

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
June 20, 2023**

This meeting was opened at 5:00 p.m. by Chairman Austin Lowes.

Present: Kimberly Lee, Betty Freiheit, Shawn Borowicz, Darcy Morrow, Robert McRorie, Lana Causley-Smith, Kimberly Hampton, Michael McKerchie, Tyler LaPlaunt (Z), Bridgett Sorenson, Isaac McKechnie, and Austin Lowes.

Absent: None

Moved by Director Freiheit, supported by Director McKechnie, to approve the agenda as read.

Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director Freiheit, to approve Resolution 2023-204, Disorderly and Disruptive Meeting Behavior.

Moved by Director Lee, supported by Director Borowicz, to Amend to 30 days 1st offense, 60 days 2nd offense, 90 days 3rd offense.

Roll Call Vote: Motion to Amend carries with Directors' LaPlaunt, McKechnie, Borowicz, McKerchie, Lee, Hampton, McRorie approving; Directors' Sorenson, Morrow, Causley-Smith, Freiheit opposing.

NOW, THEREFORE, BE IT RESOLVED, that any individual ordered removed from a regular meeting, special meeting, or workshop by the Chairman shall be deemed by operation of this resolution to be barred from attending regular meetings, special meetings, and workshops as follows:

1st Offense: 30 days; 2nd Offense: 60 days; 3rd Offense: 90 days

BE IT FURTHER RESOLVED, that any individual removed from a regular meeting, special meeting, or workshop by Law Enforcement under their general powers to keep the peace shall be deemed removed pursuant to Section 96.108 by operation of this resolution and will be barred from attending regular meetings, special meetings, and workshops as follows:

1st Offense: 30 days; 2nd Offense: 60 days; 3rd Offense: 90 days.

Roll Call Vote: Motion carries with Directors' Lee, Freiheit, LaPlaunt, McKechnie, Borowicz, McRorie, Hampton approving; Directors' Causley-Smith, McKerchie, Morrow, Sorenson opposing.

Moved by Director Freiheit, supported by Director Hampton, to approve Resolution 2023-205, Partial Waiver of Convictions for Ms. Jessica McMillan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Jessica McMillan.

Roll Call Vote: Motion carries with Directors' Causley-Smith, McKerchie, Lee, Freiheit, Morrow, LaPlaunt, Borowicz, Hampton approving; Directors' Sorenson, McKechnie, McRorie opposing.

Moved by Director Sorenson, supported by Director Causley-Smith, to approve Resolution 2023-206, Trust Land Status Ainsworth Addition Parcels A, B, C Chippewa County, MI.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby requests that the Secretary of the Interior accept title to the following described parcel of land in trust for the benefit of Sault Ste. Marie Tribe of Chippewa Indians:
Land situated in the City of Sault Ste. Marie, County of Chippewa, Michigan:

Parcel A:

Lots 1 through 31, inclusive, Block 1, Ainsworth Addition, according to the plat recorded in Liber 1 of Plats, page 27, Chippewa County Records, Section 8, Town 47 North, Range 1 East, Michigan Meridian.

Parcel B:

Lots 1 through 31, inclusive, Block 4, Ainsworth Addition, according to the plat recorded in Liber 1 of Plats, page 27, Chippewa County Records, Section 8, Town 47 North, Range 1 East, Michigan Meridian.

Parcel C:

Entire Block 5, Ainsworth Addition, according to the plat recorded in Liber 1 of Plats, page 27, Chippewa County Records, Section 8, Town 47 North, Range 1 East, Michigan Meridian.

BE IT FURTHER RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby requests that the Secretary of the Interior declare said lands to be part of the Reservation of the "Sault Ste. Marie Tribe of Chippewa Indians" under 25 U.S.C. Section 5110.

BE IT FINALLY RESOLVED, that the Board of Directors authorizes its Chairman and Treasurer to execute any documents and take any further action on behalf of the Tribe as maybe necessary to complete such conveyance.

Motion carries unanimously.

Moved by Director Sorenson, supported by Director Causley-Smith, to approve Resolution 2023-207, Trust Land Status Ainsworth Block 6 Lots 20-31 and Lots 9-12, 17-18 Chippewa County, MI.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby requests that the Secretary of the Interior accept title to the following described parcel of land in trust for the benefit of Sault Ste. Marie Tribe of Chippewa Indians:
Land situated in the City of Sault Ste. Marie, County of Chippewa, Michigan

Parcel A:

Lots 9, 10, 11, 12, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, Block 6, Ainsworth Addition, according to the plat recorded in Liber 1 of Plats, page 27, Chippewa County Records, Section 8, Town 47 North, Range 1 East, Michigan Meridian.

Parcel B:

Lots 20 and 21, Block 6, Ainsworth Addition, according to the plat recorded in Liber 1 of Plats, page 27, Chippewa County Records, Section 8, Town 47 North, Range 1 East, Michigan Meridian.

BE IT FURTHER RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby requests that the Secretary of the Interior declare said lands to be part of the Reservation of the "Sault Ste. Marie Tribe of Chippewa Indians" under 25 U.S.C. Section 5110.

BE IT FINALLY RESOLVED, that the Board of Directors authorizes its Chairman and Treasurer to execute any documents and take any further action on behalf of the Tribe as maybe necessary to complete such conveyance.

Motion carries unanimously.

Moved by Director Causley-Smith, supported by Director Freiheit, to approve Resolution 2023-208, Video Productions Establishment of FY 2023 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 2023 budget for Video Productions with Tribal Support monies of \$75,233.13 and other revenues of \$4,200.00.

Roll Call Vote: Motion carries with Directors' Causley-Smith, Lee, Freiheit, LaPlaunt, Borowicz, Hampton approving; Directors' McKerchie, Morrow, Sorenson, McKechnie, McRorie opposing.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-209, Natural Resources – Tribal Youth Initiative Boat 2 School FY23 Establishment of FY 2024 Budget.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of FY 2024 budget for Tribal Youth Initiative Project – Boat 2 School FY23 with Federal BIA monies of \$28,200.00. No effect on Tribal Support.

Motion carries unanimously.

**A Resolution, Buildings – FY 2023 Capital Expenditures Budget Modification.
Resolution dies due to Lack of Support.**

Moved by Director Causley-Smith, supported by Director McKerchie, to approve Resolution 2023-210, FY 2023 Governmental Capital Expenditures Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 Governmental Capital Expenditure budget modification for a total of \$536,000, of which \$260,000 will come from Other Revenue/Fund Balance and \$276,000 from Tribal Support.

Roll Call Vote: Motion carries with Directors' Causley-Smith, McKerchie, Lee, Morrow, LaPlaunt, Sorenson, Borowicz, McRorie, Hampton approving; Directors' Freiheit, McKechnie opposing.

Moved by Director McKechnie, supported by Director Sorenson, to approve Resolution 2023-211, Natural Resources – 2023 BIA Funding – Fish Hatchery Construction Competitive Funding.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribal Chairman, or his duly authorized representative to sign, negotiate, and execute any agreements thereof for the 2023 Fish Hatchery Construction Competitive funding administered by the Bureau of Indian Affairs.

Roll Call Vote: Motion carries unanimously.

Moved by Director Sorenson, supported by Director McKerchie, to approve Resolution 2023-212, Appointing Broker of Record Property and Casualty Insurance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs the Insurance Director to take the necessary steps, including contract signature authority and any budget modifications, if necessary, to re-appoint The Mahoney Group as the Broker of Record for the Tribe's Property and Casualty needs.

Motion carries unanimously.

Moved by Director Causley-Smith, supported by Director Sorenson, to approve Resolution 2023-213, Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Service Contract for Health Center with ATT&T.

No objection to waiving the reading.

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 wishes to enter into an internet and Voice Bundle Agreement ("Agreement") with AT&T ("Service Provider") as negotiated by Telecom for Sault Tribe Health for two (2) years; and

1.3 Service Provider will not consent to such agreement without a waiver of sovereign immunity or Tribal Court jurisdiction and an agreement to consent to the jurisdiction of arbitration by the American Arbitration Association under its Commercial Arbitration Rules; and

1.4 In order to induce AT&T to enter into an Agreement, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim sovereign immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Service Provider that might arise from, or relate to, in any respect, the Agreement, or object to the venue clauses found in the Agreement. All the foregoing are referred to herein as the "Waiver and Consent Obligations"; and

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 Service Provider only should an action be commenced under the Agreement referenced above.

This waiver:

Shall terminate upon performance by the Tribe of all of its obligations under the Agreement; and Is granted solely to Service Provider; and

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 Service Provider 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; and

Shall be enforceable only in a court of competent jurisdiction, including courts in 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

Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation un the Agreement; and

The Agreement, and other associated finance documents shall be construed in accordance with and governed by all applicable laws and regulations of governmental bodies with competent jurisdiction, as set forth in such documents.

Section 3. WAIVER OF TRIBAL COURT JURISDICTION

3.1 The Board of Directors waiver the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement. The Board authorized the Tribe to consent to the jurisdiction of any courts with competent jurisdiction, 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 Agreement.

Section 4. EFFECTIVE DATE

4.1 This waiver shall become effective upon the final execution of the Agreement executed by the Health Director or Executive Director pursuant to their signing authority. Failure or refusal of any individual to execute the Agreement shall render the waivers and consents granted in this resolution to become void immediately. Failure or refusal to execute the Agreement prior to the close of business on August 1, 2023, shall ender the waivers and consents granted in this resolution to become void immediately.

Roll Call Vote: Motion carries with Directors' Causley-Smith, McKerchie, Lee, Morrow, LaPlaunt, Sorenson, Borowicz, McRorie, Hampton approving; Directors' Freiheit, McKechnie opposing.

Moved by Director Freiheit, supported by Director Borowicz, to approve Resolution 2023-214, Award Construction Contract to McGahey Construction.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby approves the Construction Contract with McGahey Construction for the renovation upgrades located in the Niigaanagiizhik building.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the agreement amount of \$624,190.00 of Unit 1 ARPA funds per resolution 2023-120 for the renovation located in the Niigaanagiizhik building.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairman, or his designee (Facilities & Operations Manager), to execute any and all documents, including ancillary or supplemental documents or forms that do not change the substantive terms of the agreements and project, as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

Roll Call Vote: Motion carries with Directors' Causley-Smith, McKerchie, Lee, Freiheit, LaPlaunt, McKechnie, Borowicz, McRorie, Hampton approving; Directors' Morrow, Sorenson opposing.

Moved by Director Causley-Smith, supported by Director McKechnie, to approve Resolution 2023-215, Acting Appointment for the Law Enforcement Department.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Acting appointment of Amber Horner to the role of Office Manager for the Law Enforcement Department until the position is filled. This appointment will provide a 5% increase in wage effective June 19, 2023.

Motion carries unanimously.

Moved by Director McRorie, supported by Director Freiheit, to approve Resolution 2023-216, Amending Tribal Code Chapter 10 Election Ordinance Amending Special Advisory Election.

Moved by Director McRorie, supported by Director Freiheit, to Amend to Add the Word Announcement at the end of the final Be It Further Resolved.

Roll Call Vote: Motion to Amend carries with Directors' McKerchie, Lee, Freiheit, LaPlaunt, McKechnie, Borowicz, McRorie, Hampton approving; Directors' Causley-Smith, Morrow, Sorenson opposing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors amends Tribal Code Chapter 10 Election Ordinance at Subchapter II: Special Advisory Election as follows:

“10.204 Date of Election.

(1) A Special Advisory Election shall occur no later than ninety (90) days following the vacancy which caused the need for a Special Election.

(2) Regardless of subsection (1) above, there shall be no Special Advisory Election if the Election Announcement would be posted within the period of nine (9) months prior to the date of the next general election in which case the vacant seat shall be run in the next general election as a Special Advisory Election.

(3) If the vacant seat that would be run pursuant to section (2) above would otherwise be scheduled to run in the next general election as an open seat by operation of this Chapter then that seat shall be run as an open seat in that general election.

BE IT FUTHER RESOLVED, that the Sault Tribe Board of Directors hereby recognizes this ordinance as the official appointment mechanism in the event that a Special Advisory Election would occur within the period of nine (9) months prior to the date of the next general election announcement.

Roll Call Vote: Motion carries with Directors’ Lee, Freiheit, LaPlaunt, McKechnie, Borowicz, McRorie, Hampton approving; Directors’ Causley-Smith, McKerchie, Morrow, Sorenson opposing.

Moved by Director McKechnie, supported by Director McRorie, to approve transfer of Ernest Robert King Sault Tribe Commercial Fishing License SSM-181 to Zachary Steven King.

Motion carries unanimously.

Moved by Director Morrow, supported by Director Sorenson, to move removal petition of Director Kim Hampton to a hearing board.

Moved by Director McRorie to Limit Debate. Dies for Lack of Support.

Moved by Director McKechnie, supported by Director Freiheit to Call for the Question.

Motion to Call for the Question fails, with Directors’ Freiheit, LaPlaunt, McKechnie, McRorie, Hampton supporting; Directors’ Causley-Smith, McKerchie, Lee, Morrow, Sorenson, Borowicz opposing.


Moved by Director Morrow, supported by Director Sorenson, to conflict Kim out from Vote.

Roll Call Vote: Motion to Conflict fails, with Directors’ Morrow, McKerchie, Causley-Smith, Borowicz, Sorenson, Lee supporting; Directors’ LaPlaunt, McKechnie, Freiheit, McRorie opposing.

Roll Call Vote: Original Motion fails with Directors’ Causley-Smith, McKerchie, Morrow, Sorenson, Borowicz supporting; Directors’ Lee, Freiheit, LaPlaunt, McKechnie, McRorie, Hampton opposing.

Adjourned at 8:39 p.m.

Date: 12/15/23

Secretary: 
Kimberly Hampton

Others Present: Christine McPherson, Jessica Dumback, Robert Schulte, Aaron Schlehuber, Elaine Clement, Jennifer Clerc, Michelle Moore, Lona Stewart