity is rescinded or otherwise made ineffective, or if the Tribe asserts any right it may have to exclude the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the Premises in any matter related to Applicant's application or licensure, the MRA may in its discretion deny, suspend,

revoke, restrict, refuse to renew, impose a fine against, and/or take other disciplinary action against any state license sought by or issued to Applicant.

Motion carried unanimously.

Moved by Director Causley, supported by Director Hoffman, to approve Res. 2020-163, Alcohol and Substance Abuse Grant FY 2020 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 budget modification to Alcohol and Substance Abuse Grant to change the personnel sheet, reallocate expenses, and decrease Federal DOJ monies \$78,396.32 No effect on Tribal Support.

Roll Call Vote: Motion carried with Directors Freiheit, Causley, Gravelle, Lowes, Hoffman, Massaway, McKerchie approving; Director Sorenson, Morrow, Chase opposing.

Moved by Director Hoffman, supported by Director Morrow, to table the Sault Walk in Clinic resolution until the next meeting.

Motion carried unanimously.

Meeting adjourned: 4:28 p.m.

Date: 10-20-2020 Secretary: 

Others present: Christine McPherson, Robert Schulte, Allen Kerridge, Joel Schultz, Jeremy Patterson, Leo Chugunov, Joanne Carr.