

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
March 7, 2023**

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

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

Absent: None

Moved by Director McRorie, supported by Director McKechnie, to approve the agenda as read. Motion carried unanimously.

Moved by Chairman Lowes to amend the agenda to include the following items:

1. Add Award Contract for Community Center
2. Add Award Contract for Fitness Center
3. Board Calendar under New Business
4. Add Johnson Controls Fire Alarm STHC (added later in the meeting)
5. Add Limited Service to UP Engineers (added later in the meeting)

No objections

Moved by Director Sorenson, supported by Director LaPlaunt, to approve the Meeting Minutes from:

1. 02/07/23

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Morrow, to approve Resolution 2023-086, Child Care Development Fund (CCDF)

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application to the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau for continued funding of the Child Care Development Fund.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Chairman, Austin Lowes, or his designee to sign, negotiate, and execute documents on behalf of the Tribe, to obtain a CCDF grant award for the purpose of providing quality child care services

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2023-087, FY2023 TVSSA Program

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application for the FY 2023 Tribal Victim Services Set-Aside (TVSSA) Program.

BE IT FURTHER RESOLVED, that Austin Lowes, Tribal Chairman, or designee, is hereby authorized to submit said proposal to the Department of Justice, to negotiate, execute and amend any documents on the Tribe's behalf.

Motion carries unanimously

Moved by Director Causley-Smith, supported by Director McKechnie, to approve Resolution 2023-088, OVW Fiscal YR23 Grants to Indian Tribal Governments Program

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes an application for funding from the OVW Fiscal Year 2023 Grants to Indian Tribal Governments Program.

BE IT FURTHER RESOLVED, that Austin Lowes, Tribal Chairman, is hereby authorized to submit said proposal to the Department of Justice, Office on Violence Against Women, to negotiate, execute, and amend any documents resulting therefrom on the Tribe's behalf.

Motion carries unanimously.

Moved by Director Morrow, supported by Director LaPlaunt, to approve Resolution 2023-089, ACFS Transitional Housing FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification for Transitional Housing for an increase in Tribal Support monies of \$2,269.71. This budget modification will change the personnel sheet and reallocate expenses.

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

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-090, Elder Division St. Ignace Meal Program FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification for Transitional Housing for an increase in Tribal Support monies of \$2,269.71. This budget modification will change the personnel sheet and reallocate expenses.

Roll Call Vote: Motion carries unanimously.

Moved by Director Morrow, supported by Director Freiheit, to approve Resolution 2023-091, Employment WIOA Work Experience FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to WIOA Work Experience for a decrease in Department of Labor Revenue monies of \$17,519.74. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director Morrow, supported by Director Causley-Smith, to approve Resolution 2023-092, Employment WIOA On the Job Training FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to WIOA On the Job Training for a decrease in Department of Labor Revenue monies of \$7,690.46. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director Morrow, supported by Director McKechnie, to approve Resolution 2023-093, Employment WIOA Administration FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to WIOA Administration for an increase in Department of Labor Revenue monies of \$5,490.47. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously

Moved by Director Morrow, supported by Director LaPlaunt, to approve Resolution 2023-094, Health Division-SSM Medical/Nursing and Third-Party Revenue FY2023 Budget Modifications

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Sault Ste. Marie Medical/Nursing for an increase in Third Party Revenue monies \$276,484.26. No effect on Tribal Support.

BE IT FURTHER RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Third Party Revenue increasing the transfer out of \$276,484.26. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director Sorenson, supported by Director LaPlaunt, to approve Resolution 2023-095, Health Division-St. Ignace Optical and Third-Party Revenue FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to St. Ignace Optical for a decrease in Third Party Revenue monies \$5,104.59. No effect on Tribal Support.

BE IT FURTHER RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Third Party Revenue decreasing the transfer out of \$5,104.59. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-096, Health Division-Administration FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Health Center Administration for a change to the personnel sheet and a reallocation of expenses. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2023-097, Health Division-Hepatitis C Elimination Program Establishment of FY2023 Budget and Third-Party Revenue FY2023 Budget Modification

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 Hepatitis C Elimination Program with IHS Revenue monies of \$100,000.00 and Third-Party Revenue monies of \$8,300.00. No effect on Tribal Support.

BE IT FURTHER RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to Third Party Revenue increasing the transfer out of \$8,300.00. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director Sorenson, supported by Director Causley-Smith, to approve Resolution 2023-098, Health Division-St. Ignace Dental FY2023 Budget Modification

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to St. Ignace Dental for changes to the personnel sheet and a reallocation of expenses. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director Sorenson, supported by Director Morrow, to approve Resolution 2023-099, Tribal Transportation Regional Tribal Transit EUPTA Transit Agreement

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2023 budget modification to St. Ignace Dental for changes to the personnel sheet and a reallocation of expenses. No effect on Tribal Support.

Motion carries unanimously.

Moved by Director Morrow, supported by Director McKechnie, to approve Resolution 2023-100, Tribal Transportation Regional Tribal Transit Manistique Transit Agreement

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the Agreement between Schoolcraft County Transit Authority and Delta Area Transit Agency and Sault Ste. Marie Tribe of Chippewa Indians, and authorizes expenditures up to \$67,808, from the Transit Operations Fund, cost center 29301.

BE IT FURTHER RESOLVED, that the Chairman or his designee, is authorized and directed on behalf of the Sault Ste. Marie Tribe of Chippewa Indians to sign the Agreement attached to this resolution as Exhibit A.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2023-101, Amending Letter of Credit with PNC Bank Sault Tribe Self-Funded Unemployment Program including a Limited Waiver of Sovereign Immunity and Tribal Court Jurisdiction

Moved by Director McKechnie to waive reading, supported by Director LaPlaunt

Motion carries unanimously

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes and approves an amendment to the Letter of Credit with PNC Bank not to exceed \$3,000,000.00 for a subsequent two-year term.

BE IT FURTHER RESOLVED, that the Board of Directors hereby waives the Tribe's sovereign immunity from suit in favor of PNC Bank only should an action be commenced under the PNC Bank contract referenced above, and this waiver:

- i. Shall terminate upon performance by the Tribe of all its obligations under the amended Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement, or any subsequent extensions of the Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement;
- ii. Is granted solely to PNC Bank;
- 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 Bank 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 Letter of Credit, the

Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement;

- iv. Shall be enforceable only in a court of competent jurisdiction, including courts of the State of Michigan, the Tribal Court, and federal courts in Michigan (including the United States Bankruptcy Court) or any arbitration or arbitration panel.

BE IT FURTHER RESOLVED, that the Board of Directors hereby waives the exclusive jurisdiction of the Tribal Court over any action arising under the Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, or the Notification and Control Agreement.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes further extensions of the Letter of Credit, without additional action of the Board of Directors, for a subsequent two year term.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Chairperson, Treasurer, and Chief Financial Officer of the Tribe, and each of their designees, to each act to execute the necessary documents to effectuate this transaction and subsequent extensions of the expiration date and dollar value to be secured, as needed, including, but not limited to the Letter of Credit, the Amendment to Reimbursement and Security Agreement, the Pledge Agreement, and the Notification and Control Agreement.

Roll Call Vote: Motion carries unanimously.

Establishing Authority to Direct Election Committee

Moved by Director McRorie, dies lack of support

Directing Election Committee to Conduct New Special Election, dies lack of support

Emergency Power to Direct Election Committee, dies lack of support

Moved by Director LaPlaunt, supported by Director McRorie, to approve Resolution 2023-102, Land Claims Fund Enhancement

NOW THEREFORE BE IT RESOLVED that the Board of Directors orders that, upon receipt, the settlement funds shall be added to the principle of the Land Claims Fund.

Roll Call Vote: Motion carries unanimously.

Moved by Director Sorenson, supported by Director Morrow, to approve Resolution 2023-103, Amending Approved ARPA Funding for Escanaba & Manistique Community Centers

NOW THEREFORE BE IT RESOLVED that Resolution No: 2022-144 is rescinded and the \$1,000,000.00 therein is reallocated to the Escanaba Community Center and Resolution No: 2022-143 is amended by reallocating \$701,072.00 to the Escanaba Community Center for a total of \$4,701,072.00.

Roll Call Vote: Motion carries unanimously.

Moved by Director Morrow, supported by Director Hampton, to approve Resolution 2023-104, Award and Contract with Roy Ness Contracting & Sales, Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and approves a contract to Roy Ness Contracting & Sales, Inc. for construction of a new Community Center in Escanaba.

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, 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 unanimously.

Moved by Director McRorie, supported by Director Freiheit, to approve Resolution 2023-105, Award and Contract with Roy Ness Contracting & Sales Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and approves a contract to Roy Ness Contracting & Sales, Inc. for construction of a new Fitness Center in Manistique.

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, 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 unanimously.

Moved by Chair Lowes to add two (2) resolutions to the agenda

Motion carries unanimously.

Moved by Director McRorie, supported by Director Sorenson, to approve Resolution 2023-106, Award and Contract with Johnson Controls LP

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and approves a contract to Johnson Controls Fire Protection LP for installation of a new fire alarm system in the Sault Health Center.

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, 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. Directors McKerchie, McRorie, Lee, Sorenson, Borowicz, Morrow, Hampton and LaPlaunt supporting; Directors McKechnie opposing; Directors Causley-Smith, Freiheit abstaining.

Moved by Director McRorie, supported by Director LaPlaunt, to approve Resolution 2023-107, Award and Contract with U.P. Engineers and Architects

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and approves the Agreement for the Provision of Limited Professional Services and accompanying Task Order, attached hereto, with U.P. Engineers & Architects, Inc.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairperson, or designee, 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. Directors McKerchie, McRorie, Lee, Sorenson, Borowicz, Hampton, LaPlaunt supporting; Directors Freiheit, McKechnie, Causely-Smith, Morrow abstaining.

Committee Appointments:

Moved by Director Morrow supported by Director Causley-Smith to approve Elder Appointments

Unit 2- Hessel Elder Subcommittee

Rita Allen Regular member, 4-year term expiring 2027

Unit 4 Manistique Elder Subcommittee

Sherry Boudreau Alternate member, 4-year term expiring 2027

Motion carries unanimously.

Moved by Director McKerchie, supported by Director Morrow to approve Child Welfare

Reappointment Lisa Kurtz-Tollenaar, 4-year term expiring 2027

Motion carries unanimously.

Moved by Director LaPlaunt, supported by Director McKechnie to cancel meeting March 21, 2023

Motion carries unanimously.

Adjourned at 7:02 p.m.

Date: 8/22/2023

Secretary: 
Kimberly Hampton

Others Present: Christine McPherson, Jessica Dumback, Robert Schulte, Aaron Schlehuber, Elaine Clement, Clarence Hudak, Juanita Bye, Holly Kibble, Carrie Horton, Leo Chugunov, Wendy Hoffman.