

**BOARD OF DIRECTORS REGULAR MEETING
HESSEL TRIBAL COMMUNITY CENTER
HESSEL, MICHIGAN**

**August 20, 2024
5:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION: Prayer, Smudging
- IV. MEMBERSHIP PARTICIPATION
- V. PRESENTATION:
- VI. MINUTES: 8/6/24
- VII. RESOLUTIONS: Tribal Court – Special Tribal Criminal Jurisdiction
Reimbursement Program – Establish FY24 Budget
Compensation of Appellate Court Judges
Composition of Court of Appeals
Re-Appoint Biron – Chief Appellate Judge
Re-Appoint DeMoore – Reserve Appellate Judge
Appoint DeGuglielmo Attorney Position – Appellate Judge
Appoint DeGuglielmo Reserve Appellate Judge
Appoint Morelli Appellate Judge Community Member
Appoint Morelli Appellate Judge Reserve Community Member
USDHUD FY24 Indian Housing Block Grant Application
Acceptance of 2023 Housing Authority Audit
Acceptance of 2023 Governmental Audit
Waiver of Immunity – Francis Energy
Kewadin Casinos Renovation – Revenue Replacement Program
Granting License Tribal Logo – Alger Commission on Aging
- VIII. NEW BUSINESS Committee Appointments
Key Employee
Board Concerns
- IX. ADJOURN TO EXECUTIVE SESSION
- X. RECONVENE AND REAFFIRM
- XI. ADJOURN

RESOLUTION NO: _____

**TRIBAL COURT– SPECIAL TRIBAL CRIMINAL JURISDICTION
REIMBURSEMENT PROGRAM
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 Special Tribal Criminal Jurisdiction Reimbursement Program with Federal DOJ Revenue monies of \$13,592.00. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

COMPENSATION OF APPELLATE COURT JUDGES

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103, Judges of Court of Appeals, that the Court shall be comprised of “[f]ive (5) judges, appointed by the Board of Directors” and further provides that “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit”; and

WHEREAS, Resolution 2005-114 provided compensation for attorney Judges at the rate of \$150/hour, capped (\$7500 Chief, \$5000 attorneys) annually for their billable professional time, plus a \$200/month stipend. And, Resolution 2024-34 increased the Chief Judge’s compensation cap from \$7500/year to \$15,000/year and only increased reserve Judge DeMoore’s compensation from \$4500/year to \$10,000/year. This resolution did not include increases to all attorney judges; and

WHEREAS, the number and complexity of appeals cannot be predicted in any given calendar year and under the existing compensation contract system, appellate judges are not being reimbursed for their actual time spent on appeals; and

WHEREAS, the Board has determined that it is in the best interests of the Tribe and its’ Court systems to modify the compensation to contract with attorney judges at the rate of \$150/hour without a cap, plus travel time reimbursed at the GSA rate.

NOW THEREFORE BE IT RESOLVED, that the compensation structure for appellate attorney judges previously authorized by the Board of Directors in resolutions 2005-114 and 2024-34 is hereby modified to authorize contracting with all attorney judges at the rate of \$150/hour with no cap, plus travel expenses at the GSA rate and shall here on after exclude monthly stipends to the attorney judges only, beginning immediately.

BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes a FY2024 administrative budget modification to cost center 2781 for an additional \$31,500 with funding coming from unrestricted BIA funds.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13

Resolution No: _____
Page 2

members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

COMPOSITION OF THE COURT OF APPEALS

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103, Judges of Court of Appeals, that the Court shall be comprised of “[f]ive (5) judges, appointed by the Board of Directors” and further provides that “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit”; and

WHEREAS, the Court of Appeals is the highest court within the Tribe; and

WHEREAS, decisions issued by the Court of Appeals interpret and apply the laws of the Tribe creating binding legal precedent which can affect substantial rights of Tribal members and the operation of Tribal Court, Tribal government and Tribal businesses; and

WHEREAS, in recent years, the number of cases before the Court of Appeals has risen dramatically, varying widely in subject matter, and becoming increasingly more complex; and

WHEREAS, the complexity of the cases before the Court of Appeals has, more often than not, required law-trained appellate court judges to apply the laws of the Tribe and communicate the opinion and order of the Court of Appeals; and

WHEREAS, the Board has determined that it is in the best interests of the Tribe to formally set the composition of the Court of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Judges of Court of Appeals, shall be comprised of three (3) law-trained judges and, in an advisory capacity, one (1) community member and one (1) elder for a total panel of five (5) seated judges.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

RE-APPOINTMENT OF KARRIE S. BIRON AS CHIEF JUDGE OF THE COURT OF APPEALS

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribal Code Chapter 82 which establishes a Court of Appeals and in § 82.103, specifies that “Five (5) judges, appointed by the Board of Directors, shall sit as the Court of Appeals ...”; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribal Code 82: Appeals, which states at Section 82.105, Chief Judge, “[o]ne of the five judges shall be appointed as the Chief Judge by the Board of Directors. The Chief Judge shall be responsible for the administration of the Court of Appeals...”; and

WHEREAS, Karrie S. Biron f/k/a Karrie S. Wichtman, who has served as Chief Judge from May 17, 2016 to August 26, 2024, has expressed her willingness to continue to serve and has sought re-appointment as Chief Judge; and

WHEREAS, a selection committee appointed pursuant to Tribal Code § 82.134, has interviewed Karrie S. Biron, has determined that she has the necessary qualifications and experience, and has unanimously recommended her re-appointment as the Chief Judge of the Court of Appeals.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors re-appoints Karrie S. Biron as Chief Judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals for a four (4) year term beginning August 26, 2024, and authorizes the Chairman or his designee to contract with her for said position.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**RE-APPOINTMENT OF CHRISTINA DEMOORE AS A
RESERVE ATTORNEY APPELLATE JUDGE**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, at 25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103 Judges of Court of Appeals, “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit”; and

WHEREAS, Christina DeMoore re-applied for the Appellate Judge attorney position and the selection committee interviewed and determined she has the qualifications and experience necessary to serve as an appellate judge.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby appoints Christina DeMoore to serve as a Reserve Appellate Judge (attorney position) for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024, and authorizes the Chairman to contract with her for this position.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPOINTMENT OF ANDREW DEGUGLIELMO AS A
APPELLATE JUDGE (Attorney Position)**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, a25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103 Judges of Court of Appeals, “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit;”

WHEREAS, Andrew DeGuglielmo applied for the Appellate Judge attorney position and the selection committee interviewed and determined he has the qualifications and experience necessary to serve as an appellate judge;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby appoints Andrew DeGuglielmo to serve as a regular seated Appellate Judge (attorney position) for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024 and authorizes the Chairman or his designee to contract with him for said position.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPOINTMENT OF ANDREW DEGUGLIELMO AS A
RESERVE APPELLATE JUDGE**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, a25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103 Judges of Court of Appeals, “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit”; and

WHEREAS, Andrew DeGuglielmo applied for the Appellate Judge attorney position and the selection committee interviewed and determined he has the qualifications and experience necessary to serve as an appellate judge.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby appoints Andrew DeGuglielmo to serve as a Reserve Appellate Judge (attorney position) for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024 and authorizes the Chairman or his designee to contract with him for said position.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPOINTMENT OF ELI MORELLI AS A
APPELLATE JUDGE (Community Member Position)**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, at 25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103 Judges of Court of Appeals, “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit”; and

WHEREAS, Eli Morelli applied for the Appellate Judge (Community Member position) and the selection committee interviewed and determined she has the qualifications and experience necessary to serve as an appellate judge.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby appoints Eli Morelli to serve as the Community Member Appellate Judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPOINTMENT OF ELI MORELLI AS A
RESERVE APPELLATE JUDGE (Community Member Position)**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, at 25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enacted Tribe Code Chapter 82, Appeals, which states in Section 82.103 Judges of Court of Appeals, “[a]ny number of judges may be appointed as reserve judges, who shall be available to serve on the Court of Appeals to hear a particular appeal for which an appellate judge is disqualified or otherwise unable to sit”; and

WHEREAS, Eli Morelli applied for the Appellate Judge (Community Member position) and the selection committee interviewed and determined she has the qualifications and experience necessary to serve as an appellate judge.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby appoints Eli Morelli to serve as the Reserve Community Member Appellate Judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals, for a four (4) year term beginning August 26, 2024.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(HUD)
FY 2024 INDIAN HOUSING BLOCK GRANT PROGRAM-
COMPETITIVE GRANT (IHBG-C) APPLICATION**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Department of Housing and Urban Development (HUD) has solicited a funding opportunity (FR-6800-N-48) for the Indian Housing Block Grant Program – Competitive Grants (IHBG-C); and

WHEREAS, the purpose of the Indian Housing Block Grant Program – Competitive Grants (IHBG-C), is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low and moderate incomes; and

WHEREAS, the competitive funding will provide the remaining utility infrastructure to facilitate future housing and construct housing units for single individuals, rental units that are low to moderate income tribal families on the Odenaang housing site; and

WHEREAS, the Housing Authority is seeking approval to apply for an award of up to \$7,500,000 of IHBG-C funds.

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 \$7,500,000 for the FY 2024 Indian Housing Block Grant Competitive (FR-6800-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 approves the Tribal Chairman or their designee, to accept the FY 2024 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.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13

Resolution No: _____
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members, of whom ____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the ____ day of _____, 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of ____ members for, ____ members against, ____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

ACCEPTANCE OF THE 2023 HOUSING AUTHORITY AUDIT

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, hereby accepts and approves the 2023 Housing Authority Audit, as presented to the Sault Tribe Audit Committee on August 15, 2024 by Anderson, Tackman & Company, PLC.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

ACCEPTANCE OF THE 2023 GOVERNMENTAL AUDIT

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as accepted by the Audit Committee on August 15, 2024, hereby accepts and approves the 2023 Governmental Audit as presented by their Auditors: Dennis, Gartland, & Niergarth.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians also approves the Chairman and CFO to execute any and all documents associated with the FY23 Audit including the Client Representation Letter.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO
WAIVER OF TRIBAL COURT JURISDICTION
FRANCIS ENERGY**

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 Letter of Intent (“LOI”) with Francis Energy (“Francis”) as negotiated by Executive Director of Enterprise Operations to apply for Electric Vehicle Charging Stations; and

1.3 Francis will not consent to such LOI without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce Francis to enter into an LOI, 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 Francis that might arise from, or relate to, in any respect, the LOI, 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 Francis only should an action be commenced under the LOI referenced above.

This waiver:

Shall terminate upon performance by the Tribe of all of its obligations under the LOI; and

Is granted solely to Francis; 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 Francis 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 LOI; and

Shall be enforceable only in a court of competent jurisdiction, including courts in the State of Oklahoma, the Tribal Court and federal courts in Oklahoma (including the United States Bankruptcy Court or any arbitrator or arbitration pane); and

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

The Agreement, and other associated 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 Chairman or his designee. 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 December 31, 2024, shall render the waivers and consents granted in this resolution to become void immediately.

Section 5. AUTHORIZATION

5.1 T The Chairman is authorized to execute any and all documents to effectuate the forgoing.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13

Resolution No: _____
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members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**KEWADIN CASINO RENOVATIONS AND ENHANCEMENT PROJECT –
UTILIZING REVENUE REPLACEMENT PROGRAM**

WHEREAS, the Sault Tribe Board of Directors has additional ARPA Revenue Replacement funds available; and

WHEREAS, Kewadin Casinos is in desperate need of repairs and maintenance to bring the Sault Ste. Marie property up to date and refurbish years of visible neglect; and

WHEREAS, repairs and modifications will help the Sault Tribe maintain a regional competitive advantage with an ever-changing landscape in the gaming industry and assist in our future economic recovery in a post-pandemic world; and

WHEREAS, it is in the best interest of the Sault Tribe to care for and maintain its properties for the next seven generations to come.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes \$8,000,000 of the remaining unallocated ARPA funds to be transferred to the Revenue Replacement Cost Center 12294. Funding in the amount of \$8,000,000 will be utilized under the Revenue Replacement Program for Kewadin Casino stage 2 projects including but not limited to: new windows, siding, and room remodeling and renovations.

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 as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution and authorizes the Tribe's CFO to prepare the required internal administrative budget modifications from the authorized budgeted funding for the Governmental Cost Center 12294.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is now composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**GRANTING LICENSE TRIBAL LOGO
ALGER COUNTY COMMISSION ON AGING CALENDAR**

WHEREAS, the intellectual property of the Tribe includes the Tribal logos, trademarks and service marks; and

WHEREAS, the Tribe has created the Tribe's logo, and holds the copyright to it, and no person or company may use the logo without the express written permission of the Tribe as expressed in a resolution of this Board of Directors; and

WHEREAS, the Alger County Commission on Aging is working on their "80" and older Senior Calendar fundraiser; and

WHEREAS, the Alger County Commission on Aging wishes to utilize the Tribe's logo for a month in the calendar featuring two Tribal Elders.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby grant a limited, non-exclusive, world-wide, royalty-free, transferable license to the Alger County Commission on Aging for the Tribal Logo, in the form set forth below, for the limited purpose of printing on one month of the "80" and older Senior Calendar, to be used in a non-disparaging manner.

BE IT FURTHER RESOLVED, that this license shall expire on the date which is ten years from the date of the passage of this Resolution understanding Alger County Commission on Aging may request extension of this deadline in the future if they desire.

EXEMPLAR OF LOGO:



CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of

Resolution No: _____
Page 2

_____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

BOARD OF DIRECTORS REGULAR MEETING

August 20, 2024

Sponsor's List

RESOLUTIONS:

Tribal Court – Special Tribal Criminal Jurisdiction Reimbursement Program – Establish FY24 Budget – Traci Swan

Compensation of Appellate Court Judges – Traci Swan

Composition of the Court of Appeals – Traci Swan

Re-Appointment of Karrie S. Biron as Chief Judge of the Court of Appeals – Traci Swan

Re-Appointment of Christina DeMoore as a Reserve Attorney Appellate Judge – Traci Swan

Appointment of Andrew DeGuglielmo as Appellate Judge (Attorney Position) – Traci Swan

Appointment of Andrew DeGuglielmo as a Reserve Appellate Judge – Traci Swan

Appointment of Eli Morelli as a Appellate Judge (Community Member Position) – Traci Swan

Appointment of Eli Morelli as a Reserve Appellate Judge (Community Member Position) – Traci Swan

U.S. Department of Housing and Urban Development (HUD) FY2024 Indian Housing Block Grant Program – Competitive Grant (IHBG-C) Application – Joni Talentino

Acceptance of the 2023 Housing Authority Audit – Robert Schulte

Acceptance of the 2023 Governmental Audit – Robert Schulte

Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Francis Energy – Dan Doyle / Josh Elliot

Kewadin Casino Renovations and Enhancement Project – Utilizing Revenue Replacement Program – Director McKechnie

Granting License Tribal Logo Alger County Commission on Aging Calendar – Director LaPlaut

NEW BUSINESS:

Committee Appointments: Cultural Committee, Elder Committees

Key Employee: Chief Judge – Christine McPherson

Board Concerns

MEMORANDUM

TO: Board of Directors
FROM: Lona Stewart, Board Administrator
DATE: August 15, 2024
RE: Workshop Agenda for August 20, 2024

AGENDA **Closed Session**

10:00
Kewadin Gaming Authority

10:45
Health Report

11:15
Executive Reports - Governmental

12:00 – 1:00
Lunch Break

1:00
Executive Reports Continued (CLOSED)

2:00
Appellate Court

3:00
Agenda Review

5:00
Board of Directors Regular Meeting