

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
MINUTES
March 12, 2024**

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

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

Absent: None

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

Motion carries unanimously.

Moved by Director Freiheit, supported by Director McKechnie, to approve the meeting minutes from Regular Meeting February 20, 2024.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve the meeting minutes from Special Meeting February 27, 2024.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Causley-Smith, to approve Resolution 2024-69, ACFS – FY 2024 Budget Modification to Victim’s Assistance and Establishment of FY 2024 Budget for Crime Victim Sustainability Fund.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Victim’s Assistance to decrease the Michigan Department of HHS monies of \$131,609.00. This budget modification will make changes to the personnel sheet and reallocate expenses. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2024 budget for Crime Victim Sustainability Fund (CVSF) with Michigan Department of HHS monies of \$131,609.00. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2024-70, Natural Resources Environmental Utility Authority Contract 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 a FY 2024 budget for Environmental Utility Authority Contract with Other Revenue monies of \$56,418.72. No effect on Tribal Support.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director McRorie, to approve Resolution 2024-71, Health Center – MAT Clinic FY 2024 Budget Modification.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification for Health Center – MAT Clinic for a change to the personnel page and a reallocation of expenses. No effect on Tribal Support.

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

Moved by Director Sorenson, supported by Director Causley-Smith, to approve Resolution 2024-72, Approval – 2024 Indian Housing Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors approves the amended 2024 Indian Housing Plan, Grant No. 55-IH-26-5480, as presented and approves the submission of the amended FY2024 IHP to HUD for approval and;

BE IT FURTHER RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors and Sault Tribe Housing Commission does agree to follow the HUD approved Indian Housing Plan in order to provide housing opportunities.

Roll Call Vote: Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2024-73, U.S. Department of Housing and Urban Development (HUD) FY 2023 Indian Housing Block Grant Program-Competitive Grant (IHBG-C) Application.

NOW, THEREFORE, BE IT RESOLVED, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby authorizes and directs the Sault Tribe Housing Authority Director or its duly authorized representative, to develop and submit an application requesting up to \$6,000,000 for the FY 2023 Indian Housing Block Grant P Competitive (FR-6700-N-48) and the Tribe will not be submitting a separate application.

BE IT FURTHER RESOLVED, that the Sault Tribe of Chippewa Indians Board of Directors hereby authorizes and directs the Chairman of the Tribe to accept the FY 2023 Indian Housing Block Grant Program Competitive Grants (IHBG-C) grant if it is awarded and execute such documents and agreements as may be necessary to further this purpose.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2024-74, Amending Chapter 42: Gaming Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts the proposed amendments to Chapter 42: Gaming Ordinance attached and incorporated herein.

Roll Call Vote: Motion carries unanimously.

Moved by Director Causley-Smith, supported by Director McKechnie, to approve Resolution 2024-75, Authorizing a Limited Waiver of Sovereign Immunity and Consent to Jurisdiction as Required to Obtain a Liquor License from the Michigan Liquor Control Commission.

Without objection, the reading of this Resolution was waived.

No objections.

BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as follows:

Section 1: RECITALS

1.1 The Sault Ste. Marie Tribe of Chippewa Indians (the "Tribe") purchased a liquor license from RTA Enterprises, LLC which was issued by the Michigan Liquor Control ("Commission") to be used at Bear on the Mountain Golf Course located in Hessel, Michigan, as a wholly owned governmental instrumentality of the Tribe.

1.2 The Commission requires the governing body of a federally recognized Indian tribe to adopt a resolution or otherwise take the steps required under tribal law to authorize a limited waiver of tribal sovereign immunity and consent to the Commission's jurisdiction to address the uncertainties related to the Commission's ability to monitor and ensure the Tribe's compliance with, and prosecute violations of, the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder.

1.3 In order for the Commission to approve the transfer of the liquor license for the Bear on the Mountain Golf Course to the Tribe, the Tribe pledges herein not to claim or assert tribal sovereign immunity, exclusive Tribal Court jurisdiction, or the non-applicability of the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, with respect to any disputes, claims, issues or causes of action between the Commission and the Tribe that might arise from, or relate to, in any respect, the operation, management and business activities at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine and the liquor license for that location, as limited below. All of the foregoing is referred to herein as "Waiver and Consent Obligations."

1.4 It is in the Tribe's interest to resolve as stated herein.

Section 2: LIMITED WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

2.1 Limited waiver of sovereign immunity and consent to jurisdiction. The Tribe waives its sovereign immunity and consents to the Commission's jurisdiction solely for the purpose of allowing the Commission to enforce the terms and requirements of the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder against the Tribe for its operation, management and business activities at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine, and its liquor license. This limited waiver applies to any tribal sovereign immunity that may be asserted or claimed on behalf of the Tribe's officers, employees, clerks, representatives and agents for the operation, management and business activities at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine, and its liquor license.

2.2 Actions by those working with or on behalf of the Commission. The Tribe recognizes and agrees that this limited waiver of tribal sovereign immunity and consent to the Commission's jurisdiction is intended to allow any individuals working for or on behalf of the Commission, including the Commission's members, employees and attorneys, as well as any state or local law enforcement agency or its staff, to enforce the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder in connection with the operation, management and business activities at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine, and its liquor license.

2.3 Limits on the waiver of tribal sovereign immunity. This limited waiver of tribal sovereign immunity and consent to the Commission's jurisdiction does not extend to any claim or action

against any other instrumentality of the Tribe, person or entity, other state liquor licenses that the Tribe may possess, or to any issue arising under the Tribe's gaming compact with the State of Michigan in its current form as it may be amended or superseded in the future. Nor shall this limited waiver of tribal sovereign immunity and consent to the Commission's jurisdiction be deemed a waiver of any other of the rights, privileges or immunities of any other person or entity.

2.4 No expanded scope without the Board of Director's express, written consent. This limited waiver of sovereign immunity and consent to the Commission's jurisdiction may not be expanded beyond the scope stated in this resolution without the Board of Directors' express, written consent on behalf of the Tribe.

2.5 Governing law. The Tribe agrees to be bound by, and to comply with, the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, in the same manner as any other licensee of the Commission without tribal sovereign immunity.

2.6 Enforcement. The Tribe agrees that the Commission may seek and/or impose any legal, equitable or other relief or penalties, including fines and the seizure and forfeiture of contraband, authorized by the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, without limitation.

2.7 No specific pledge of assets. To the extent that the Commission seeks to recover any unpaid fees or fines, no specific pledge of assets is required if the fees or fines can be satisfied or otherwise recovered from the Bear on the Mountain Golf Course assets, including its real property. Nor is any specific pledge of assets required for the Commission to seek to seize and forfeit any contraband associated with the Bear on the Mountain Golf Course in accordance with the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder.

2.8 Effective date. This limited waiver of tribal sovereign immunity takes effect upon the date that the liquor license, if any, is transferred to the Tribe by the Commission and the license is effective under Michigan law. This limited waiver of tribal sovereign immunity remains in effect as long as the Tribe, or any assignee of the Tribe's rights, holds any liquor license under the Michigan Liquor Control Code of 1998, as amended, and the administrative rules promulgated thereunder, at the Bear on the Mountain Golf Course.

2.9 Survival. This limited waiver of tribal sovereign immunity shall survive until the later of either one of the following two circumstances:

The conclusion of any legal proceeding by or against the Tribe for its operation, management and business activities at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine, or its liquor license.

The tribe permanently ceases to own, operate, manage or engage in business at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine, or liquor license, whether directly or through a different entity or tribal instrumentality.

2.10 Revoking, rescinding, altering or rendering this resolution ineffective. The Tribe understands and agrees that, if this resolution is revoked, rescinded, altered or made otherwise ineffective while the Tribe owns, operates, manages or engages in business activities at the Bear on the Mountain Golf Course involving the purchase, sale, transportation and/or dispensing of liquor, beer and/or wine, or a liquor license, the Commission may initiate disciplinary proceedings, including proceedings to summarily suspend and/or revoke the liquor license for Bear on the Mountain Golf Course.

Section 3: WAIVER OF TRIBAL COURT JURISDICTION

3.1 Waiver of Tribal Court jurisdiction. The Board of Directors waives any exclusive jurisdiction that the Tribe's Tribal Court may otherwise have over any action arising under Section 2.

3.2 Consent to jurisdiction in state court and in the Commission. The Tribe agrees that actions initiated by the Commission in accordance with this limited waiver of sovereign immunity and consent to the Commission's jurisdiction may be brought in the courts of the State of Michigan and/or in an administrative proceeding before the Commission.

BE IT FINALLY RESOLVED, that adoption of this resolution by the Sault Ste. Marie Tribe of Chippewa Indians hereby rescinds Resolution 2024-66.

Roll Call Vote: Motion carries unanimously.

Moved by Director Freiheit, supported by Director McKechnie, to approve Resolution 2024-76, 105(L) Facility Lease Program.

Moved by Director Hampton, supported by Director Morrow, to amend to add, Manistique Fitness Center; 5696 West US2, Manistique MI.

Motion carries unanimously.

NOW THEREFORE BE IT RESOLVED, the Tribal Chairman is authorized to submit a lease proposal to the U.S. Department of the Interior for the following facilities) pursuant to Public Law 93-638:

Chip MacArthur Facilities	2280 Shunk Rd Sault MI
Fred Hatch Building	206 Greenough St Sault MI
Mary Murray Building	2218 Shunk Rd Sault MI
Nokomis/Mishomis	2076 Shunk Rd Sault MI
USDA	3601 Mackinac Trail Sault MI
Lambert Center	225 Waseh Dr St Ignace MI
Admin (Penny's)	523 Ashmun St Sault MI
Admin (WWUL)	531 Ashmun St Sault MI
Admin (WWLL)	531 Ashmun St Sault MI
ST Health Center	2864 Ashmun St Sault MI
George Nolan Judicial	2175 Shunk Rd Sault MI
Dawn Eavou Building	2163 Migisa Court Sault MI
Inland Building	2428 Shunk Rd. Sault MI
Enrollment Building	2428 Shunk Rd Sault MI
Chi Mukwa	2 Ice Circle Dr Sault MI
Munising Health Center	622 W Superior St Munising MI
Niigaanagiizhik	11 Ice Circle Dr Sault MI
Mary Murray Cultural Camp	6722 E 3 Mile Rd Sugar Island MI
Stallman	16877 S Watertower Dr Kincheloe MI
Harbor / Docks	Seamen Grand Marias Fairport Epoufette MI
McCann	399 McCann St Ignace MI
Newberry Health Center	4935 Zee-Ba-Tik Lane Newberry MI
Manistique Health Center	5698 W US-2 Manistique MI
Advocacy Resource Center	2769 Ashmun St Sault MI
Grimes Property	2354 E M-134 Hessel MI
Escanaba Community Center	3721 Jin Gob St Escanaba, MI
Anne Suggitt Child Care Center	4 Ice Circle Dr Sault MI

Child Advocacy Center 1860 E 16th St Sault MI
Lodge of Hope, Homeless Shelter 3901 & 3903 I-75 Bus. Spur Sault MI
Manistique Fitness Center 5696 West US2 Manistique MI

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes to negotiate and execute said lease agreement and to take all measures necessary to implement said lease agreement for January 1 – December 31, 2024 and subsequent lease periods for which funds are available.

BE IT FURTHER RESOLVED, the Sault Tribe Chief Financial Officer is hereby designated as the appropriate official to verify the information provided by the tribe or tribal organization for purposes of calculating lease compensation under Section 1050) of Public Law 93-638, and is hereby authorized to attest as to the accuracy of such.

Motion carries unanimously.

Moved by Director Freiheit, supported by Director McKechnie, to approve a Resolution, Naming Sacred Heart Property.

Moved by Director McKerchie, supported by Director Morrow to table.

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

Moved by Director Causley-Smith, supported by Director McKechnie, to approve Resolution 2024-77, Naming Gaming Commission Wing.

Moved by Director Freiheit to table.

Motion to Table dies due to lack of support.

Moved by Director Sorenson, supported by Director McKechnie, to amend to add his Native name.

Motion carries with Director Freiheit opposing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors for the Sault Ste. Marie Tribe of Chippewa Indians hereby designates the wing at 2076 Shunk Rd where the Gaming Commission is currently located to be named the Ken Ermatinger "Gimewan Bineshiinh" Wing.

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

Moved by Director McKechnie, supported by Director Freiheit, to approve Resolution 2024-78, Transferring Indian Energy to Sault Tribe EDC.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby transfers all interests and rights the Tribe has in Indian Energy to the Sault Tribe EDC.

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

Moved by Director LaPlaunt, supported by Director McKechnie, to approve Resolution 2024-79, ARPA Fund Appropriation – Unit 5 Housing Project.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe of Chippewa Indians Board of Directors hereby rescinds both Resolution 2022-145 and Resolution 2015-89.

BE IT FURTHER RESOLVED, that the Sault Tribe Board of Directors hereby authorizes \$2,000,000 utilizing the remaining ARPA funds designated for Unit 5, for the purchase of land, development, construction, and infrastructure of the Unit 5 Housing Project, in a location to be identified by Unit 5.

BE IT FURTHER RESOLVED, the Sault Tribe Board of Directors hereby authorizes the CFO to make any internal budget modifications necessary to carry out the intent of this resolution.

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

Roll Call Vote: Motion carries unanimously.

Moved by Director Causley-Smith, supported by Director McKechnie, to approve Resolution 2024-80, Reaffirming Domestic and International Advocacy in Support of Decommissioning Enbridge Line 5.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Tribe of Chippewa Indians Board of Directors hereby approves domestic and international advocacy efforts to obtain the final goal of decommissioning Enbridge Line 5 and eliminate this threat to the Great Lakes.

BE IT FURTHER RESOLVED, that the Chairman of the Tribe, or his designee, is authorized to execute or amend any and all documents relating to this effort.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director LaPlaunt, to approve Resolution 2024-81, Voiding all Conversion Fishing Agreements and Amending Tribal Code Chapter 20.

Moved by Director Morrow, supported by Director Sorenson, to amend to remove the 4th Be It Resolved.

Moved by Director McKechnie, supported by Director Freiheit, to call for the vote on the amendment.

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

Motion to Amend fails with Directors' Sorenson, Morrow supporting; Directors' LaPlaunt, McKechnie, Lee, McKerchie, Borowicz, Hampton, McRorie, Causley-Smith, Freiheit opposing.

Moved by Director McKechnie, supported by Director Freiheit, to call for the vote on the original Resolution.

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors hereby officially rescinds and voids all conversion fisher agreements; and

BE IT FURTHER RESOLVED, that any restrictions imposed on the fishing license of any fisher currently fishing pursuant to a conversion agreement is hereby removed; and

BE IT FURTHER RESOLVED, that all conversion fishing license shall revert to the license that was in effect before entering the Conversion Agreement; and

BE IT FURTHER RESOLVED, that any conversion fisher currently operating a Large Boat Trap Net Operation whose license shall revert to a Small Boat license shall be allowed the continued operation of their Large Boat for the sole purpose of the continued operation of their Trap Net Operation; and

BE IT FURTHER RESOLVED, that Tribal Code Chapter 20 shall be amended to incorporate the changes necessary to be in line with this resolution; and

BE IT FURTHER RESOLVED, that Tribal Administration is directed to work with Tribal Law Enforcement to reissue any Commercial Captains Licenses as necessary to be in accordance with these amendments; and

BE IT FINALLY RESOLVED, that these revisions shall be effective immediately.

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

Moved by Director Freiheit, supported by Director McRorie, to approve Kathleen Egert RENEWAL, Regular member, for the Unit 2 Elder Subcommittee for a four-year term expiring March 2028.

Moved by Director Sorenson, supported by Director Morrow, to table all the Elder Committee Appointments until they are advertised in the paper for 2 months.

Motion to Table fails with Directors' Sorenson, Morrow, McKerchie, Borowicz, Causley-Smith supporting; Directors' LaPlaunt, McKechnie, Lee, Hampton, McRorie, Freiheit opposing.

Motion carries with Director Sorenson opposing.

Moved by Director McKechnie, supported by Director Borowicz, to approve Darlene Belleville RENEWAL, Regular member, for the Unit 3 Elder Subcommittee for a four-year term expiring March 2028.

Motion carries with Director Sorenson opposing.

Moved by Director Freiheit, supported by Director McKechnie, to approve Dell Powers RENEWAL, Regular member, for the Unit 3 Elder Subcommittee for a four-year term expiring March 2028.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Ara Leveille RENEWAL, Alternate member, for the Unit 3 Elder Subcommittee for a four-year term expiring March 2028.

Moved by Director Sorenson, supported by Director McRorie, to amend to make Ara Leveille a regular member instead of an alternate member.

Motion to Amend carries unanimously.

Motion carries unanimously.

Moved by Director Freiheit, supported by Director McKechnie, to approve John Perault NEW, Regular member, for the Unit 3 Elder Subcommittee for a four-year term expiring March 2028.

Moved by Director McKechnie, supported by Director Freiheit, to amend to make John Perault an Alternate member instead of a Regular member.

Motion to Amend carries unanimously.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Hampton, to approve Lawrence Krummich NEW, Regular member, for the Unit 4 Elder Committee for a four-year term expiring March 2028.

Motion carries unanimously.

Moved by Director McKechnie, supported by Director Morrow, to approve Kenneth Tufnell NEW, Alternate member, for the Unit 4 Elder Committee for a four-year term expiring March 2028.


Motion carries unanimously.

Moved by Director McKechnie, supported by Director Freiheit, to approve Emery Rochefort NEW, Alternate member, for the Unit 4 Elder Committee for a four-year term expiring March 2028.

Motion carries unanimously.

Adjourned at 7:01 p.m.

Date: 3/19/2024

Secretary: 
Kimberly Hampton

Others Present: Robert Schulte, Christine McPherson, Jessica Dumback (Z), Aaron Schlehuber, Ashlee Mielke, Lona Stewart, Michelle Moore, Elaine Clement, Ryan Mills, Josh Elliot, Clarence Hudak, Gerard Sagassige, Leo Chugunov, Carrie Horton, Joni Talentino, Michael Pins, Jami Moran, Andrew Lane, Robin Clark, Robert Marchand