

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA
REGULAR BUSINESS COMMITTEE MEETING

1 **DATE: Wednesday, September 27th, 2023**

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

3 **LOCATION: Mohogany Room – Indigo Sky Casino**

4 **INVOCATION: Chief Wallace**

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

6 The Business Committee Meeting was called to order at 5:35 p.m. by Treasurer Barrett
7 with the following answering roll call: 1st Council Kissee, 2nd Council Daugherty, 3rd
8 Council Kraus. Chief Wallace was present. 2nd Chief Samples and Secretary Littlefield
9 were absent. A quorum was declared by Treasurer Barrett.

10
11 **NEW ENROLLEES:**

12 *All birth dates have been verified through Social Services Vital Statistics Department.

13 Applicant:	Birth Year:
14 1. Laynie Lynn Maybrey	2022
15 2. Finley Kaye Sullivan	2023
16 3. Neveyah Samira Alexis Purevich Hodgson	2023
17 4. Claire Emma Smith	2023

18 **MOTION:** To Approve the New Enrollees presented. The motion was made by 2nd
19 Council Daugherty with second by 3rd Council Kraus.

20 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
21 0 abstained, 1 absent (Littlefield).

22
23 **MINUTES:**

24 **MOTION:** To Approve the September 13th, 2023, Business Committee Meeting
25 Minutes. The motion was made by 1st Council Kissee with second by 2nd Council
26 Daugherty.

27 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
28 0 abstained, 1 absent (Littlefield).

29
30 **REPORTS:**

31 **CASINO REPORT – Melanie Heskett, General Manager Indigo Sky Casino.**
32 **Reporting for the month of August 2023.**

33 **Month over previous month:**

34 Indigo Sky Casino:	Revenue up 14%
	Expenses up 5%
36 Outpost Casino:	Revenue down 2%
	Expenses coming in as budgeted

38 **Comparison – Actual to Budget/Year to Date**

39 Indigo Sky:	Revenue up 12%
	Expenses down 1 %
41 Outpost Casino	Revenue down 9%
	Expenses down 7%

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44 **180 Rooms were dedicated to the Pow Wow, tribal members and visitors. Shawnee**
45 **Night and Head Man Breakfast were successful.**

46

47 **GAMING COMMISSION REPORT – Jalene Wells, Gaming Commissioner**

48 **Employees – Current 2023**

49 **39 Total Employees: 8 Tribal Members, 1 Tribal Spouse, 6 Native, 23.08% ESTOO**
50 **Tribe, 38.47% Native American**

51

52 **Licensing for August 2023**

53 **Renewals - 11**

54 **New Hires – 22**

55 **Temp Help – 35**

56 **Denials – 0, Suspensions – 0, Revocations – 0**

57 **Conditional Employee Licenses Monitored – 6**

58 **Non-Gaming Companies – 19**

59 **Non-Gaming Vendor Employees – 36**

60 **Gaming Companies – 7**

61 **Gaming Vendor Fees Collected - \$41,500**

62 **Non-Gaming Vendor Fees Collected - \$4,825**

63 **Employee Licensing Fees Collected - \$8,950**

64 **TOTAL FEES COLLECTED - \$55,275 (YTD \$289,192)**

65

66 **EGM August 2023**

67 **Machine, Software/Theme Conversions – 30**

68 **Software Upgrades – 10**

69 **Software Replacements – 17**

70 **Gaming Machine Relocations – 7**

71 **Server Installs/Upgrades – 6**

72 **Single Pieces of Software tested – 319**

73 **Seal Activities – 131**

74 **Machine Fees Billed - \$1,825 (YTD \$106,075)**

75 **Machine Fees Collected - \$1,825 (YTD \$106,075)**

76

77 **Audit Observations and Reports – August 2023**

78 **Cage – 54**

79 **EGM – 66**

80 **Jackpot – 16**

81 **Players Club – 47**

82 **Exchanges – 3**

83 **Table Inventory – 87**

84 **Table Fill – 37**

85 **Table Credit – 1**

86 **Title 31 Inquiries – 3**

87

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		Indigo Sky	Outpost
88	Surveillance for August 2023 -		
89	Phone Calls	2480	189
90	Radio Calls	1132	92
91	Observations	13901	30
92	Policy Violations Noted	78	9
93	JDLR's Noted	27	10
94	Kudo's	4	0
95	Incident Reports Written Total	50	1
96	Medical Reports Written	43	1
97	CD Requests from Tribal PD	12	2

98

99 Total Department Reviews with Directors - 6

100

101 TREASURER REPORT – Justin Barrett, Treasure

102 Indian Gaming Association

103 Indian Health Service Advance Appropriations

- 104 • In the FY'23 Omnibus Appropriations Act Indian County was able to secure
105 advance appropriations for Indian health care services and programs. While
106 funding is secure to prevent impacts from delayed funding or a government
107 shutdown in FY'24, tribes nationwide are working to retain at least one-year
108 advance appropriations in the next spending package.

109 Proposed Rule to Amend 25 C.F.R. Part 293 – IGRA Class III Compact
110 Regulations

- 111 • Proposed Part 293.27 would clarify that “If the State allows any form of class
112 III gaming, then the State is regulating all forms of class III gaming. A
113 State’s refusal to negotiate in a compact over all forms of class III gaming,
114 not prohibited by the State, is considered evidence of a violation of IGRA”
115 This position is referred to as the “class-bet test.” It was adopted by the
116 Second Circuit in Mashantucket Peqout Tribe v Connecticut and the Tenth
117 Circuit in Northern Arapahoe Tribe v Wyoming.

118 Proposed Part 293.29 would make clear that compacts may include provisions
119 allocating State and Tribal jurisdiction over remote wagering originating outside
120 Indian lands where state law or the compact deems gaming to take place on the
121 Tribe’s Indian lands where the server accepting the wager is located.

122 Indian Gaming and Mobile Sports Betting

- 123 • No bill has been introduced in the 118th Congress. There are efforts to
124 reintroduce a version of the “Removing Federal Barriers to Offering Mobile
125 Wagers on Indian Lands Act”. The bill sought to clarify that tribal
126 governments could operate online sports wagering under IGRA, where the
127 server that accepts and processed the bet is located on Indian lands.

128

129 Tax-Related Gaming Legislation

- 130 • The SLOT act (H.R. 3125) would modernize the Tax Code. The tax reporting
131 threshold for slot jackpots would be moved to \$5,000 and provide a

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132 mechanism for future increases based on inflation. This has not been
133 adjusted from the \$1,200 amount set in 1977.
134

135 **Native American Finance Officers Association**

136 **State and Local Fiscal Recovery Fund 2023 Interim Final Rule**

- 137 • **On September 20, 2023, the interim final rule was published in the federal**
138 **register.**
- 139 • **Key items for recipients to note:**
140 **The new eligible uses allow recipients to use SLFRF funds for emergency**
141 **Relief from natural disasters, community development and surface**
142 **transportation projects.**
- 143 • **Treasury Tribal Consultation Policy**
144 **The revised policy is in the Business Committee packets.**
145 **Treasury hosted a Tribal Consultation on August 30, 2023.**
146 **Written comments can be submitted until September 29, 2023.**
- 147 • **General Welfare Exclusion Act**
148 **Treasury will be releasing draft guidance on the General Welfare**
149 **Exclusion Act soon.**

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151
152 **RESOLUTIONS:**

153 **RESOLUTION NUMBER 092723-R-01 Resolution to authorize a Herd**
154 **Management Agreement between Eastern Shawnee Tribe and Tammy and Wiconi**
155 **James**

156 **NOW THEREFORE BE IT RESOLVED, that the Business Committee of the**
157 **Eastern Shawnee Tribe of Oklahoma does hereby approve the attached Herd**
158 **Management Agreement between the Eastern Shawnee Tribe and Tammy and**
159 **Wiconi James.**

160 **MOTION: To Approve Resolution Number 092723-R-01. The motion was made by**
161 **2nd Council Daugherty with second by 1st Council Kissee.**

162 **Motion carried: 3 approved (Kissee, Daugherty, Kraus), 0 opposed,**
163 **1 abstained (Barrett), 1 absent (Littlefield).**

164
165 **Resolution to approve the Eastern Shawnee Tribe of Oklahoma Fraud Policy –**
166 **Tabled**

167 **Resolution to approve the FY2024 Tribal Member Benefits Manual - Tabled**
168

169 **RESOLUTION NUMBER 092723-R-02 Resolution Approving the attached**
170 **Memorandum of Agreement between the Eastern Shawnee Tribe of Oklahoma and**
171 **Wyandotte Nation for services provided at Bearskin Healthcare & Wellness Center.**
172 **NOW THEREFORE BE IT RESOLVED that the Business Committee of the**
173 **Eastern Shawnee Tribe of Oklahoma does hereby wish to approve the attached**
174 **Fiscal Year 2024 Memorandum of Agreement between the Eastern Shawnee Tribe**

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175 of Oklahoma and Wyandotte Nation for services provided at Bearskin Healthcare &
176 Wellness Center.

177 MOTION: To Approve Resolution Number 092723-R-02. The motion was made by
178 2nd Council Daugherty with second by 1st Council Kissee.

179 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
180 0 abstained, 1 absent (Littlefield).

181

182 RESOLUTION NUMBER 092723-R-03 A Resolution Establishing the Casino
183 Transfers for Fiscal Year 2024

184 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
185 Eastern Shawnee Tribe of Oklahoma does hereby approve the Fiscal Year 2024
186 casino transfers to the following entities:

- 187 • Eastern Shawnee Tribe of Oklahoma
188 \$16,705,274.00 for the fiscal year of which \$2,000,000.00 was
189 Transferred in advance prior to the fiscal year leaving a balance of
190 \$14,705,274.00 to be paid in monthly installments of \$1,225,439.50.
- 191 • Woodlands Management, LLC
192 \$180,000 for the fiscal year to be paid in monthly installments of
193 \$15,000.
- 194 • Eastern Shawnee Companies, LLC
195 180,000 for the fiscal year to be paid in monthly installments of
196 \$15,000.00.

197 BE IT FURTHER RESOLVED, that this resolution shall supersede all previous
198 resolutions regarding casino transfers.

199 MOTION: To Approve Resolution Number 072623-R-03. The motion was made by
200 1st Council Kissee with second by 3rd Council Kraus.

201 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
202 0 abstained, 1 absent (Littlefield).

203

204 RESOLUTION NUMBER 092723-R-04 A Resolution Authorizing Sweep Accounts
205 for Indigo Sky Casino, LLC and Bordertown Outpost Casino, LLC at People's
206 Bank of Seneca.

207 NOW THEREFORE BE IT RESOLVED, that the Business Committee of the
208 Eastern Shawnee Tribe of Oklahoma does hereby authorize Chief Financial Officer
209 Jay Ross to adjust the accounts for Indigo Sky Casino, LLC and Bordertown
210 Outpost Casino, LLC at People's Bank of Seneca to Sweep Accounts at his
211 discretion with notification to the General Manager.

212 BE IT FURTHER RESOLVED, that the Business Committee of the Eastern
213 Shawnee Tribe of Oklahoma hereby gives the authorized signers of said accounts
214 the authority to execute necessary user agreements to establish sweep accounts.

215 MOTION: To Approve Resolution Number 092723-R-04. The motion was made by
216 2nd Council Daugherty with second by 3rd Council Kraus.

217 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
218 0 abstained, 1 absent (Littlefield).

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219 **RESOLUTION NUMBER 092723-R-05 Resolution Authorizing Submission of an**
220 **application to the Department of Housing and Urban Development (HUD) for an**
221 **Indian Community Development Block Grant (ICDBG) FY2023 for expansion of**
222 **the Eastern Shawnee Wellness Center, a public facility improvement project, by the**
223 **Authorized Representative (AOR)**

224 **NOW THEREFORE BE IT RESOLVED, that the Business Committee of the**
225 **Eastern Shawnee Tribe of Oklahoma does hereby authorize the submission of an**
226 **application to the Department of Housing and Urban Development (HUD) for an**
227 **Indian Community Development Block Grant (ICDBG) FY2023 for expansion of**
228 **the Eastern Shawnee Wellness Center, a public facility improvement project by the**
229 **Authorized Representative (AOR)**

230 **BE IT FURTHER RESOLVED, that the Business Committee of the Eastern**
231 **Shawnee Tribe of Oklahoma does hereby commit the following to the Wellness**
232 **Center expansion project:**

233 **1) \$722,000 tribal funds as leveraged resource**

234 **MOTION: To Approve Resolution Number 092723-R-05. The motion was made by**
235 **1st Council Kissee with second by 3rd Council Kraus.**

236 **Motion failed: 2 approved (Kissee, Kraus), 2 opposed (Daugherty, Barrett),**
237 **0 abstained, 1 absent (Littlefield).**

238

239 **REQUISITIONS:**

240 **Requisition EN-100450 payable to Brown and Brown of Oklahoma in the amount of**
241 **\$29,093.00 for Workmen's Compensation Installment #4.**

242 **MOTION: To Approve Requisition EN-100450. The motion was made by 3rd**
243 **Council Kraus with second by 1st Council Kissee.**

244 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
245 **0 abstained, 1 absent (Littlefield).**

246

247 **Requisition Number EN-100453 payable to Brown and Brown of Oklahoma for**
248 **General Liability and Business Auto, Crime in the amount of \$98,629.00.**

249 **MOTION: To Approve Requisition EN-100453. The motion was made by 1st**
250 **Council Kissee with second by 3rd Council Kraus.**

251 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
252 **0 abstained, 1 absent (Littlefield).**

253

254 **Requisition Number EN-100574 payable to Pelivan Transit/Grand Gateway E.D.A.**
255 **for July expenses in the amount of \$25,003.29.**

256 **MOTION: To Approve Requisition EN-100574. The motion was made by 2nd**
257 **Council Daugherty with second by 1st Council Kissee.**

258 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
259 **0 abstained, 1 absent (Littlefield).**

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261 **Requisition Number EN-100576 payable to Miracle Recreation for rubber**
262 **installation – Splashpad in the amount of \$102,832.11.**

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263 **MOTION: To Approve Requisition EN-100576. The motion was made by 2nd**
264 **Council Daugherty with second by 1st Council Kissee.**
265 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
266 **0 abstained, 1 absent (Littlefield).**

267
268 **Requisition Number EN-100816 payable to Midwest Pathogend Services for Bio**
269 **Decontamination Services in the amount of \$29,007.45.**

270 **MOTION: To Approve Requisition EN-100816. The motion was made by 3rd**
271 **Council Kraus with second by 2nd Council Daugherty.**
272 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
273 **0 abstained, 1 absent (Littlefield).**

274
275 **Requisition Number EN-101096 payable to Connect Construction Services for**
276 **WMC Building – construction pay application #6 in the amount of \$48,664.10.**

277 **MOTION: To Approve Requisition EN-101096. The motion was made by 1st**
278 **Council Kissee with second by 3rd Council Kraus.**
279 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
280 **0 abstained, 1 absent (Littlefield).**

281
282 **PURCHASE ORDER REQUEST NUMBER 00063220 from Indigo Sky Casino in**
283 **the amount of \$67,500.00 for Blue Delta Jean November VIP Event.**

284 **MOTION: To Approve Purchase Order Number 00062376. The motion was made**
285 **by 1st Council Kissee with second by 2nd Council Daugherty.**
286 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
287 **0 abstained, 1 absent (Littlefield).**

288
289 **PURCHASE ORDER REQUEST NUMBER 00063227 Indigo Sky Casino in the**
290 **amount of \$47,500.00 for \$25.00 Walmart Gift Cards for Tribal program.**

291 **MOTION: To Approve Purchase Order Number 00063227. The motion was made**
292 **by 1st Council Kissee with second by 2nd Council Daugherty.**
293 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
294 **0 abstained, 1 absent (Littlefield).**

295
296 **PURCHASE ORDER REQUEST NUMBER 00063243 from Indigo Sky Casino in**
297 **the amount of \$50,923.20 for Power Kiosk Promo Annual SFT Maintenance.**

298 **MOTION: To Approve Purchase Order Number 00063243. The motion was made**
299 **by 3rd Council Kraus with second by 2nd Council Daugherty.**
300 **Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,**
301 **0 abstained, 1 absent (Littlefield).**

302
303 **PURCHASE ORDER REQUEST NUMBER 00063246 from Indigo Sky Casino in**
304 **the amount of \$148,720.00 for March Continuity 2024.**

305 **MOTION: To Approve Purchase Order Number 00063246. The motion was made**
306 **by 1st Council Kissee with second by 2nd Council Daugherty.**

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307 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
308 0 abstained, 1 absent (Littlefield).

309

310 PURCHASE ORDER REQUEST NUMBER 00063047 from Indigo Sky Casino in
311 the amount of \$38,000.00 for pavement sealer for RV sites, all road entrances.

312 MOTION: To Approve Purchase Order Number 00063047. The motion was made
313 by 3rd Council Kraus with second by 2nd Council Daugherty.

314 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
315 0 abstained, 1 absent (Littlefield).

316

317 PURCHASE ORDER REQUEST NUMBER 00063053 from Indigo Sky Casino in
318 the amount of \$29,028.54 for fire suppression.

319 MOTION: To Approve Purchase Order Number 00063053. The motion was made
320 by 1st Council Kissee with second by 2nd Council Daugherty.

321 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
322 0 abstained, 1 absent (Littlefield).

323

324 PURCHASE ORDER REQUEST NUMBER 00063056 from Indigo Sky Casino in
325 the amount of \$51,540.00 for replacing flywheel with lithium battery.

326 MOTION: To Approve Purchas Order Number 00063056. The motion was made
327 by 3rd Council Kraus with second by 1st Council Kissee.

328 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
329 0 abstained, 1 absent (Littlefield).

330

331 NEW BUSINESS – Tribal member Joseph Blackburn reported on the money
332 donated to the Ottawa County Water District - \$30,000 was spent for a variable
333 frequency device. He also expressed thanks to the tribe for acting as a back-up
334 water service to the district during a recent breakdown in their system.

335

336 OLD BUSINESS – None presented.

337

338 CLOSED SESSION

339

340 MOTION: To go into closed session at 6:38 p.m. made by 2nd Council Daugherty
341 with second by 3rd Council Kraus.

342 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
343 0 abstained, 1 absent (Littlefield).

344

345 OPEN SESSION

346

347 MOTION: To return to Open Session at 9:48 p.m. made by 1st Council Kissee with
348 second by 2nd Council Daugherty.

349 Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed,
350 0 abstained, 1 absent (Littlefield).

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MOTION: To adjourn at 9:48 p.m. The motion was made by 3rd Council Kraus with second by 2nd Council Daugherty.
Motion carried: 4 approved (Kissee, Daugherty, Kraus, Barrett), 0 opposed, 0 abstained, 1 absent (Littlefield).

ADJOURN

Debbie Littlefield
Debbie Littlefield, Secretary

10/04/23
Date

Chris Samples
Chris Samples, Second Chief

10/4/23
Date