

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

1 DATE: Wednesday, June 29, 2022

2 TIME: 5:30 p.m.

3 LOCATION: BlueJacket Building

4 INVOCATION: Chief Glenna Wallace

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

7 The Business Committee Meeting was called to order at 5:37 p.m. with the following
8 answering roll call: 1st Council Gardner, 2nd Council Daugherty, 3rd Council Kraus,
9 Treasurer Barrett and Secretary Littlefield Chief Wallace and 2nd Chief Samples were in
10 attendance. A Quorum was declared by 2nd Chief Samples.

11
12 NEW ENROLLEES

13 Madelyn Rae Greer DOB: 05/04/2022

14 Meadow Rayne Serna DOB: 06/07/2021

15 Atlas Isaiah Eledge DOB: 11/01/2021

16 MOTION: To approve New Enrollees. Motion made by 2nd Council Daugherty
17 with second by Treasurer Barrett.

18 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

19
20 MINUTES

21 MOTION: To approve the minutes of the June 8, 2022, Business Committee Meeting as
22 presented. The motion was made by Treasurer Barrett with second by 2nd Council
23 Daugherty.

24 Motion carried: 4 approved (Daugherty, Kraus, Littlefield, Barrett), 0 opposed,
25 1 abstained (Gardner), 0 absent.

26
27 REPORTS

28 CASINO: Melanie Heskitt, General Manager

29 May 2022 Comparison of Actual to Budgeted Numbers

30 Indigo Sky Casino – Revenue up 21% over budgeted numbers with Expenses down
31 3%.

32 Outpost Casino – Revenue up 2 1/2 % over budgeted numbers with Expenses down
33 by 7%.

34 Year to Date Actual to Budget

35 Indigo Sky Casino – Revenue up 16% over forecast numbers with expenses down
36 7%.

37 Outpost Casino – Revenues up 1% with expenses down 5%.

38
39 General Manager reports the Casinos are very fortunate they have been able to
40 keep expenses down due to expenses that they have no control over. States her
41 teams are working very hard to do this and she is very proud of them.

42 TOWER 1 is coming along as planned. Floors 2 and 3 will be reopened by July 7-
43 11. Floors 5, 6 and 7 are still undergoing mold remediation.

44 Rooms are still available for the Pow Wow. 30 rooms were allocated for the Pow
45 Wow. Tribal members wanting a room need to book ASAP.

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

46

47 **GAMING COMMISSION: Jalene Wells, Gaming Commissioner**

48 **The Gaming Commission has 36 total employees as of 5-22-11. 8 Employees are**
49 **tribal members, 1 tribal spouse, 4 Native, 25% ESTOO, 36.12% Native American.**

50 **There are 2 vacancies.**

51 **The Licensing Department processed:**

52 **Renewals – 23**

53 **New Hires – 29**

54 **Conditional Employee Licenses monitored – 1**

55 **Non-gaming vendor companies – 14**

56 **Non-gaming vendor employee licenses – 33**

57 **Gaming Companies – 0**

58 **Gaming vendor employees – 15**

59 **The Gaming Commission collected - \$14,350 (YTD \$160,550)**

60

61 **The EGM Department performed the following:**

62 **New Machine Installs – 10**

63 **Machines Removed – 12**

64 **Machine Software/Theme Conversions – 16**

65 **Software Upgrades – 0**

66 **Gaming machine relocations – 29**

67 **Server installs/Upgrades – 0**

68 **Single pieces of software tested – 100**

69 **Seal Activities – 114**

70 **The Gaming Commission billed - \$1250 (YTD \$99025)**

71 **The Gaming Commission collected - \$1250 (YTD \$98925)**

72

73 **The Compliance Department performed the following observations:**

74 **Cage – 89**

75 **EGM – 67**

76 **Jackpot – 83**

77 **Exchanges – 4**

78 **Table Inventory – 57**

79 **Table Fill – 35**

80 **Table Credit – 0**

81 **Title 31 Inquiries – 6**

82

83 **The Surveillance Department performed the following for Indigo Sky Casino &**
84 **Resort:**

85 **Policy Violations Noted – 89**

86 **Incident Reports Written Total – 51**

87 **Medical Reports Written – 40**

88 **CD Requests form Tribal PD – 5**

89 **Review Requests from Operations – 19**

90

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

91 The Surveillance Department performed the following for Outpost Casino:
92 Policy Violations Noted – 45
93 Incident Reports Written Total – 2
94 Medical Reports Written – 2
95 CD Requests form Tribal PD – 0
96
97 Commissioner Update:
98 NIGC Audit – Letter attached
99 Internal Audit – Sent to BC and Casino Management May 18, 2022
100 NIGC Conference – Jalene Wells, Amber Graham, Steve Batson Jr., Desiree Wilson
101 and Heather Fisher attended. All attended Compliance Track with exception of
102 Jalene who also attended some sessions for Commission Track and participated as
103 panelist for Cashless/Digital Wallets.
104 NIGC Bulletin 2022-4 – Attached
105 1 Tort Claim Active – Deposition completed and hearing scheduled. 1 Tort denied
106 by ESTGC but still in CFR with motion to dismiss filed by Audrey in June 2019.
107 Still no update from CFR.
108 NTGCR Commissioner Academy – Jalene and Amber attended and presented on
109 Internal Audit and Licensing.
110 Conference Calls have been held with External Auditors and Dates have been
111 scheduled for the FY2022 AUP and Financial Audits.
112 Commissioner has reviewed and approved all Promotions through August and the
113 September Anniversary Promotion.
114 Resort Wallet/Cashless P&P's have been submitted and approved with
115 understanding that these documents will need to be updated and detail added as
116 more is learned on the new system.
117
118 **TREASURER: Justin Barrett, Treasurer**
119 **Cash Balances**
120 • General Fund \$61,380,579
121 • Land \$621,932
122 • Economic Development \$2,651,889
123 • Social Services or Education Reserves \$20,391,349
124 • Education Reserves \$1,293,454
125 • Maintenance Reserve \$5,000,000
126 • Operating Reserve \$10,000,000
127 • Total Available Cash \$20,006,172
128
129 **BENEFIT INCREASES EFFECTIVE OCTOBER 1, 2022**
130 **Health and Social Service Utility Program \$100.00**
131 **First Time Homebuyer will increase to \$10,000.00 from \$3,000.00**
132 **NEW BENEFITS EFFECTIVE OCTOBER 1, 2022**
133 **Enrichment Program in Health and Social Services for \$250.00. This is for**
134 **children's extracurricular activities. This will pay for dance, sports, etc. More**
135 **guidelines to come in the FY23 Health and Social Services Manual.**

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

136 BUSINESS ANNOUNCEMENTS

137 The Business Committee has decided to close the Eastern Shawnee Travel Center at
138 the end of June.

139 We have engaged Klaus Robinson to conduct two feasibility studies for us. One is
140 for Indigo Sky Casino and Resort. The second is for economic development
141 opportunities on the Elbert property. We should have those back for us to review in
142 July.

143 CASINO OPERATIONS

144 Our gaming operations continue to do well. We were able to transfer \$14.5 million
145 to the tribe that was not budgeted in May. We committed those funds to a \$10
146 million Operating Reserve and \$4.5 to a Maintenance Reserve. Based on financial
147 data we are doing better than 2018, 2019, and 2020. 2021 was a record-breaking
148 year across the country for the gaming industry both tribal and commercial. Some
149 months we are exceeding the 2021 numbers and some we are not.

150 The Business Committee has taken a proactive step to commit funding to reserves
151 the past two years in anticipation of an economic downturn. In 2021 we committed
152 \$7 million to reserves and this year we committed \$14.5 million.

153 ESTE UPDATE

154 We are continuing to wind down Burggraf Corporation operations. All the N2N
155 companies have been dissolved. Burggraf is transferring \$232,670.80 to ESTE to
156 pay off the loan and interest for the loan ESTE gave Burggraf in July of 2015.
157 ESTE is then transferring this money to the tribe. This money will be deposited into
158 the tribe's economic development account.

159 BUDGET MODIFICATIONS

160 The Business Committee approved a \$200,000 budget modification for the HIP
161 Program a few months ago. The last report we received is that there are still open
162 spots in this program. We also approved A \$20,000 budget modification for the
163 Hardship Program since it ran out of funding last month.

164

165 Treasurer Barrett read a thank you not from JR Conrad for the donation made to
166 the football camp for children which provided financial assistance for the Ellick
167 family whose daughter is currently undergoing treatment for cancer in Memphis,
168 Tennessee.

169

170 Treasurer Barrett provided information about the Heartland Forward program.
171 Along with its partner Builders +Backers they have used a new approach to
172 problem solving to stimulate entrepreneurial thinking and action across the
173 heartland. Working with local partners, they have supported 15 Builders in
174 Oxford, MS and Tulsa, OK to launch their ideas and solve community challenges.
175 We are the first tribe that they are working with. There will be more information
176 included in the Shooting Star.

177

178 The Oklahoma Tribal Finance Consortium will be hosting an event to celebrate the
179 partnership between our Tribal Nations in Oklahoma, Oklahoma Communities and

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

180 their Business Partners with a special dinner and reception on Tuesday, August 9th,
181 2022, at Cox Business Center in Tulsa.

182
183 Information was also provided on TFCU. TFCU has a partnership program that
184 they offer. Federal Credit Union is the largest credit union in the state with over 32
185 branches. They partner with large and small companies, tribes, non-profits,
186 churches, schools, universities and other community organizations. They offer
187 many great perks that come with the partnership. They present free, in-person
188 financial education workshops throughout the state of Oklahoma with virtual
189 workshops as well. Their trained financial educators are a great resource. The
190 partnership does not involve a contract and is non-exclusive. It is completely free
191 and only a benefit to your members and employees. With this partnership it
192 provides access to the credit union for your employees and tribal members.

193
194 Treasurer Barrett read a donation request from a tribal member for \$480.00 to
195 attend a Fast Pitch Master's Softball Camp.

196 MOTION: To approve Donation Request. The motion was made by 1st Council
197 Gardner with second by 2nd Council Daugherty.

198 Motion carried: 4 approved (Gardner, Daugherty, Kraus, Littlefield), 0 opposed,
199 1 abstained (Barrett), 0 absent.

200

201 RESOLUTIONS

202

203 RESOLUTION NUMBER 062922-R-01 Approving the attached Farming &
204 Grazing Lease Modification #1 of Property owned by the Eastern Shawnee Tribe of
205 Oklahoma commonly known as the Pence Property.

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

210 BE IT FINALLY RESOLVED, that the Business Committee of the Eastern
211 Shawnee Tribe of Oklahoma does hereby wish to approve the attached Farming and
212 Grazing Lease Modification #1 of Property owned by the Eastern Shawnee Tribe of
213 Oklahoma located on E. 120 Rd. Wyandotte, Ok 74370 commonly known as the
214 Pence Property for a lease period of one (1) year and six (6) months with lease
215 number 921 000G040016, TAAMS Document Number 921 4200184472; does
216 expressly waive all bonds associated with this lease; and does expressly waive
217 administrative fees associated with this transaction; and does expressly waive
218 insurance requirements; and does accept the negotiated rent value; and does hereby
219 grant permission to the Bureau of Indian Affairs to approve a lease amendment for
220 the Pence Property.

221 MOTION: To Approve Resolution Number 0602922-R-01. The motion was made
222 by Secretary Littlefield with second by 3rd Council Kraus.

223 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

224

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

225 RESOLUTION NUMBER 062922-R-02 Approving the Attached Residential Lease
226 of Property Owned by the Eastern Shawnee Tribe of Oklahoma Commonly Known
227 as the Rickner House.

228 NOW THEREFORE BE IT RESOLVED, the Property Management Department of
229 the Eastern Shawnee Tribe of Oklahoma is authorized to conduct negotiations on
230 behalf of the Eastern Shawnee Tribe of Oklahoma and approve and execute any and
231 all documents relating to the subject lease.

232 BE IT FINALLY RESOLVED, that the Business Committee of the Eastern
233 Shawnee Tribe of Oklahoma does hereby wish to approve the attached Residential
234 Lease of property owned by the Eastern Shawnee Tribe of Oklahoma located at
235 11990 S. 670 Rd., Wyandotte, Ok 74370, commonly known as the Stoner House for a
236 period of one (1) year with lease number 921 000G040035 with BIA TAMMS
237 Document Number 4200357570 under the Eastern Shawnee Tribe of Oklahoma
238 Residential Leasing Act approved by the Department of Interior January 24, 2022;
239 does hereby expressly waive administrative fees associated with this transaction;
240 and does hereby approve environmental analysis documentation in the form of a
241 categorical exclusion.

242 MOTION: To Approve Resolution Number 062922-R-02. The motion was made by
243 1st Council Gardner with second by 2nd Council Daugherty.

244 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

245

246 REQUISITIONS

247 Requisition number EN-85624 payable to Ferguson Waterworks for waterline pipe in the
248 amount of \$94,625.97.

249 (A motion that was put forth by 2nd Council Daugherty was withdrawn following
250 discussion.) Will request further information from Kristi Laughlin, EPA.

251 MOTION: To table Requisition number EN-85624 made by Treasurer Barrett with
252 second by 2nd Council Daugherty.

253 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

254

255 Requisition number EN-86828 payable to Early Childhood Learning Center for May
256 Childcare in the amount of \$36,701.00.

257 MOTION: To approve Requisition number EN-86828. Motion made by Treasurer
258 Barrett with second by 2nd Council Daugherty.

259 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

260

261 Requisition number EN-87028 payable to CDW Government for Dell VxRail Support
262 and maintenance (3-year renewal) in the amount of \$52,951.91.

263 MOTION: To approve Requisition number EN-87028. Motion made by Treasurer
264 Barrett with second by 3rd Council Kraus.

265 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

266

267 Purchase Request Number PR-00057292 payable to Presidio for renewal Securelink SSL
268 License in the amount of \$33,882.24. (Includes upgrades and support)

ORIGINAL

**EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING**

269 MOTION: To approve PR-00057292. Motion made by 2nd Council Daugherty with
270 second by 1st Council Gardner.

271 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

272

273 QUOTE NUMBER 2001222037178-01 payable to Presidio for Sisco Software Renewal
274 in the amount of \$99,183.36.

275 MOTION: To approve Quote #2001222037178-01. Motion made by Treasurer Barrett
276 with second by 2nd Council Daugherty.

277 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

278

NEW BUSINESS

280 MOTION: To approve Brown & Brown to be the Broker of Record. Motion made by
281 2nd Council Daugherty with second by 1st Council Gardner.

282 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

283

284 MOTION: To approve the insurance proposals from Brown & Brown to include an
285 additional \$50 million in coverage for Indigo Sky Casino & Resort. Motion made by 2nd
286 Council Daugherty with second by 3rd Council Kraus.

287 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

288

289 MOTION: To approve tribal member donation request as discussed. Motion made by
290 Treasurer Barrett with second by 1st Council Gardner.

291 Motion carried: 4 approved (Gardner, Kraus, Barrett, Littlefield), 0 opposed,

292 1 abstained (Daugherty), 0 absent.

293

294 MOTION: To authorize Business Committee Chief of Staff to solicit bids for demolition
295 of Bordertown Casino. Motion made by Treasurer Barrett with second by 1st Council
296 Gardner.

297 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

298

299 MOTION: To move the first Business Committee meeting of July to July 12, 2022.

300 Motion made by 2nd Council Daugherty with second by 3rd Council Kraus.

301 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

302

303 MOTION: To retain Ryan Cannonie to represent past and current employees and elected
304 officials named in case of CIV-22-M03. Motion made by Treasurer Barrett with second
305 by 3rd Council Kraus.

306 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

307

308 MOTION: To rescind the previous motion. Motion made by Treasurer Barrett with
309 second by 3rd Council Kraus.

310 Motion carried: 4 approved (Gardner, Kraus, Barrett, Littlefield), 0 opposed,

311 1 abstained (Daugherty), 0 absent.

312

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

313 MOTION: To retain Ryan Cannonie to represent past and current employees and elected
314 officials named in case number CIV-22-M03. Motion made by Treasurer Barrett with
315 second by 3rd Council Kraus.

316 Motion carried: 4 approved (Gardner, Kraus, Barrett, Littlefield), 0 opposed,
317 1 abstained (Daugherty), 0 absent.

318
319

320 OLD BUSINESS

321 Ben Bingham presented concerns that he was removed from the ESTE Board without
322 being notified and he requests a copy of the qualifications to be on the ESTE Board. He
323 also had concerns about votes that were made before he was removed from the board
324 being legal. Explanation on the votes being legal due to the quorum was provided by 2nd
325 Chief Samples.

326

327 CLOSED SESSION

328 No Business to conduct in Closed Session.

329

330 OPEN SESSION

331

332 MOTION: To adjourn at 6:38 p.m. The motion was made by 2nd Council Daugherty with
333 second by Treasurer Barrett.

334 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.

335

336 ADJOURN

337

338

339 Debbie Littlefield
340 Debbie Littlefield, Secretary

341

342 7-12-22

343 Date

~~Chris Samples, Second Chief~~
Justin Barrett, Treasurer

7-12-22

Date