

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA  
REGULAR BUSINESS COMMITTEE MEETING

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**DATE: Wednesday, March 24<sup>th</sup>, 2021**

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

**LOCATION:** BlueJacket Building

**INVOCATION:** Chief Glenna Wallace

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

The Business Committee Meeting was called to order at 5:30 p.m. with the following answering roll call: 1<sup>st</sup> Council Gardner, 2<sup>nd</sup> Council Daugherty, 3<sup>rd</sup> Council Kraus, Treasurer Barrett and Secretary Littlefield. Chief Wallace and 2<sup>nd</sup> Chief Ross were in attendance. A Quorum was declared by 2<sup>nd</sup> Chief Ross.

A Workers' Compensation Insurance Proposal for renewal was presented by Chris Floyd, CRM, CIC, Vice President Tribal Insurance Programs from Brown & Brown Insurance for the period March 31, 2021 – March 31, 2023. Handouts were presented to each Business Committee Member.

**NEW ENROLLEES –**

Patrick Liam Channick – DOB: 02/03/2021,  
Remington Skye Pritchett – DOB: 10/01/2020,  
Selah Jade Hughes – DOB: 01/18/2021.

**MOTION TO APPROVE NEW ENROLLEES MADE BY 1<sup>ST</sup> Council Gardner with second by Treasurer Barrett.**

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

**MINUTES**

**Motion to approve Minutes of the March 24<sup>th</sup>, 2021 Business Committee Meeting as amended made by 2<sup>nd</sup> Council Daugherty with second by 1<sup>st</sup> Council Gardner.**

**Amendments were made to line 106 changing the dollar amount from \$2500 to \$3000 per Chief Wallace's request and line 193 correcting the spelling of a name, Kelley.**

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

**REPORTS**

**Casino – Melanie Heskitt, General Manager**

**Comparison of month to previous month – Indigo Sky Casino – Revenues down 31%, Expenses down 16.4%. Outpost Casino – Revenues down 21.3%, Expenses down 11.3%.**

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41 **Comparison of year Feb. 2021 to previous year Feb. 2020 –**  
42 **Indigo Sky Casino – Revenue down 10.5%, Expenses down**  
43 **23%, EBIDA up 32.9%. Outpost Casino – Revenue down**  
44 **14.1%, EBIDA up 14%.**

45 **Total Revenue YTD – Indigo Sky Casino – Revenue up 12.5%,**  
46 **Expenses down 14.4%, EBIDA up 123%. Outpost Casino –**  
47 **Revenue down 0.54%, Expenses down 23%, EBIDA up 39.5%.**

48 **MOTION TO APPROVE HAZARD PAY for employees as presented**  
49 **by Casino General Manager made by Secretary Littlefield with**  
50 **second by 1<sup>st</sup> Council Gardner.**

51 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

52

53 **Gaming Commission – Jalene Wells, Gaming Commissioner**

54 **Employees – Current 2021 – 39 Total Employees as of 2-24-21.**  
55 **13 GC Department – 1 Commissioner, 2 Deputy Commissioners,**  
56 **1 Licensing Supervisor (1 Vendor Licensing Agent, 1 Employee**  
57 **Licensing Agent, 1 Licensing Clerk), 1 EGM Supervisor (2 EGM**  
58 **Agents), Compliance Auditors (3 Compliance Agents), 0**  
59 **Receptionist – VACANT, 0 Administrative Assistant – VACANT,**

60 **22 Surveillance Department, (13 Agents – 1 Vacant, 6 Leads,**  
61 **2TG Lead, 1 Supervisor, 4 Technical Department (1 Technical**  
62 **Architect, 1 Systems Administrator, 1 Lead Technician, 1**  
63 **Technician).**

64 **11 Tribal Members, 1 Tribal Spouse, 3 Native, 33.77% ESTOO**  
65 **Tribe, 38.46 Native American**

66 **Licensing for February 2021 – Casino Employee – Processed 57**  
67 **Renewals and New Hires processed (0 Denials, 1 Suspensions,**  
68 **1 Revocation). Conditional Employee Licenses Monitored – 2,**  
69 **Non-Gaming Companies – processed 12, Non-Gaming Vendor**  
70 **Employees – Processed 30, Gaming Companies – Processed 1.**  
71 **Gaming Vendor Employees – 26, Gaming Vendor Fees Collected**  
72 **- \$6500, Non-Gaming Vendor Fees Collected - \$1425, Employee**  
73 **Licensing Fees Collected - \$8050, TOTAL FEES COLLECTED -**  
74 **\$15975 (YTD \$107,755).**

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75 **Still awaiting approval from FBI on our Outsourcing Agreement**  
76 **with Accurate Biometrics but did get approval to move forward**  
77 **with performing the equipment/system upgrades on the new**  
78 **fingerprint machine.**

79 **EGM – February 2021 – 0 New machine installs, 0 Machines**  
80 **Removed, 26 Machine Software/Theme Conversions, 21**  
81 **Software Upgrades, 5 Software Replacements, 0 Gaming**  
82 **Machine Relocations, 0 Server Installs/Upgrades, 168 Single**  
83 **pieces of software tested, 83 Seal Activities, Machine Fees**  
84 **Billed \$925(YTD \$89700)**

85 **Audit Observations and Reports – February 2021 – Cage – 67,**  
86 **EGM-60, Jackpot-55, Players Club-54, Table Inventory-35,**  
87 **Table Fill-19, Table Credit-1, Title 31 Inquiries-8.**

88 **RFP's were sent out to 7 firms for the 2021 External Audit.**  
89 **Three have responded and signed the NDA. Bids are due back**  
90 **to the Commission by May 17<sup>th</sup>. Bids will be reviewed and**  
91 **discussed with Casino Management and Accounting and the**  
92 **Commission will present the information to the BC on May 26<sup>th</sup>.**

93 **Surveillance for February 2021 – Policy Violations Noted – ISC**  
94 **89/OP 19, Incident Reports written ISC35/OP7, Medical**  
95 **Reports Written ISC 29/OP4, CD Request for Tribal PD 3 (ISC**  
96 **2/OP 1).**

97 **Technical Department February 2021 – 45 New tickets**  
98 **submitted, 38 Tickets completed, installed 9 Cameras at ISC,**  
99 **Installed 10 cameras at Outpost, Updated firmware on 188**  
100 **cameras. Had two cameras damaged during winter storm. One**  
101 **was under warranty and was replaced by manufacturer. One**  
102 **was not under warranty and was replaced with a camera we**  
103 **had on loan. Have since submitted an order to purchase this**  
104 **camera and others. The invoice for the one will be submitted**  
105 **to Sharon for the Insurance claim.**

106 **Training – 3 EGM Agents and 1 Compliance Agent attended a**  
107 **free virtual training on Digital Wallets. Commissioner attended**  
108 **1 Zoom Training on Leadership offered by the Tribe.**

109 **Commissioner Reviews and Updates – March promotions for**

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110 **ISC and Outpost reviewed. Org Charts and job description**  
111 **submissions for Outpost were completed. 1 P&P for Outpost**  
112 **and 1 P&P for Indigo Sky was submitted and approved.**  
113 **Currently have 3 Tort Claims in process. Updates and filings**  
114 **have been copied to in-house Counsel and an update is**  
115 **attached. 1 Administrative Hearing concluded (determination**  
116 **to be rendered if no settlement). One Deposition concluded, 1**  
117 **hearing scheduled, 2 settlements filed, and 1 Tort**  
118 **denied/dismissed for failure to appear. Requested and**  
119 **received a credit adjustment from the NICG for fees that were**  
120 **paid on Bordertown Casino after the closing in December.**  
121 **Indigo Sky Casino will receive A \$1086.46 credit towards the**  
122 **quarterly fees. Submitted an email request to James Safar –**  
123 **State Field Agent, regarding the overpayment of fees. Finally**  
124 **got a response and he has a meeting with his director this**  
125 **week and if he does not respond back to me by Friday then I**  
126 **will reach out to his director, Brandy Manek. NIGC should have**  
127 **the final version of the MOU for fingerprints issued out to**  
128 **Tribes in June 2021.**

129 **An update on Tort Claims with the Eastern Shawnee Gaming**  
130 **Commission was supplied to each BC member by J. Wells,**  
131 **Gaming Commissioner.**

132 **Business Committee granted verbal permission for the Gaming**  
133 **Commission to go ahead and approve a temporary Emergency**  
134 **Response Plan per request of the Gaming Commissioner.**

135 **Treasurer Report – Not presented at this time.**

136 **RESOLUTIONS**

137 **RESOLUTION NUMBER 032421-01 authorizing a Certificate of**  
138 **Deposit for the Eastern Shawnee Tribe of Oklahoma with**  
139 **Security Bank and Trust in Miami, Oklahoma.**

140 **NOW THEREFORE BE IT RESOLVED, that the Business**  
141 **Committee of the Eastern Shawnee Tribe of Oklahoma does**  
142 **hereby authorize a 12 month Certificate of Deposit for the**  
143 **Eastern Shawnee Tribe of Oklahoma with Security Bank and**  
144 **Trust in Miami, Ok. Funding will come from the entirety of CD**  
145 **#45590 with the Security Bank and Trust.**

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146 **BE IT FURTHER RESOLVED, that the Business Committee of the**  
147 **Eastern Shawnee Tribe of Oklahoma hereby authorizes Glenna**  
148 **J. Wallace and Treasurer Justin Barrett as signers for all**  
149 **documents relevant to this transaction.**

150 **MOTION TO APPROVE RESOLUTION NUMBER 032421-R-01**  
151 **made by 1<sup>st</sup> Council Gardner with second by 2<sup>nd</sup> Council**  
152 **Daugherty.**

153 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

154 **RESOLUTION NUMBER 032421-R-02 to amend the Eastern**  
155 **Shawnee Tribe of Oklahoma Workers' Compensation Act.**

156 **NOW THEREFORE BE IT RESOLVED, that the Business**  
157 **Committee of the Eastern Shawnee Tribe of Oklahoma does**  
158 **hereby authorize amendments to the Eastern Shawnee Tribe of**  
159 **Oklahoma Workers' Compensation Act to incorporate**  
160 **amendments made by Resolution 042419R-01 and to bring the**  
161 **Eastern Shawnee Tribe of Oklahoma Workers' Compensation**  
162 **Act in line with Resolution 0118221R-07.**

163 **MOTION TO APPROVE RESOLUTION NUMBER 032421-R-02**  
164 **made by Treasurer Barrett with second by 2<sup>nd</sup> Council**  
165 **Daugherty.**

166 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

167 **RESOLUTION NUMBER 032421-R-03 authorizing a General**  
168 **Retainer Agreement between the Eastern Shawnee Tribe of**  
169 **Oklahoma and Ryan G. Cannonie and Wirth Law Group, P.C.**

170 **NOW THEREFORE BE IT RESOLVED, that the Business**  
171 **Committee of the Eastern Shawnee Tribe of Oklahoma does**  
172 **hereby approve the attached General Retainer Agreement**  
173 **between the Eastern Shawnee Tribe of Oklahoma and Ryan G.**  
174 **Cannonie and Wirth Law Group, P.C.**

175 **MOTION TO APPROVE RESOLUTION NUMBER 032421-R-03**  
176 **made by Treasurer Barrett with second by Secretary Littlefield.**

177 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

178 **MOTION TO TABLE Resolution to amend the Eastern Shawnee**  
179 **Tribe of Oklahoma Motor Vehicle Registration and Tags**

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180 **Program until the April 14<sup>th</sup>, 2021 Business Committee Meeting**  
181 **by 2<sup>nd</sup> Council Daugherty with second by 1<sup>st</sup> Council Gardner.**

182 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

183 **RESOLUTION NUMBER 032421-R-04 to approve the Eastern**  
184 **Shawnee Tribal Emergency Rental Assistance Program Policies**  
185 **and Procedures.**

186 **NOW THEREFORE BE IT RESOLVED, that the Business**  
187 **Committee of the Eastern Shawnee Tribe of Oklahoma does**  
188 **hereby approve the attached Eastern Shawnee Tribe Tribal**  
189 **Emergency Rental Assistance Program Policies and Procedures.**

190 **MOTION TO APPROVE RESOLUTION NUMBER 032421-R-04**  
191 **made by Treasurer Barrett with second by 2<sup>nd</sup> Council**  
192 **Daugherty.**

193 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

194 MOTION TO ADD RESOLUTION NUMBER 032421-R-05 to the Agenda  
195 made by Treasurer Barrett with second by 2<sup>nd</sup> Council Daugherty.

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

197 RESOLUTION NUMBER 032421-R-05 authorizing the Transfer of  
198 \$400,000.00 from the Economic Development Fund to the Eastern  
199 Shawnee Tribe of Oklahoma Housing Authority.

200 NOW THEREFORE BE IT RESOLVED, that the Business Committee of  
201 the Eastern Shawnee Tribe does hereby wish to approve a transfer of  
202 \$400,000.00 to the Eastern Shawnee Housing Authority for  
203 construction costs from the Economic Development Fund. All change  
204 orders for construction costs must be approved by the Housing  
205 Authority Board of Commissioners. Any remaining funds from  
206 construction shall revert back to the Economic Development Fund at  
207 the end of the project.

208 MOTION TO APPROVE RESOLUTION NUMBER 032421-R-05 made by  
209 1<sup>st</sup> Council Gardner with second by Treasurer Barrett.

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

211 MOTION TO ADD RESOLUTION NUMBER 032421-R-06 to the Agenda  
212 made by 1<sup>st</sup> Council Gardner with second by Treasurer Barrett.

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

214 RESOLUTION NUMBER 032421-R-06 to freeze spending of all funds  
215 received from the American Rescue Plan Act Funding of 2021.

216 NOW THEREFORE BE IT RESOLVED, that the Business Committee of  
217 the Eastern Shawnee Tribe of Oklahoma does hereby wish to freeze

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218 spending of all funding received from the American Rescue Plan Act of  
219 2021 until such time as it is allocated by the Business Committee.

220 MOTION TO APPROVE RESOLUTION 032421-06 made by 1<sup>st</sup> Council  
221 Gardner with second by Treasurer Barrett.

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

223

224 **REQUISITIONS**

225 **Casino Purchase Request PR 00051274 payable to All Media in**  
226 **the amount of \$27,089.16 for Casino-wide sound system.**

227 **MOTION TO APPROVE Purchase Order PR 00051274 made by**  
228 **2<sup>nd</sup> Council Daugherty with second by Treasurer Barrett.**

229

230 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

231

232 **NEW BUSINESS**

233 **HAVEN Program presentation by Kellie Allemann explaining**  
234 **what the program does, who it serves, information about their**  
235 **emergency services and transitional housing program. Request**  
236 **was made by Business Committee to provide alternate plans for**  
237 **Emergency Housing. HAVEN Director will request to be put on**  
238 **an Agenda in the future to provide further information on the**  
239 **Emergency Housing.**

240

241 **OLD BUSINESS**

242 **Ceremonial Chief, Shawn King presented two Resolutions to**  
243 **protect and restore Culture and Spirituality. Copies of the**  
244 **Resolutions were distributed to the Business Committee.**  
245 **Request made by Business Committee to have document**  
246 **emailed to Audrey Dixon, In-House Counsel.**

247

248 **Follow up on request for documents from tribal member Bud**  
249 **Enyart. Audrey Dixon, In-House Counsel states that she and**  
250 **Chad Kelly have researched this and did find where a motion**  
251 **was made. States she does have a copy of document to**  
252 **provide to Mr. Enyart.**

253

254 **MOTION to go into Closed Session at 8:06 p.m. following a ten-**  
255 **minute break made by Treasurer Barrett with second by 1<sup>st</sup>**  
256 **Council Gardner.**

257 **Motion carried: 5 approved, 0 opposed, 0 abstained.**

258

259 **CLOSED SESSION**

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261 **MOTION to return to Open Session at 10:51 p.m. by Treasurer**  
262 **Barrett with second by 1<sup>st</sup> Council Gardner.**

263 **Motion carried: 5 approved, 0 opposed, 0 abstained.**  
264

265 **OPEN SESSION**  
266

267 **MOTION TO PROCEED with the Selling of the Burggraf Property**  
268 **as discussed by 2<sup>nd</sup> Council Daugherty with second by**  
269 **Treasurer Barrett.**

270 **Motion carried: 5 approve, 0 oppose, 0 abstain.**  
271

272 **MOTION TO TABLE Resolutions presented by Ceremonial Chief**  
273 **by Treasurer Barrett with second by 2<sup>nd</sup> Council Daugherty.**

274 **Motion carried: 5 approved, 0 opposed, 0 abstained.**  
275

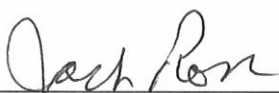
276 **MOTION TO ADJOURN at 11:04 p.m. made by Treasurer Barrett**  
277 **with second by 2<sup>nd</sup> Council Daugherty.**

278 **Motion carried: 5 approved, 0 opposed, 0 abstained.**  
279

280 **ADJOURN**  
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286 \_\_\_\_\_  
287 Debbie Littlefield, Secretary

288 \_\_\_\_\_  
289 4-14-21  
290 Date

  
\_\_\_\_\_  
Jack Ross, Second Chief

\_\_\_\_\_  
4-14-21  
Date