

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

1 **DATE:** Wednesday, January 26, 2022

2 **TIME:** 5:30 p.m.

3 **LOCATION:** Bluejacket Building

4 **INVOCATION:** Chief Wallace

5
6 **CALL TO ORDER, ROLL CALL, DECLARATION OF QUORUM**

7 The Business Committee Meeting was called to order by Second Chief Samples at 5:38
8 p.m. with the following answering roll call: 1st Council Gardner, 2nd Council Daugherty,
9 3rd Council Kraus, Treasurer Barrett. 2nd Chief Samples and Chief Wallace were in
10 attendance. Secretary Littlefield was absent. Quorum was declared by 2nd Chief
11 Samples.

12
13 **NEW ENROLLEES**

14 New Enrollees were not presented.

15
16 **MINUTES**

17 **MOTION:** To approve the minutes of the January 12, 2022. The motion was made to
18 approve the minutes with a correction to line 45 (changing the word their to her) by
19 Treasurer Barrett with second by 1st Council Gardner.

20 Motion carried: 4 approved, 0 opposed, 0 abstained, 1 absent (Littlefield).

21
22 **REPORTS**

23 **Ted Bearden, Rural Water District #5.** Mr. Bearden presented a report on the need
24 for line and equipment repair due to the age of the present equipment causing
25 multiple water leaks in the pipes. He reports that Rural Water District 5 does not
26 have enough funds to complete this project. An approximate cost and a donation
27 request were presented to the Business Committee. Mr. Bearden agreed to provide
28 additional information requested by the Business Committee and that he would be
29 approaching the other tribes in this area with the same request and would also
30 report back on their response. Treasurer Barrett provided Mr. Bearden with the
31 contact information of a professional grant writer that may be able to provide
32 assistance.

33
34 **Casino Melanie Heskitt, General Manager.**

35 **Casino CFO Jay Ross presented the Casino Financial Report for December.**

36
37 **Comparison for the month of December over November**

38
39 **Indigo Sky Casino Revenues were up 15%**

40 **Expenses were up 17%**

41 **EBIDA was up 12%**

42
43 **Month over Month Actual to Budget for Indigo Sky**

44
45 **Revenues were up 25% more than budgeted numbers**

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46 Expenses were down 5%

47 EBIDA was 148% higher

48

49 Outpost Casino Month over Month

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51 Revenues were up 15%

52 Expenses were up by 40%

53 EBIDA was down 7%

54

55 Year to Date Numbers for Indigo Sky Casino

56

57 Revenues up by 0.23%

58 Expenses up by 5%

59 EBIDA down 7%

60

61 Budget to Actual Numbers for Indigo Sky Casino

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63 Revenues are 17% higher than budgeted

64 Expenses were 7% lower than budgeted

65 EBIDA was 112% higher than projected

66

67 Outpost Casino Year to Date

68 Revenues were up by 17%

69 Expenses up by 18%

70 EBIDA up by 16%

71

72 Budget to Actual for Year to Date

73

74 Revenues are 1.8% higher

75 Expenses are down 3.3% lower

76 EBIDA is up 8% higher than budgeted

77

78

79 Gaming Commission – Jalene Wells, Gaming Commissioner

80 Gaming Commissioner Wells presented the ESTGC Report for December 2021.

81

82 The Gaming Commission has 38 total employees as of 10/27/2021. Open position for
83 Administrative Assistant/Receptionist.

84 11 employees of the Gaming Commission are tribal members, 1 tribal spouse and 4
85 are native.

86

87 The Licensing Department processed:

88 20 renewals and 23 new hires for employee licenses

89 2 Conditional Employee Licenses Monitored

90 6 non-gaming vendor companies

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91 27 non-gaming vendor employee licenses
92 2 gaming companies
93 24 gaming vendor employees
94 The Gaming Commission collected \$14,250 in licensing for the month of December
95 \$51,025 year to date.
96
97 The EGM Department performed the following:
98 2 new machines were installed
99 10 machines removed
100 0 machine software/theme changes
101 0 Software upgrades
102 4 software replacements
103 8 gaming machine relocations
104 2 server installs/upgrades
105 40 single pieces of software tested
106 105 seal activities
107 The Gaming Commission billed \$3075 for machine fees with \$12,075 year to date
108 The Gaming Commission collected \$925 in machine fees with \$5725 year to date
109
110 The Compliance Department performed the following observations:
111 Cage – 102
112 EGM – 78
113 EGM Activity Assists - 0
114 Jackpot – 118
115 Players Club – 87
116 Exchanges - 4
117 Table Inventory – 77
118 Table Fill – 40
119 Table Credit – 3
120 Title 31 Inquiries – 4
121
122 The Surveillance Department performed the following for Indigo Sky Casino and
123 Resort:
124 Policy Violations Noted – 144
125 Incident Reports Written – 40
126 Medical Reports Written – 32
127 CD Requests from Tribal Police – 4
128 Requests for reviews from Casino Mgmt. – 25
129 Requests from Casino and PD for ongoing notifications and reviews (close watch)
130 when patron on property – 5
131
132 The Surveillance performed the following for Outpost Casino
133 Policy Violations Noted – 10
134 Incident Reports Written – 5
135 Medical Reports Written – 5

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136 CD Requests from Tribal Police – 0
137 Request for reviews from Casino Management - 1
138

139 Treasurer – Justin Barrett, Treasurer

140 Reporting on Cash Balances:

141	Cash Balance Available	\$20.3 Million
142	Tribal Admin Budget	17% has been spent from the 25% budgeted
143		for the first quarter.
144		

145 RESOLUTIONS

146 MOTION: To add 9 Resolutions to the Agenda made by Treasurer Barrett with
147 second by 1st Council Gardner.

148 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
149 0 abstained, 1 absent (Littlefield).

151 RESOLUTION NUMBER 012622-R-01 Authorizing Indigo Sky Casino, LLC to
152 open a Demand Deposit Account with People’s Bank to be used with the IGT
153 Cashless System.

154 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
155 Eastern Shawnee Tribe of Oklahoma hereby authorizes Indigo Sky Casino, LLC to
156 open a DDA with People’s Bank to be used with the IGT Cashless system. The
157 account will be known as IGT Cashless.

158 BE IT FURTHER RESOLVED, that the Business Committee of the Eastern
159 Shawnee Tribe of Oklahoma designates Casino CFO Jay Ross as the Administrator
160 of Cash Management for the account.

161 BE IT FINALLY RESOLVED, that the Business Committee of the Eastern
162 Shawnee Tribe of Oklahoma authorizes Chief Glenna J. Wallace, Treasurer Justin
163 Barrett, 1st Council Dee Gardner, and Casino CFO Jay Ross as signers of this
164 account.

165 MOTION: To approve Resolution Number 012622-R-01. The motion was made by 3rd
166 Council Kraus with second by 2nd Council Daugherty.

167 Motion carried: 3 approved (Daugherty, Kraus, Sample), 0 opposed, 2 abstained
168 (Gardner, Barrett), 1 absent (Littlefield).

170 RESOLUTION NUMBER 012622-R-02 Approving the Attached Residential Lease
171 of Property Owned by the Eastern Shawnee Tribe of Oklahoma Commonly Known
172 as the Stoner House.

173 NOW THEREFORE BE IT RESOLVED, Glenna J. Wallace, Chief of the Eastern
174 Shawnee Tribe of Oklahoma, or her designee (as provided in writing), is authorized to
175 conduct negotiations on behalf of the Eastern Shawnee Tribe of Oklahoma and approve
176 and execute any and all documents relating to the subject lease.

177 BE IT FINALLY RESOLVED, that the Business Committee of the Eastern Shawnee
178 Tribe of Oklahoma does hereby wish to approve the attached Residential Lease of
179 property owned by the Eastern Shawnee Tribe of Oklahoma located at 10995 S. 679 Rd.,
180 Wyandotte, Ok. 74370, commonly known as the Stoner House for a period of one (1)

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181 year with lease number 921 000G040033 with BIA TAAMS Document Number
182 4200324536; does hereby waive all bonds associated with this lease; does hereby waive
183 insurance requirements; and does hereby expressly waive administrative fees associated
184 with this transaction.

185 **MOTION:** To approve Resolution Number 012622-R-02. The motion was made by
186 Treasurer Barrett with second by 1st Council Gardner.
187 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed, 0 abstained.
188 1 absent (Littlefield).

189
190 RESOLUTION SUPPORTING ARK-0 BROADBAND TO APPLY FOR A USDA
191 RECONNECT GRANT TO PROVIDE FIBER TO THE HOME IN THEIR AREA OF
192 SERVICE ON EASTERN SHAWNEE TRIBAL LAND – FAILED DUE TO LACK OF
193 A MOTION.

194
195 **RESOLUTION NUMBER 012622-R-03 Dual Enrollment Policy for Tribal Benefits.**
196 **NOW THEREFORE, BE IT RESOLVED,** that the Business Committee of the Eastern
197 Shawnee Tribe of Oklahoma does hereby approve the Dual Enrollment Policy for Tribal
198 Benefits for all claims and benefits which shall include but is not limited to Health and
199 Social Services, Education, and Specialized Services. Indian Child Welfare, CCDF, and
200 HAVEN are specifically excluded from this resolution. This policy shall also be posted
201 in the Health and Social Services Manual.

202 It has long been the policy of the Eastern Shawnee tribe that persons who meets the
203 membership requirements of more than one tribe may be a member of both tribes
204 provided that the constitution, resolution, ordinance, or membership policy does not
205 expressly exclude enrolling persons who are members of another tribe. Persons who
206 possess these qualifications that allow them to meet the membership requirements in
207 more than one tribe may share in the benefits of only one of them.

208 **MOTION:** To approve Resolution 012622-R-03. The motion was made by Treasurer
209 Barrett with second by 2nd Council Daugherty.
210 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed, 0 abstained.
211 1 absent (Littlefield).

212
213 **RESOLUTION NUMBER 012622-R-04 Fraudulent Sanctions Policy for Tribal**
214 **Benefits.**
215 **NOW THEREFORE, BE IT RESOLVED,** that the Business Committee of the
216 Eastern Shawnee Tribe of Oklahoma does hereby approve the Fraudulent Sanctions
217 Policy for Tribal Benefits for all claims and benefits which shall include but is not
218 limited to Health and Social Services, Education, Specialized Services, CCDF, ICW,
219 and HAVEN. This policy shall also be posted in the Health and Social Services
220 Manual.

221 **The Eastern Shawnee Tribe of Oklahoma is a federally recognized Indian tribe;**
222 **therefore theft of funds from the tribe is a criminal offense, which is punishable by**
223 **law. This policy was created in order to protect the trust tribal members have**
224 **placed in the staff of the Eastern Shawnee tribal office and conduct the (insert**
225 **department) programs with integrity. This will ensure that funds continue to be**

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226 available to all the tribal members who have needs and qualify for (insert
227 department) benefits. The following actions will occur with any fraudulent claims
228 submitted

- 229 • **ATTEMPTED FRAUD** – Warning with denial of claim package that
230 contained fraudulent material. Multiple attempts shall result in the review of
231 suspension of services.
- 232 • **PROVED FRAUD** – One (1) year household suspension from ALL tribal
233 programs, with suspension permanent until repayment of all monies are
234 reimbursed to the tribe.
- 235 • **REPEATED FRAUD** – Suspension to be determined by the (insert review
236 board, in the absence of a review board the Business Committee shall assume
237 the responsibility). Suspension could range as far as lifetime banishment
238 from ALL tribal programs.

239 **MOTION:** To approve Resolution 012622-R-04. The motion was made by 1st Council
240 Gardner with second by 2nd Council Daugherty.

241 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed, 0 abstained.
242 1 absent (Littlefield).

243
244 RESOLUTION NUMBER 012622-R-05 Approving the attached Memorandum of
245 Agreement between the Eastern Shawnee Tribe of Oklahoma and Wyandotte Nation for
246 services provided at Bearskin Healthcare & Wellness Center.

247 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the Eastern
248 Shawnee Tribe of Oklahoma does hereby wish to approve the attached Fiscal Year 2022
249 Memorandum of Agreement between the Eastern Shawnee Tribe of Oklahoma and
250 Wyandotte Nation for services provided at Bearskin Healthcare & Wellness Center.

251 **MOTION:** To approve Resolution 012622-R-05. Motion made by Treasurer Barrett
252 with second by 2nd Council Daugherty

253 Motion carried: 3 approved (Gardner, Daugherty, Barrett), 1 opposed (Kraus),
254 0 abstained, 1 absent (Littlefield).

255
256 RESOLUTION NUMBER 012622-R-06 Approving a Budget Amendment to the
257 FY2022 Tribal Administration Budget Woodlands Construction.

258 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the Eastern
259 Shawnee Tribe of Oklahoma does hereby wish to approve FY2022 budget modification
260 #3 to increase the Woodlands Construction Budget by the FY21 carry over budget
261 balance of \$58,844.88.

262 **MOTION:** To approve Resolution 012622-R-06. Motion made by Treasurer Barrett
263 with second by 3rd Council Kraus.

264 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
265 0 abstained, 1 absent (Littlefield).

266
267 RESOLUTION NUMBER 012622-R-07 Approving a Budget Amendment to the
268 FY2022 Tribal Administration Budget Tribal Match.

269 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the Eastern
270 Shawnee Tribe of Oklahoma does hereby wish to approve FY2022 budget modification

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271 #4 to increase the Tribal Match Budget by the FY21 carry over budget balance of
272 \$200,000.00.

273 MOTION: To approve Resolution 012622-R-07. Motion made by 1st Council Gardner
274 with second by 2nd Council Daugherty.

275 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed
276 0 abstained, 1 absent (Littlefield).

277

278 **REQUISITIONS**

279 REQUISITION EN-82894 payable to Early Childhood Learning Center in the amount of
280 \$37,818.00 for Childcare December.

281 MOTION: To approve EN-82894. The motion was made by 2nd Council Daugherty with
282 second by Treasurer Barrett.

283 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
284 0 abstained, 1 absent (Littlefield).

285

286 REQUISITION EN-82922 payable to Pelivan Transit/Grand Gateway E.D.A. in the
287 amount of \$29,561.98 for Pelivan Inv. 739 November 2021.

288 MOTION: To approve EN-82922. The motion was made by 1st Council Gardner with
289 second by 2nd Council Daugherty.

290 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
291 0 abstained, 1 absent (Littlefield).

292

293 REQUISITION EN-82993 payable to Midwest Pathogend Services in the amount of
294 \$43,613.37 for Decontamination services at Indigo Sky.

295 MOTION: To approve EN-82993. The motion was made by Treasurer Barrett with
296 second by 3rd Council Kraus.

297 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
298 0 abstained, 1 absent (Littlefield).

299

300 REQUISITION EN-82994 payable to Midwest Pathogend Services in the amount of
301 \$43,402.77 for Decontamination services at Indigo Sky.

302 MOTION: To approve EN-82994. The motion was made by 2nd Council Daugherty with
303 second by Treasurer Barrett.

304 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
305 0 abstained, 1 absent (Littlefield).

306

307 REQUISITION EN-83000 payable to Moates Excavating LLC in the amount of
308 \$58,900.00 for progress payments for cart paths Shawnee Skies.

309 MOTION: To approve EN-83000. The motion was made by 3rd Council Kraus with
310 second by Treasurer Barrett.

311 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed,
312 0 abstained, 1 absent (Littlefield).

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315 **NEW BUSINESS**

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MOTION to assist a tribal member with medical expenses as discussed (out of the Donation line item) made by Treasurer Barrett with second by 2nd Council Daugherty.

Motion carried: 3 approved (Daugherty, Kraus, Barrett), 0 opposed, 1 abstained (Gardner), 1 absent (Littlefield).

Chief's Veto of Resolution 011222-R-02. Chief Wallace read her reasons for vetoing Resolution 011222-R-02 concerning supplemental pay for tribal employees.

Discussion followed.

MOTION TO SUSTAIN VETO MADE BY 1ST Council Gardner with second by Treasurer Barrett.

VETO SUSTAINED: 4 approved (Gardner, Daugherty, Kraus, Barrett, 0 opposed, 0 abstained, 1 absent (Littlefield).

RESOLUTION NUMBER 012622-R-08 approving American Rescue Plan Act (ARPA) COVID 19 Use of Funds.

NOW THEREFORE BE IT RESOLVED, that the Business Committee of the Eastern Shawnee Tribe of Oklahoma does hereby approve the attached American Rescue Plan Act (ARPA) COVID-19 Use of Funds.

MOTION TO APPROVE RESOLUTION NUMBER 012622-R-08. Motion made by 1st Council Gardner with second by Treasurer Barrett.

Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed, 0 abstained, 1 absent (Littlefield).

(The Eastern Shawnee Tribe of Oklahoma American Rescue Plan Act COVID-19 Use of Funds spending plan as adopted was read by Treasurer Barrett for the benefit of the viewers and those attending the Business Committee Meeting.)

OLD BUSINESS

1st Council Gardner reports that she has learned EAP Counseling provided for all Tribal members does not provide privacy. States Counselors are required to provide all notes taken during client visits to EAP.

Treasurer Barrett requested further clarification from Chief Wallace on the Broadband Grant. Discussion followed.

CLOSED SESSION

MOTION: To adjourn at 8:10 p.m. The motion was made by Treasurer Barrett with second by 2nd Council Daugherty.

Motion carried: 4 approved (Gardner, Daugherty, Kraus, Barrett), 0 opposed, 0 abstained, 1 absent (Littlefield).

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361

362 **ADJOURN**

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369 _____
Debbie Littlefield, Secretary

Chris Samples, Second Chief

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372 _____
Date

Date