

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
NOVEMBER 1, 2016**

The meeting was opened at 6:03 p.m. by Chairperson Payment.

Present: Dennis McKelvie, Kim Gravelle, DJ Hoffman, Jennifer McLeod, Michael McKerchie, Lana Causley, Catherine Hollowell, Bridgett Sorenson, Keith Massaway, Denise Chase, Darcy Morrow, and Aaron Payment.

Absent: Anita Nelson.

Moved by Director Chase, supported by Director Morrow, to excuse Director Nelson from the meeting.

Motion carried unanimously.

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

Motion carried unanimously.

Moved by Director Massaway, supported by Director Morrow, to approve the Minutes of 9-6-2016, as written.

Motion carried unanimously.

Moved by Director Causley, supported by Director Hollowell, to approve Res. 2016-250, Partial Waiver of Convictions for Ms. Shelly Ann Payment.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Shelly Ann Payment for the convictions of: Public Intoxication – 11/2013.

Motion carried unanimously.

Moved by Director Morrow, supported by Director Chase, to approve Res. 2016-251, IHS Healthy Heart Establishment of FY 2017 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 2017 budget for IHS Healthy Heart with Federal IHS monies of \$178,000.16. No effect on Tribal Support.

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

Moved by Director Chase, supported by Director Morrow, to approve Res. 2016-252, Manistique Health Center FY 2017 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modification to Manistique Health Center for changes in the personnel sheet and the reallocation of expenses. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director McLeod, to approve Res. 2016-253, Sequoyah National Research Center Adam Matthew LTD Digitization Project Agreement.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Tribal Chairperson, Aaron Payment or his designee, to have the Sault Tribe's newspaper, Win Awenen Nisitotung, to enter into an agreement with Adam Matthew Ltd. allowing it to digitize Win Awenen Nisitotung, from 1978 to 2005 into fully searchable documents, per the agreement.

Motion carried with Director McKelvie opposing.

Moved by Director Hoffman, supported by Director Gravelle, to approve Res. 2016-254, Amending Tribal Code: Chapter 11 - 11.115(3) and 11.103(2).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends the Tribal Code Chapter 11, sections listed below to read as hereafter listed:

11.115(3) From time to time the Board of Directors may elect to close the Tribal Roll. During these periods of closure, certain persons may continue to be enrolled, despite having passed the age of 21. The persons so permitted shall be limited to:

(a) persons unable to provide conclusive proof of ancestry prior to the age of 21 due to the fact that their own child custody or adoption records were sealed by order of a court and, as a result of not having access to those records, the person was unable to provide the needed documentation to establish membership under 11.106 prior to the unsealing of the records; or

(b) persons who trace ancestry to the tribe through a parent which was not listed on their birth certificate or acknowledged in fact or through court proceedings, or through a custody order, a child support order, or other proceeding which should have made the person aware of their ancestry prior to the age of 21 (in these cases, the applicant must obtain DNA proof of parentage through that parent to a scientific level of certainty of 99.99% or greater, and shall further seek to have their birth certificate amended to correctly list as their parent the person proven by DNA to be their genetic parent); or

(c) persons who have been placed outside the home of their parents who were unable to gain access to knowledge about their Sault Tribe ancestry prior to turning 21; or

(d) direct lineal descendants of those persons enumerated in (a), (b), or (c), above, alive as of the date upon which the enrollment of the person is finalized provided that all such lineal descendants must apply for enrollment within one (1) year of the related person enrolled pursuant to (a), (b), or (c), above.

And

11.103(2)

(d) to establish and certify blood quantum of members;

(e) to notify rejected applicants of the reasons for their rejection; and

(f) to create and administer procedures governing the proper methods and standards in the acceptance and review of DNA evidence, including selecting acceptable testing centers.

Roll Call Vote: Motion carried with Directors Massaway, McKerchie, Gravelle, Hoffman, Sorenson, McLeod, McKelvie, Hollowell approving; Directors Causley, Morrow, Chase opposing.

Moved by Director Causley, supported by Director Hollowell, to approve Res. 2016-255, Administration for Community Living (ACL) Administration on Aging (AOA) Application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby supports, approves, and authorizes the Elder Services Division to apply for and accept the Administration for Community Living (ACL) /Administration on Aging (AOG) funding from the Health and Human Services in order to secure funding to provide direct services to Native American Elders with a funding cycle of April 1, 2017 through March 31, 2020.

Roll Call Vote: Motion carried unanimously.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2016-256, Tribal Liquor License Kewadin Casino Hotel and Convention Center.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Hotel and Convention Center.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2016-257, Tribal Liquor License Kewadin Casino Hessel.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Hessel.

BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.

BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2016-258, Tribal Liquor License Kewadin Shores Casino.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Shores Casino.
BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.
BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2016-259, Tribal Liquor License Kewadin Casino Manistique.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Manistique.
BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.
BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director Chase, supported by Director Massaway, to approve Res. 2016-260, Tribal Liquor License Kewadin Casino Christmas.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS A: Retailer License and CLASS B: Retail Intoxicating Liquor License to the Kewadin Casino Christmas.
BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.
BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director Hoffman, supported by Director Sorenson, to approve Res. 2016-261, Tribal Liquor License Midjim Convenience Store Sault Ste. Marie.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS B: Retailer License and CLASS A: Retail Intoxicating Liquor License to the Midjim Convenience Store, Sault Ste. Marie.
BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.
BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director Hoffman, supported by Director Sorenson, to approve Res. 2016-262, Tribal Liquor License Midjim Convenience Store St. Ignace.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby issues a CLASS B: Retailer License and CLASS A: Retail Intoxicating Liquor License to the Midjim Convenience Store, St. Ignace.
BE IT FURTHER RESOLVED, that this license shall be posted and kept in a conspicuous place on the premises.
BE IT STILL FURTHER RESOLVED, this license shall expire on December 31, 2017.

Motion carried with Director Hollowell opposing.

Moved by Director McKelvie, supported by Director McLeod, to approve Res. 2016-263, Final Rule Regarding Employee Exemption from Fair Labor Standards Act Minimum Wage and Overtime Pay Protections.

NOW, THEREFORE, BE IT RESOLVED, that the Tribe reaffirms its position, that in absence of a binding court decision to the contrary, the Tribe is not subject to the Fair Labor Standards Act.
BE IT FURTHER RESOLVED, that consistent with previously approved policies and practice, it is nevertheless in the best interests of the Tribe, its members, and its employees for the Tribe to continue its established practice of voluntarily adopting and complying with the standards set forth in the FLSA.

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BE IT FURTHER RESOLVED, that the Tribe's administration is hereby directed to take such steps and actions as may be necessary to assure that the Tribe is and continues to be in voluntary compliance with the Department of Labor's FLSA Final Rule, effective December 1, 2016, including the future automatic updates to the salary threshold that are to occur every three years under that Final Rule.

Roll Call Vote: Motion carried with Directors Massaway, McKerchie, Causley, Gravelle, Morrow, McLeod, Chase, McKelvie, Hollowell approving; Directors Hoffman, Sorenson opposing.

Moved by Director Hoffman, supported by Director Morrow, to table the resolution regarding Sick Leave, until the next meeting.

Roll Call Vote: Motion carried with Directors Hoffman, Chase, Sorenson, Causley, Gravelle, Hollowell, Morrow approving; Directors McLeod, McKelvie, Massaway, McKerchie opposing.

Moved by Director Causley, supported by Director Morrow, to approve Res. 2016-264, Assessment of Tribal Health Services System.

NOW, THEREFORE, BE IT RESOLVED, that the Chairperson and his Executive Team are directed to immediately prepare and publish a request for proposals (RFP) from qualified professional evaluators to conduct a comprehensive review of the Tribe's existing health care system including its organization and structure, finances, personnel, facilities, equipment, members served, quality of care and any other pertinent components and to prepare a report and recommendations on what measures the Tribe can or should take to improve and restructure its health care system so as to maximize the delivery of quality health care services to our tribal members.

BE IT FURTHER RESOLVED, that the Health Services Review RFP shall be posted for a period of not less than 30 days and that, upon expiration of that 30 day posting period, the Chairperson and Executive Team shall report to the Board of Directors providing the Board with a complete copy of each such proposal received.

BE IT FURTHER RESOLVED, that a Health Services Review Committee is hereby established to be comprised of the Chairperson, the Executive Director, and any interested members of the Board of Directors:

The Committee shall oversee the RFP process, shall review and assess the professional qualifications of each individual or firm as well as the merits of their proposals, and shall, within 60 days from the date of this resolution, provide the full Board of Directors with their recommendations as to the merits of the proposals and their relative ranking as designated by a majority of the Committee.

BE IT FURTHER RESOLVED, that, within 30 days following receipt of the Committee's recommendations, the Board shall schedule presentations and/or interviews with those individuals or firms whose proposals it deems worthy of such consideration or shall take such other steps as it may deem appropriate to advance this process to a final selection of an individual or firm to undertake this study.

BE IT FINALLY RESOLVED, the Executive staff will identify all savings within the Health budget 2016 thus far and provide the amount to the Board of Directors.

Roll Call Vote: Motion carried with Directors Massaway, Causley, Morrow, Sorenson, McLeod, Chase, Hollowell approving; Directors McKerchie, Gravelle, Hoffman, McKelvie opposing.

Moved by Director Hoffman, supported by Director Hollowell, to approve Res. 265-Resinstating 401(K) Matching Contribution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves the reinstatement of a 1% match to the Tribe's 401(k) Plan, as a discretionary employer matching contribution, in the manner and form presented to the Board of Directors, effective on January 1, 2017.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes execution of any necessary Amendment in the name of and on behalf of the Tribe by any officer of the Tribe, and authorizes such other actions as may be appropriate to implement the purposes of this Resolution including inserting the costs of this in the appropriate wage areas of budgets.

Roll Call Vote: Motion carried with Directors Gravelle, McLeod, McKerchie, Hollowell, Hoffman, McKelvie, Massaway approving; Directors Morrow, Sorenson, Causley, Chase opposing.

Moved by Director Hoffman, supported by Director McLeod, to establish September 30 for calculating the annualized CPI for this year, 2016, it is 1.5%.

Roll Call Vote: Motion denied with Directors Gravelle, Hoffman, McKelvie, Hollowell approving; Directors Massaway, McKerchie, Causley, Morrow, Sorenson, McLeod, Chase opposing.

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Moved by Director Morrow, supported by Director Chase, to accept the recommendations from the Special Needs Enrollment Committee and disenroll the LaPoint Family (18 total) from the Tribe. Note: the family members have been notified of this meeting and were invited to attend.

Motion carried unanimously.

Moved by Director Chase, supported by Director Morrow, and declare the MIEA Delegate seat vacant that was Tom Derwin's. Tom was voted Chair of the Michigan Indian Elder's Association, which left a delegate seat vacant.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Chase, to approve travel for any Board Member who wishes to travel to Prior, Minnesota for the consultation conference.

Motion carried unanimously.

Meeting adjourned: 7:36 p.m.

Date: 1-3-17

Secretary: Bridgette Jensen

Others present: John Wernet, Christine McPherson, Bill Connolly, Jessica Dumback, Sheila Berger, Joel Lumsden, Jackie McLean, Marlene Glaesmann, Lisa Myers, Jenni Odell, George Parish, Julie Salo, Melissa Morehouse, Bob Marchand, Brenda Johnson, Steve Forrest, Nick VanAlstine, Russ McKerchie, Joanne Carr.