

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
August 3, 2021**

The meeting was opened at 5:00 p.m. by Chairperson Payment.

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

Absent: Lana Causley, Catherine Hollowell.

Moved by Director Massaway, supported by Director Gravelle, to excuse Directors Causley, Hollowell from the meeting.

Motion carried unanimously.

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

Motion carried unanimously.

Moved by Director Massaway, supported by Director Hoffman, to approve the Minutes of 7-20-2021, as read.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-184, Authorizing Execution for Lume Operations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to fulfill the Tribe's requirements regarding Lume's operations in furtherance of tribal economic development; including assignment of resolutions, and resolution numbers with the following locations: 2021-185 Christmas, Michigan; 2021-186 Manistique, Michigan; 2021-187 Newberry; and 2021-188 St. Ignace, Michigan; as applications/numbers becomes available from the MRA (Marijuana Regulatory Agency).

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-185, Permitting State Inspection and Law Enforcement State Licensed Facilities – Christmas.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians 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 Green Sunrise Products LLC or the Tribe, for the purpose of administering and enforcing the State of Michigan's marijuana 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 Green Sunrise Products LLC's application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Green Sunrise Products LLC; and impound, seize, assume physical control of, or summarily remove records from the premises if Green Sunrise Products LLC fails to cooperate with an investigation.

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 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. 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 Green Sunrise Products LLC, 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 Green Sunrise Products LLC'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, pursuant to Chapter 44 of the Code, expressly waives the jurisdiction of the Tribal Court with respect to any claim or cause of action arising out of or within the scope of this resolution, including but not limited to any claim or cause of action initiated by the Tribe.
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 Green Sunrise Products LLC'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 Green Sunrise Products LLC.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-186, Permitting State Inspection and Law Enforcement State Licensed Facilities – Manistique.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians 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 Green Sunrise Products LLC or the Tribe, for the purpose of administering and enforcing the State of Michigan's marijuana 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 Green Sunrise Products LLC's application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Green Sunrise Products LLC; and impound, seize, assume physical control of, or summarily remove records from the premises if Green Sunrise Products LLC fails to cooperate with an investigation.
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 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. 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 Green Sunrise Products LLC, 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 Green Sunrise Products LLC'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, pursuant to Chapter 44 of the Code, expressly waives the jurisdiction of the Tribal Court with respect to any claim or cause of action arising out of or within the scope of this resolution, including but not limited to any claim or cause of action initiated by the Tribe.
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 Green Sunrise Products LLC'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 Green Sunrise Products LLC.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-187, Permitting State Inspection and Law Enforcement State Licensed Facilities – Newberry.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians 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 Green Sunrise Products LLC or the Tribe, for the purpose of administering and enforcing the State of Michigan's marijuana 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 Green Sunrise Products LLC's application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Green Sunrise Products LLC; and impound, seize, assume physical control of, or summarily remove records from the premises if Green Sunrise Products LLC fails to cooperate with an investigation.
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 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. 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 Green Sunrise Products LLC, 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 Green Sunrise Products LLC'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, pursuant to Chapter 44 of the Code, expressly waives the jurisdiction of the Tribal Court with respect to any claim or cause of action arising out of or within the scope of this resolution, including but not limited to any claim or cause of action initiated by the Tribe.

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 Green Sunrise Products LLC'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 Green Sunrise Products LLC.

Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-188, Permitting State Inspection and Law Enforcement State Licensed Facilities – St. Ignace.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians 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 Green Sunrise Products LLC or the Tribe, for the purpose of administering and enforcing the State of Michigan's marijuana 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 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 Green Sunrise Products LLC's application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Green Sunrise Products LLC; and impound, seize, assume physical control of, or summarily remove records from the premises if Green Sunrise Products LLC fails to cooperate with an investigation.

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 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. 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 Green Sunrise Products LLC, 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 Green Sunrise Products LLC'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, pursuant to Chapter 44 of the Code, expressly waives the jurisdiction of the Tribal Court with respect to any claim or cause of action arising out of or within the scope of this resolution, including but not limited to any claim or cause of action initiated by the Tribe.

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 Green Sunrise Products LLC'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 Green Sunrise Products LLC.

Motion carried unanimously.

Moved by Director Chase, supported by Director Morrow, to approve Res. 2021-189, Manistique Medical Nursing FY 2021 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2021 budget modification to Manistique Medical Nursing to change the personnel sheet and reallocate expenses. No effect on Tribal Support.

Motion carried unanimously.

Moved by Director Chase, supported by Director Sorenson, to approve Res. 2021-190, Sanitation BE-19-K53 Establishment of FY 2022 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 2022 budget for Sanitation BE-19-K53 with Federal IHS monies of \$296,707.72. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Sorenson, supported by Director Gravelle, to approve Res. 2021-191, American Rescue Plan Act (ARPA) –Head Start and Early Head Start Establishment of FY 2022 Budget.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2022 budget for ARPA Head Start and Early Head Start with Federal HHS Revenue monies of \$132,009.65. No effect on Tribal Support.

Roll Call Vote: Motion carried unanimously.

Moved by Director Sorenson, supported by Director Gravelle, to approve Res. 2021-192, Approve Application for NTIA Tribal Broadband Connectivity Program Grant.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby supports and recommends the submission of a grant to the National Telecommunications and Information Administration (NTIA), within the U.S. Department of Commerce, for the grant application Tribal Broadband Connectivity Program.

Roll Call Vote: Motion carried unanimously.

Moved by Director Gravelle, supported by Director Sorenson, to approve Res. 2021-193, Authorization to Apply to the State of Michigan – Land Bank Authority Property Acquisition(s).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Tribe's EDC Executive Director, or his designee, to make application to the State of Michigan – State Land Bank Authority, either in writing or on-line; and to place an offer on any or all parcels approved for purchase in Resolutions 2018-185, 2018-207, 2018-219 and 2019-171, using previously approved funds.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Tribe's EDC Executive Director, or his designee, to negotiate the purchase of any and all additional properties, including property 051-344-024-00, that the Tribe owns a half interest in, with the State of Michigan, at a total cost not to exceed \$5,000.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes the Tribal Chairperson and Tribal Treasurer, to complete any and all documentation needed to facilitate the acquisition of such parcels.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Freiheit, to approve Res. 2021-194, Partial Waiver of Convictions for Ms. Sara Bowerman.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Sara Bowerman for the convictions of: Misdemeanor – Maintaining a Drug House 07/09/2019.

Motion carried unanimously.

Moved by Director Matson, supported by Director Freiheit, to approve Res. 2021-195, COVID-19 ARPA Funds – Casino Revenue Replacement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve the expenditure of, up to \$39,000,000.00 of the Tribe's American Rescue Plan Act Fiscal Recovery Funds to address the Tribe's revenue losses related to Kewadin Casinos and gaming operations incurred as a result of the COVID-19 pandemic.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director Massaway, to approve Res. 2021-196, COVID -19 ARPA Funds – Tribal Government and EDC Revenue Replacement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve the expenditure of, up to \$2,000,000.00 of the Tribe's American Rescue Plan Act Fiscal Recovery Funds to address the Tribe's revenue losses related to the Tribe's government and Economic Development Corporation incurred as a result of the COVID-19 pandemic.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director Sorenson, to approve Res. 2021-197, EDC – Salary Increase Allocation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve the expenditure of \$500,000.00 pursuant to the attached plan to provide temporary \$3/hr salary increases to the Tribe's Economic Development Corporation employees to address COVID-19 wage inflation.

BE IT FURTHER RESOLVED, that this expenditure of funds shall cover current Economic Development Corporation employees employed as of August 4, 2021; shall include coverage for the employee's hours previously worked between July 4, 2021 through October 2, 2021; and shall include the applicable pay rate adjustment for the Tribe's 401(k) retirement contributions but no other applicable payroll deductions.

BE IT FURTHER RESOLVED, that the terms and conditions of this Resolution shall take effect on August 4, 2021.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Roll Call Vote: Motion carried unanimously.

Moved by Director Hoffman, supported by Director Sorenson, to approve Res. 2021-198, Tribal Government – Salary Increase Allocation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby approve the expenditure of \$1,500,000.00 pursuant to the attached plan to provide temporary \$3/hr salary increases to the Tribe's governmental employees to address COVID-19 wage inflation.

BE IT FURTHER RESOLVED, that this expenditure of funds shall cover current Tribal governmental employees employed as of August 4, 2021; shall include coverage for the employee's hours previously worked between July 4, 2021 through October 2, 2021; and shall include the applicable pay rate adjustment for the Tribe's 401(k) retirement contributions but no other applicable payroll deductions.

BE IT FURTHER RESOLVED, that the terms and conditions of this Resolution shall take effect on August 4, 2021.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or his designee, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

Roll Call Vote: Motion carried unanimously.

Meeting adjourned: 5:28 p.m.

Date: 8-17-2021

Secretary: Bridgett Sorenson

Others present: Christine McPherson, Robert Schulte, Susan Soltys, JR Loera, Joel Schultz, Allen Kerridge, Linda Grossett, Joanne Carr.