

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

1 **DATE:** Wednesday, December 28th, 2022
2 **TIME:** 5:30 p.m.
3 **LOCATION:** BlueJacket Building / Indigo Sky Casino
4 **INVOCATION:** Chief Wallace
5

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

7 The Business Committee Meeting was called to order at 5:30 p.m. at the BlueJacket
8 Building by Second Chief Samples with the following answering roll call: 1st Council
9 Kissee, 2nd Council Daugherty, Secretary Littlefield, and Treasurer Barrett. 2nd Chief
10 Samples declared a quorum.

11 **MOTION:** To move the Regular Business Committee Meeting to Indigo Sky Casino due
12 to the recent water damage at the BlueJacket Building. The motion was made by
13 Treasurer Barrett with second by 2nd Council Daugherty.

14 Motion carried: 4 approved (Kissee, Daugherty, Littlefield, Barrett), 0 opposed,
15 0 abstained, 1 absent (Kraus).

16 Chief Wallace and 3rd Council Kraus joined the meeting at Indigo Sky Casino.
17

18 **NEW ENROLLEES:**

19 **Clyde Allen Foley** **DOB: 05/15/2022**
20 **Kira Morgan Channick** **DOB: 11/07/2022**
21 **Sophia Dawn Summers** **DOB: 12/13/2021**
22

23 **MOTION: To Approve New Enrollees: The motion was made by 2nd Council**
24 **Daugherty with second by Treasurer Barrett.**

25 **Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.**
26

27 **MINUTES**

28 **MOTION:** To Approve the Minutes of the December 14, 2022, Business Committee
29 Meeting with the following corrections – line 56 changing Lincoln to Licking and line 75
30 correcting the spelling of Holland to Haaland. The motion was made by 2nd Council
31 Daugherty with second by 1st Council Kissee.

32 Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.
33

34 **REPORTS**

35 **CASINO REPORT – Melanie Heskett, General Manager**

36 **Reporting for the month of November:**

37 **Indigo Sky Casino – Revenue down 6%, Expenses down 10%.**

38 **Outpost Casino – Revenue down 3%, Expenses down 7%.**
39

40 **Comparison of Actual to Budget for YTD:**

41 **Indigo Sky – Revenue up 4%, Expenses down 7%.**

42 **Outpost Casino – Revenue down 4%, Expenses down 8%.**
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**GAMING COMMISSION REPORT: Jalene Wells, Gaming Commissioner –
Reporting for the month of November:
The Gaming Commission currently has 39 total employees. 8 employees are tribal
members, 1 tribal spouse, 4 Native, 23.08% Eastern Shawnee, 33.34% Native
American.**

**The Licensing Department processed:
Renewals – 22
New Hires – 23
Conditional Employee Licenses monitored – 3
Non-gaming vendor companies – 15
Non-gaming vendor employee licenses – 42
Gaming Companies – 0
Gaming vendor employees – 16
The Gaming Commission collected – \$13,525 (YTD \$28,550)**

**The EGM Department performed the following:
New Machine Installs – 28
Machines Removed – 16
Machine Software/Theme Conversions – 24
Software Upgrades – 8
Software replacements - 2
Gaming machine relocations – 9
Server installs/Upgrades – 7
Single pieces of software tested – 157
Seal Activities – 149
The Gaming Commission billed – \$1,350 (YTD \$3,875)
The Gaming Commission collected – \$1,075 (\$2,600)**

**The Compliance Department performed the following observations:
Cage – 79
EGM – 55
EGM Activity Assists - 2
Jackpot – 66
Players Club - 75
Exchanges – 7
Table Inventory – 87
Table Fill – 46
Table Credit – 1
Title 31 Inquiries – 9**

**Internal Auditors assisted External Auditors while on-site and performed document
reviews for Internal Audit.**

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91 The Surveillance Department performed the following for Indigo Sky Casino &
92 Resort:
93 Phone Calls – 2657
94 Radio Calls – 644
95 Observations - 14724
96 Policy Violations Noted – 152
97 JDLR's Noted - 32
98 Incident Reports Written Total – 50
99 Medical Reports Written – 39
100 CD Requests from Tribal PD- 4
101 Review Requests from Operations - 16
102

103 The Surveillance Department performed the following for Outpost Casino:
104 Phone Calls – 165
105 Radio Calls – 52
106 Observations – 3222
107 Policy Violations Noted – 33
108 JDLR's Noted - 7
109 Incident Reports Written Total – 3
110 Medical Reports Written – 1
111 CD Requests from Tribal PD – 0
112 Review Requests from Operations – 2
113

114 **Trainings and Events**

115 EGM Supervisor, Surveillance Director and IT Manager attended Leadership
116 Training in Tulsa that was provided free of charge by Castle Hill Gaming.
117 Ashley Burnside, Regina DeMoss, Sarah North, Simon Tottingham, Eb
118 Scroggins, and Kodi Hurly attended OTGRA conference in Durant, Ok.
119 Internal Auditors attended 2 Virtual Sessions with NIGC: Cyber Symposium
120 and How to Calculate Fees and Fee Reconciliation.
121 Commissioners, Licensing and Tech Staff completed the CJIS Security
122 Awareness Certification.
123

124 **Commissioner Updates**

- 125 • Commissioner has reviewed and approved all submitted and updated
126 promotions through November, December and January.
- 127 • Commissioner reviewed and approved P&P's.
- 128 • Commissioner met with IT and Maintenance Departments to get additional
129 information for the LPR Quote. Will be reaching out to get a meeting with
130 Vendor to get a more detailed quote.
- 131 • Tribal IT and GC is awaiting directive or action of the BC concerning
132 Surveillance of Tribal Buildings.
133

134 **TREASURER REPORT – Justin Barrett, Treasurer**
135 **Cash Balance Report as of 12/28/22 – Preliminary Numbers**

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136	General Fund	61 million
137	People's Bank CD's	1.2 million
138	Combined General Fund	62.2 million
139	Land Account	1.2 million
140	Economic Development	3 million
141	Social Services/Ed. Reserves	20.9 million
142	Education	1.8 million
143	Total Committed Funds	80 million
144	Total Available Cash	18.9 million

145

ECONOMIC DEVELOPMENT REPORT – Justin Barrett, Treasurer

147 **Vetnos Report**

148 **Class II**

149 **October 5, 2022 – Press Release was issued – National coverage generated multiple**
150 **stories Tribal Nation Gaming Milestone: Three Tribes, Two States, and One**
151 **Purpose Bringing a First-of-its-Kind, Class II, Sports Themed App to the Market.**

152

153 **October 10-13, 2022 – Vetnos Participates at G2E**

154 **Presentation on the Class II panel.**

155 **Potential client meetings were held with three tribes.**

156

157 **October 21, 2022 – Chicken Ranch Tribal Gaming Agency issues authorized**
158 **“approval” document.**

159 **Chicken Ranch Tribal Gaming Agency (“CRTGA”) Classification Determination**
160 **for the “Play Tac Toe” Class II Bingo Game System.**

161

162 **November 8, 2022 – Sports Betting Initiatives in CA Fail.**

163 **PlaySqor Class II Only sports themed app available to CA Tribes**

164

165 **November 2022 With a Large Tribe Commences Game Review**

166 **Anticipated classification review completion within the 1st Quarter 2023**

167

168 **November Chicken Ranch Casino Beta Preparation**

169 **Private label app design in progress / Servers received for configuration and**
170 **testing/in GeoComply queue for beacon deployment and testing / Promotional**
171 **launch strategy in progress**

172 **Anticipated installation Q1**

173

174 **Class III DFS**

175

176 **Currently anticipating a final agreement with the MLB Team**

177 **PlaySqor will design and implement a private label app for a MLB team. A**
178 **relationship with the team is the MLB will be valuable to the overall company and**
179 **its reach in the market.**

180

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181 **Additional Patent Filings**

182 **The filings cover further games from Vetnos including the Class II app**

183

184 **Woodlands Management Report**

185 **Woodlands Management will move funds to Woodlands Development to purchase**
186 **the Tecumseh property from Burggraf. The amount will be \$1,016,251 (For the**
187 **building and land and the value of the lease.**

188

189 **The lease will be transferred to Woodlands Development from Burggraf.**

190

191 **ESTE will request a transfer of funds from Burggraf to pay off ESTE physical**
192 **assets/property then the BC will transfer this back to the holding company.**

193

194 **The note balance will be forgiven in the amount of approximately \$200,000.00.**

195

196 **ESTE and Burggraf Report**

197 **ESTE will be selling the last property to Woodlands Development. The existing**
198 **lease will be transferred to Woodlands Development. The reason we are selling to**
199 **Woodlands Development is to reduce the tax liability of Burggraf.**

200

201 **ESTE and Burggraf Corporation will be dissolving after this. The cash will be used**
202 **to pay the outstanding notes. My recommendation is to then re-allocate this cash to**
203 **the holding companies for operating capital.**

204

205 **Eastern Shawnee Economic Services**

206 **This is a new holding for the possibility of acquiring two construction companies.**
207 **These funds were set aside a few months ago by resolution. The new holding**
208 **company is needed for the bonding company to prevent from having to release the**
209 **casino and Tribe's financials.**

210

211 **Eastern Shawnee Economic Services is being renamed to Eastern Shawnee**
212 **Companies.**

213

214 **Totem**

215 **The Business Committee executed a letter of intent with Totem Technologies.**
216 **Totem is a digital banking app that anyone can use. The Tribe will receive a**
217 **percentage of the revenue earned by Totem from debit card transactions. Totem is**
218 **trying to resolve access to banking faced by tribal members. 17% of Native**
219 **Americans are not banked. A press release will be issued next month announcing**
220 **our partnership. This cost the tribe nothing, The app is expected to launch in the**
221 **second quarter of 2023.**

222

223 **You can go to this link to sign up for the waiting list.**

224 **<https://www.mytotem.app/estoo-join-waitlist>.**

225

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226 **Indigo Sky Online**
227 **Our social casino development is coming along nicely as we close out the year with**
228 **the completion of the Indigo Sky Casino digital twin structure as well as the key**
229 **brand components that include 3D staff avatar costumes, a custom branded**
230 **progressive slots game and the framework for our mobile app. The tech team is**
231 **currently working with 3rd party casino game providers to put together a library of**
232 **the most popular casino games to stock our virtual floor. Official dates and more to**
233 **be announced in early 2023.**

234

235 **RESOLUTIONS**

236

237 **RESOLUTION NUMBER 122822-R-01 Resolution to Approve a Letter of**
238 **Agreement between the Eastern Shawnee Tribe of Oklahoma and Seneca**
239 **Telephone, dba Rally Networks**
240 **NOW THEREFORE BE IT RESOLVED, that the Business Committee of the**
241 **Eastern Shawnee Tribe of Oklahoma does hereby approve the attached Letter of**
242 **Agreement between the Eastern Shawnee Tribe of Oklahoma and Seneca**
243 **Telephone, dba Rally Networks with the following receivables:**

244 **1. Fiber optic network design for plant installation.**

245 **2. Bill of materials.**

246 **3. Recommendations for central office electronics.**

247 **4. Recommendations for customer premise electronics.**

248 **BE IT FURTHER RESOLVED, that the Business Committee of the Eastern**
249 **Shawnee Tribe of Oklahoma does hereby authorize Chief Glenna J. Wallace to**
250 **execute the Letter of Agreement.**

251 **MOTION: To Approve Resolution Number 122822-R-01. The motion was made 1st**
252 **Council Kissee with second by 3rd Council Kraus.**

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

254

255 **RESOLUTION NUMBER 122822-R-02 Resolution to approve the forgiveness of**
256 **Notes Payable issued by the Eastern Shawnee Tribe of Oklahoma to Burggraf**
257 **Corporation.**

258 **NOW THEREFORE BE IT RESOLVED, that the Business Committee of the**
259 **Eastern Shawnee Tribe of Oklahoma does hereby wish to forgive the balances of**
260 **Notes Payable issued by the Eastern Shawnee Tribe of Oklahoma to Burggraf**
261 **Corporation. The amounts forgiven will be the balances in excess of the available**
262 **Burggraf cash balances as of 12/31/2022.**

263 **MOTION: To Approve Resolution Number 122822-R-02. The motion was made by**
264 **Treasurer Barrett with second by 1st Council Kissee.**

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

266

267 **RESOLUTION NUMBER 122822-R-03 Authorizing the Land Management**
268 **Department to submit an application to the Bureau of Indian Affairs to pursue**
269 **placing the McKibben Properties containing 112.32 acres into trust.**

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270 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
271 Eastern Shawnee Tribe of Oklahoma does hereby wish to place approximately
272 112.32 acres of tribal land in Eastern Shawnee Tribe of Oklahoma jurisdiction into
273 trust.

274 BE IT FURTHER RESOLVED, that the Business Committee of the Eastern
275 Shawnee Tribe of Oklahoma does hereby authorize Eastern Shawnee Tribe of
276 Oklahoma Chief Glenna J. Wallace to sign the conveyance documents on behalf of
277 the Eastern Shawnee Tribe of Oklahoma.

278 MOTION: To Approve Resolution Number 122822-R-03. The motion was made by
279 Treasurer Barrett with second by Secretary Littlefield.

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

281

282 RESOLUTION NUMBER 122822-R-04 Resolution to approve FY2023 Eastern
283 Shawnee Tribe ARPA Utility and Medical Program Policies and Procedures.

284 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
285 Eastern Shawnee Tribe of Oklahoma does hereby wish to adopt the attached
286 FY2023 Eastern Shawnee Tribe ARPA Utility and Medical Program Policies and
287 Procedures.

288 MOTION: To Approve Resolution Number 122822-R-04. The motion was made by
289 Treasurer Barrett with second by 3rd Council Kraus.

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

291

292 RESOLUTION NUMBER 122822-R-05 Resolution to Authorize the Amendment to
293 the Articles of Organization of Eastern Shawnee Economic Services, LLC.

294 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
295 Eastern Shawnee Tribe of Oklahoma does hereby approve the Amendment to the
296 Articles of Organization of Eastern Shawnee Economic Services, LLC approved by
297 Resolution 121422-R-06, to change its name to Eastern Shawnee Companies, LLC.

298 BE IT FURTHER RESOLVED, that the Business Committee of the Eastern
299 Shawnee Tribe of Oklahoma further specifically authorizes the execution of the
300 Amendment by the Chief of the Tribe on behalf of the Business Committee.

301 MOTION: To Approve Resolution Number 122822-R-05. The motion was made by
302 Treasurer Barrett with second by 1st Council Kissee.

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

304

305 RESOLUTION NUMBER 122822-R-06 Resolution to Rescind Resolution 121422-R-
306 08 Opening of Peoples Bank Account for Eastern Shawnee Economic Services.

307 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
308 Eastern Shawnee Tribe of Oklahoma does hereby wish to Rescind Resolution
309 121422-R-08 Opening of Peoples Bank Account for Eastern Shawnee Economic
310 Services due to changing the name of Eastern Shawnee Economic Services, LLC to
311 Eastern Shawnee Companies, LLC.

312 MOTION: To Approve Resolution 122822-R-06. The motion was made by 1st
313 Council Kissee with second by 3rd Council Kraus.

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

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316 **RESOLUTION NUMBER 122822-R-07 Resolution to Open a DDA at People's**
317 **Bank of Seneca for Eastern Shawnee Companies, LLC.**

318 **NOW THEREFORE BE IT RESOLVED, that the Business Committee of the**
319 **Eastern Shawnee Tribe of Oklahoma does hereby wish to open a demand deposit**
320 **account at People's Bank of Seneca for Eastern Shawnee Companies, LLC.**

321 **BE IT FURTHER RESOLVED, that the Business Committee of the Eastern**
322 **Shawnee Tribe of Oklahoma hereby designates Chief Glenna J. Wallace, Treasurer**
323 **Justin Barrett, and Secretary Debbie Littlefield as authorized signers of the account.**

324 **BE IT FINALLY RESOLVED, that the Business Committee of the Eastern**
325 **Shawnee Tribe of Oklahoma hereby designates Chief Financial Officer Karen Allen**
326 **as the Administrator of Cash Management of the account.**

327 **MOTION: To Approve Resolution Number 122822-R-07. The motion was made by**
328 **Treasurer Barrett with second by 3rd Council Kraus.**

329 **Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.**

330

331 **REQUISITIONS**

332 Requisition Number EN-92842 payable to Miracle Recreation Equipment Co. for ECLC
333 Splash Pad/Playground Equipment in the amount of \$132,523.89.

334 **MOTION: To Approve Requisition Number EN-92842. The motion was made by 1st**
335 **Council Kisse with second by 3rd Council Kraus.**

336 **Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.**

337

338 Requisition Number EN-92926 payable to REDW for the 1st installment of the 2022
339 Compensation Study in the amount of \$27,696.67.

340 **MOTION: To Approve Requisition Number EN92926. The motion was made by**
341 **Treasurer Barrett with second by Secretary Littlefield.**

342 **Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.**

343

344 Four quotes were presented for the rock removal and sod replacement at Elder Housing.
345 2nd Chief Samples requested that Tribal Administrator come back with the cost for
346 removing the rock from the different companies as it was listed only on one quote. It was
347 agreed not to get an additional quote from the company that already quoted rock removal
348 – just from the three companies that did not quote the rock removal.

349

350 Quote from GHA Technologies, Inc., for the Barracuda Email Protection, Premium Plus
351 for a 3-year subscription in the amount of \$75,224.25.

352 **MOTION: To Approve the GHA Technologies, Inc. quote. The motion was made by**
353 **Secretary Littlefield with second by Treasurer Barrett.**

354 **Motion carried: 5 approved, 0 opposed, 0 abstained, 0 absent.**

355

356 **NEW BUSINESS**

357

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358 **MOTION:** To appoint Audrey Dixon, Chad Kelly, and Karen Allen to Eastern
359 Shawnee Companies Board of Directors. The motion was made by Treasurer
360 Barrett with second by 1st Council Kissee.

361 **Motion carried:** 5 approved, 0 opposed, 0 abstained, 0 absent.

362

363 **2nd Chief Samples** inquired if the BC would be interested in pursuing the purchase
364 of a strip of land across from BC Blvd – Hwy. 60. All were in agreement for Chad
365 Kelly to pursue through Woodland’s Development and present to the Business
366 Committee when the information has been obtained.

367

368 **OLD BUSINESS**

369

370 **110 Road Project** – Chief Wallace reports that this 4.1 million Grant we wrote was
371 not funded. An email was received by Chief Wallace and forwarded to BC
372 members from the Transportation Director from the BIA office in Muskogee. He
373 proposed some ways of helping. We get funding every single year. It doesn’t vary,
374 it is their formula. He indicated that it would be a minimum of \$150,000 a year that
375 we would be receiving in Roads Funds. They could lend it for 10 years and the tribe
376 would take out a note and agree on a percentage that we would pay and that could
377 be used for the funding of this road.

378 An update of information from Karen Allen indicates that as of now we have a
379 balance of \$2,130,457.80 as our balance of Road Funds. As a total we have spent
380 \$320,647.82 on 110 Rd. leaving a balance of \$1,810,809.98 in roads funds. If we
381 chose to take out the income that would be coming from the Roads, it would be a
382 total of \$3,310,809.98. The original bid was 4.4 million. The tribe could choose to
383 put in 1 million from ARPA Funds or General Funds

384 **2nd Chief Samples** requested that we see if the bidding company will update their
385 numbers, hold it for 30 days and see what we can do with our cash balances.

386

387 **Resolutions** – Treasurer Barrett gave an update on progress of Resolutions being
388 uploaded on the web site without attachments beginning in 2023. A disclaimer will
389 be placed on the website that we cannot guarantee that these will all be active or
390 have not been superseded or rescinded by another resolution. For all previous
391 resolutions you will still need to contact the Secretary Debbie Littlefield or Chad
392 Kelly to schedule an appointment to review the resolutions. **2nd Chief Samples**
393 requested that Ben Dixon research what the work plan is to do the labor and get
394 estimates.

395

396 **Program Policies and Procedures** to be discussed further in Closed Session

397

398 **MOTION:** To go into Closed Session at 7:03 p.m. following a five-minute break.

399 Motion made by Treasurer Barrett with second by 1st Council Kissee.

400 **Motion carried:** 5 approved, 0 opposed, 0 abstained, 0 absent.

401

402 **CLOSED SESSION**

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OPEN SESSION

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406

MOTION: To return to Open Session at 9:15 p.m. The motion was made by Treasurer Barrett with second by 2nd Council Daugherty.

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408

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

409

410

MOTION: To adjourn at 9:16 p.m. The motion was made by Treasurer Barrett with second by 1st Council Kissee.

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412

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

413

414

415

ADJOURN

416

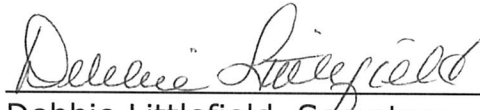
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Debbie Littlefield, Secretary

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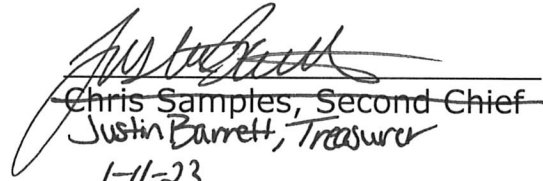
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Date

426



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

1-11-23

Date