

ORIGINAL

EASTERN SHAWNEE TRIBE OF OKLAHOMA  
REGULAR BUSINESS COMMITTEE MEETING

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**Date of Meeting:** Wednesday, March 27, 2024  
**Time of Meeting:** 5:34 p.m.  
**Location of Meeting:** Pine Room, Indigo Sky Casino, Wyandotte, OK  
**Invocation:** Chief Glenna J. Wallace

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

The Business Committee Meeting was called to order at 5:34 p.m. by 2<sup>nd</sup> Chief Chris Samples, with the following answering roll call: 1<sup>st</sup> Council Clint Kissee, 2<sup>nd</sup> Council Shawn Daugherty, 3<sup>rd</sup> Council Norma Kraus, Secretary Kathie Kent, and Treasurer Justin Barrett. A quorum was declared by 2<sup>nd</sup> Chief Samples. The 2<sup>nd</sup> Chief Chris Samples and Chief Glenna J. Wallace were present.

**NEW ENROLLEES:**

<b>Name</b>	<b>Birth Year</b>
Battice, Genesis Lynn Cara	2022
Lawson, Damien Xavier	2021
Hart, Elliana Bess Reign	2022
Lugo, Stetson James	2023
Pun, Ava	2023
<i>Thomas, Brodhi Scott</i>	<i>02/14/2019 (#6)</i>

**MOTION:** To approve new enrollees. The motion was made by Treasurer Barrett, with second by 3<sup>rd</sup> Council Kraus.

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

**MOTION AMENDED:** To approve new enrollees 1-5 leaving off #6 due to being over the age limit (5 yrs.) and needs to go before the General Council according to the Constitution. The motion was amended and made by Treasurer Barrett, with second by 3<sup>rd</sup> Council Kraus.

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

**MINUTES:**

**MOTION:** To approve the March 06, 2024, Business Committee Meeting minutes. The motion was made by 1<sup>st</sup> Council Kissee, with second by Treasurer Barrett.

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

**REPORTS:**

Casino Manager Melanie Heskett reporting for the month of November and December 2023. Reporting comparison, actual to budget.

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- Table Fill– 18

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- Table Credit – 6

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- Title 31 Inquiries – 3

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**Final Title 31 Internal Audit Report has been sent to Operations and the BC.**

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**Commissioners Update**

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- All submitted promotions for OP and ISC have been reviewed and approved.

131

- Several Policy and Procedure submission were reviewed, and some were sent back with comments, others are being approved.

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- GC is working on a few updates to the CHRI P&P's due to changes in CHRI Security requirements.

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- LPR System has been installed, already assisted in the arrest of 2 with criminal charges.

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- PD received a MOU to access NCIC hot lists on the system that ONLY OLETS Tribal Officers can access.

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- April will be a very busy month of travel and training in Indian Gaming.

141

- IGA – Anaheim April 8-11

142

- OTGRA – Downstream April 16-18 Kecia and Jalene will be presenting on topics)

143

144

- PRYME Summitt – Appleton, WI April 23-25 (Jalene moderating a roundtable discussion)

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146

- GLI Regulators Roundtable – Las Vegas April 23-25 (Angelia will be a presenter)

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148

- SBC Summit – New Jersey/New York May

149

The Gaming Commission has a request to rescind Resolution 062012-R-01, which was approved back in 2012. It was for the lab letters for GLI 21 which is obsolete now. This would not follow the regulations we have currently and the Commission would be out of compliance if anyone was to question it. It needs to be rescinded if it hasn't already, the Commission would like to see a new Resolution put in place at the next BC meeting.

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**RESOLUTIONS:**

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**Resolution Number 032724-R-01** Resolution authorizing the submission of an Institute of Museum and Library Services – Native American Library Services Enhancement Grant application.

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**NOW THEREFORE BE IT RESOLVED** that the Business Committee of the Eastern Shawnee Tribe of Oklahoma does hereby support and wish to authorize the submission of the FY2024 Institute of Museum and Library Services – Native American Library Services Enhancement Grant Application in the amount of \$149,028.00 with no Tribal match.

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163 **MOTION:** To approve Resolution Number 032724-R-01. The motion was made by 1<sup>st</sup>  
164 Council Kissee with second by Treasurer Barrett.

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

166

167 **Resolution Number 032724-R-02** Resolution Authorizing the Submission of the FY 2024  
168 Grid Alternatives Tribal Solar Accelerator Fund Application Facility – Residential Grant  
169 by the Authorized Organization Representative (AOR).

170 **NOW THEREFORE BE IT RESOLVED** that the Business Committee of the Eastern  
171 Shawnee Tribe of Oklahoma does hereby support and wish to authorize the submission of  
172 the FY2024 Grid Alternatives Tribal Solar Accelerator Fund Application Facility-  
173 Residential Grant Application in the approximate amount of \$200,000.

174 **MOTION:** To approve Resolution Number 032724-R-02. The motion was made by  
175 Treasurer Barrett with second by 3<sup>rd</sup> Council Kraus.

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

177

178 **Resolution Number 032724-R-03** Resolution approving the Attached Residential Lease  
179 Property Owned by the Eastern Shawnee Tribe of Oklahoma commonly known as the  
180 Stoner House.

181 **NOW THEREFORE BE IT RESOLVED** the Property Management Department of the  
182 Eastern Shawnee Tribe of Oklahoma is authorized to conduct negotiations on behalf of the  
183 Eastern Shawnee Tribe of Oklahoma and approve and execute any and all documents  
184 relating to the subject lease.

185 **BE IT FINALLY RESOLVED** that the Business Committee of the Eastern Shawnee  
186 Tribe of Oklahoma does hereby wish to approve the attached Residential Lease of property  
187 owned by the Eastern Shawnee Tribe of Oklahoma located at 10995 S. 679 Rd.,  
188 Wyandotte, OK 74370, commonly known as the Stoner house for a period one (1) year  
189 with lease number.

190 **921 000G040040 with BIA TAAMS Document Number 4200439624** under the Eastern  
191 Shawnee Tribe of Oklahoma Residential Leasing Act approved by the Department of  
192 Interior January 24, 2022; does hereby waive all bonds associated with this lease; does  
193 hereby waive insurance requirements; does hereby expressly waive administrative fees  
194 associated with this transaction; an does hereby approve environmental analysis  
195 documentation in the form of a categorical exclusion.

196 **MOTION:** To approve Resolution Number 032724-R-03. The motion was made by  
197 Treasurer Barrett with second by 1<sup>st</sup> Council Kissee.

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

199

200 **Resolution number 032724-R-04** Resolution Authorizing a Limited Waiver of Sovereign  
201 Immunity for Woodlands Entertainment, LLC.

202 **NOW THEREFORE BE IT RESOLVED** that the Business Committee of the Eastern  
203 Shawnee Tribe of Oklahoma hereby expressly authorizes, approves, and confirms the

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204 governing law, mediation, arbitration, limited waiver of Woodlands' sovereign immunity,  
205 consent to jurisdiction and other dispute resolution provisions (collectively, the "Dispute  
206 Resolution Provisions"), as set forth in the Agreement and hereby independently, by and  
207 through this Resolution, expressly and unequivocally grants such Dispute Resolution  
208 Provisions set as specifically forth below (capitalized terms used in the below, but not  
209 defined, will have the meanings ascribed to them in the Agreement and all section  
210 references in the text below will refer to sections in the Agreement):  
211

212  
213 **10. DISPUTE RESOLUTION & SOVEREIGN IMMUNITY.**

214 **10.1. Mediation.** If there is a dispute between the Parties concerning  
215 the interpretation or implementation of this Agreement, then the Parties shall first  
216 attempt to resolve the dispute through informal discussions. If the Parties are unable  
217 to resolve the dispute through informal discussions, then the Parties shall attempt  
218 to resolve the dispute through non-binding mediation. Any applicable statute of  
219 limitations shall toll during informal dispute resolution discussions. Such tolling  
220 period shall begin upon written notice by the Party asserting the applicable claim,  
221 and end thirty (30) days after written notice from either Party that it is ending  
222 informal dispute resolution discussions. If the Parties are unable to resolve the  
223 dispute through non-binding mediation, then the dispute shall be resolved by  
224 arbitration pursuant to Section 10.2.

225 **10.2 Arbitration.** Unless resolved pursuant to Section 10.1, any  
226 controversy or claim arising out of or relating to this Agreement, or breach of this  
227 Agreement shall be settled by arbitration in Tulsa, Oklahoma. The arbitration shall  
228 be administered by an arbitrator that the Parties mutually agree on and in  
229 accordance with the then current Commercial Arbitration Rules of the American  
230 Arbitration Association, provided R-52(c) shall not apply. The language to be used  
231 in the arbitration proceeding shall be English. The arbitrator may award monetary  
232 damages, injunctive relief, costs, and attorney's fees. The arbitration award shall be  
233 final and binding regardless of whether one of the parties fails or refuses to  
234 participate in the arbitration. The arbitrator shall not have the power to amend this  
235 Agreement in any respect. Any action to compel arbitration or enforce judgment on  
236 the award entered by the arbitrator may be entered in the Mashantucket Pequot  
237 Tribal Nation's Tribal Court or, if against Customer, in the CFR Court of Indian  
238 Offences for the Eastern Oklahoma Region.

239 **10.3 Sovereign Immunity of Wondr Nation.** Wondr Nation  
240 represents and warrants that, pursuant to Title 12, Section 3 and any other  
241 applicable provision of the laws of Mashantucket, Wondr Nation has expressly  
242 waived its sovereign immunity from suit by Customer for the purposes of  
243 compelling arbitration or enforcing an arbitration award in accordance with Section  
244 10.2, that such waiver is valid, legal, and binding without any further action from  
245 Wondr Nation or the Mashantucket Pequot Tribal Nation, and that pursuant to  
246 Article VIII, Section 7 of the Constitution and By-Laws of the Mashantucket  
247 Pequot Tribal Nation such waiver cannot be revoked.  
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**10.4 Sovereign Immunity of Customer.** This Agreement does not waive or otherwise affect Customer’s sovereign immunity from suit, except as expressly and specifically provided in this Section 10.4. Customer grants Wondr Nation, and no other party, a limited waiver of its sovereign immunity from suit exclusively for the purposes of compelling arbitration or enforcing an arbitration award before the Mashantucket Pequot Tribal Nation’s Tribal Court or the CFR Court of Indian Offences for the Eastern Oklahoma Region in accordance with Section 10.2. Customer does not grant Wondr Nation a waiver of its sovereign immunity from suit for any other purpose or remedy. This limited waiver of sovereign immunity shall not extend to, is not for the benefit of, and is not enforceable by any third party or assignee of Wondr Nation. An arbitration award shall not be enforceable against Customer pursuant to this limited waiver of sovereign immunity unless such award is subject to the limitations on types and amounts of damages set forth in Section 8 of this Agreement. Further, an arbitration award shall only be enforceable against Customer pursuant to this limited waiver of sovereign immunity if it affects the assets of Customer only. An arbitration award which purports to affect any other assets of the Eastern Shawnee Tribe of Oklahoma shall not be enforceable against Customer. Customer’s limited waiver of sovereign immunity shall be of limited duration, applying only during the term of this Agreement and for twelve (12) months thereafter. Customer’s limited waiver of sovereign immunity shall not apply to any claim that does not strictly comply with this Section 10.4. Nothing in this Agreement waives, modifies, or affects the sovereign immunity of the Eastern Shawnee Tribe of Oklahoma.

...

**11.3 Governing Law.** This Agreement shall be construed, interpreted and enforced in accordance with and shall be governed by the laws of Mashantucket applicable to agreements entered into and to be wholly performed therein.

**BE IT FURTHER RESOLVED** that the Business Committee of the Eastern Shawnee Tribe of Oklahoma hereby determines that the limited waiver of sovereign immunity set forth above and the other Dispute Resolution Provisions, subject to the authorization contained herein, conform in all respects to and meet the requirements of the laws of the Eastern Shawnee Tribe of Oklahoma.

**BE IT FURTHER RESOLVED** that the Business Committee of the Eastern Shawnee Tribe of Oklahoma hereby authorizes the Chair of the Woodlands Management’s Board of Directors, or his or designee, to execute the Agreement.

**BE IT FURTHER RESOLVED** that, except as expressly and specifically set forth in this Resolution, the Eastern Shawnee Tribe of Oklahoma, Woodlands, and Woodlands Management do not waive, alter, or otherwise diminish their sovereign immunity from suit.

**BE IT FURTHER RESOLVED** that the Agreement may be signed in one or more counterparts, each of which shall be deemed an original, and all of which shall constitute

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one instrument and a facsimile signature or electronically scanned copy of a signature shall constitute and shall be deemed to be sufficient evidence of a party's execution of this consent, without necessity of further proof.

**BE IT FURTHER RESOLVED** that, upon the execution and delivery of the Agreement together with any amendments or modifications thereto and other instruments or other documents delivered in connection with the Agreement, they shall be the valid and binding obligations of Woodlands enforceable in accordance with their respective terms.

**BE IT FINALLY RESOLVED** that the Business Committee of the Eastern Shawnee Tribe of Oklahoma hereby approves and ratifies any and all actions taken or accomplished prior to the date that this Resolution was adopted which would have been authorized by this Resolution but for the fact that the actions occurred prior to the date hereof.

**MOTION:** To approve Resolution Number 032724-R-04. The motion was made by 2<sup>nd</sup> Council Daugherty with second by 1<sup>st</sup> Council Kissee.

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

**REQUISITION:**

**Requisition EN-106174** in the amount of \$121,462.28 for Minburn Technology Group, LLC, Microsoft Licensing Year 1 (126883).

**MOTION:** To approve Requisition EN-106174. The motion was made by 2<sup>nd</sup> Council Daugherty with second by 3<sup>rd</sup> Council Kraus. *Treasurer stepped out.*

**Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

**Requisition EN-106291** in the amount of \$44,804.70 for Indigo Sky Casino, PPE expense 10/23-01/24.

**MOTION:** To approve Requisition EN-106291. The motion was made by 3<sup>rd</sup> Council Kraus with second by 1<sup>st</sup> Council Kissee. *Treasurer stepped out.*

**Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

**Requisition EN-106546** in the amount of \$32,614.59 for Pelivan Transit/Grand Gateway E.D.A., Invoice# 822 January 2024.

**MOTION:** To approve Requisition EN-106546. The motion was made by 1<sup>st</sup> Council Kissee with second by 2<sup>nd</sup> Council Daugherty. *Treasurer stepped out.*

**Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

**Requisition EN-106588** in the amount of \$98,630.00 for Brown and Brown of Oklahoma, Installment 3 of 4 Gen Liability, Bus Auto, Crime Installment.

**MOTION:** To approve Requisition EN-106588. The motion was made by 2<sup>nd</sup> Council Daugherty with second by 1<sup>st</sup> Council Kissee. *Treasurer stepped out.*

**Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

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338 **Requisition EN-106597** in the amount of \$145,637.23 for Indigo Sky Casino, Reimburse  
339 Indigo Sky for payment made to Pinnacle Business.

340 **MOTION:** To approve Requisition EN-106597. The motion was made by 1<sup>st</sup> Council  
341 Kissee with second by 3<sup>rd</sup> Council Kraus. *Treasurer stepped out.*

342 **Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

343

344 **Requisition EN-106663** in the amount of \$774,524.88 for Branco Enterprises, Inc., pay  
345 application #2 for EW 110 Road project.

346 **MOTION:** To approve Requisition EN-106663. The motion was made by 2<sup>nd</sup> Council  
347 Daugherty with second by 1<sup>st</sup> Council Kissee. *Treasurer stepped out.*

348 **Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

349

350 **NEW BUSINESS:**

351

352 The Business Committee received a written complaint about the Tribal Reimbursements  
353 and why it was taking longer than usual for members to receive theirs. Chief explained in  
354 detail the several reasons why it has taken a little longer than in the past.

- 355 1. It is 30 days from date received in the office, not from the time it was mailed.  
356 (If mailed to the PO BOX it will take a few days longer)
- 357 2. In that office there were renovations being done and relocation of employee  
358 offices to make a more efficient flow for people.
- 359 3. New IT system so they had to close completely for a few days.
- 360 4. The Tribal membership is growing so they are processing more claims than in  
361 the past with the same number of employees.
- 362 5. The complaint was heard and the issue will be addressed, first written complaint  
363 given to the Business Committee.
- 364 6. ACH draft will help get your claim back quicker.

365

366 **OLD BUSINESS**

367

368 Discussion that touched on the Resolution Data base and what has become of that and is it  
369 going to be updated at some point. That is a work in progress that will take some time,  
370 some Resolutions are on the website, but there is copies of all Resolutions.

371

372 Great Council State Park Grand Opening Trip, the Eastern Shawnee Tribe of Oklahoma is  
373 planning a trip for the grand opening celebration. We will have seating for up to 50 people,  
374 with tribal citizens having first priority, then spouses, and employees. This will be on a  
375 first come basis. The bus will depart on June 6<sup>th</sup> and return on June 10<sup>th</sup>. Deadline for signup  
376 and \$100.00 deposit will be May 17, 2024. The \$100.00 will be returned to you once you  
377 are on the bus.

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380 **MOTION:** To approve the Ohio bus trip to the Grand Opening of Great Council State  
381 Park. Money would be used for the lodging and bus transportation only, approved up to  
382 \$45,000.00. The motion was made by Treasurer Barrett with second by 1<sup>st</sup> Council Kissee.

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

384

385 Tribal member Mr. Bud Enyart requested an update of all new business's opened in the  
386 last year on the next Agenda.

387

388 **CLOSED SESSION:**

389

390 **MOTION:** To go into Closed Session at 6:30 p.m. The motion was made by Treasurer  
391 Barrett with second by 2<sup>nd</sup> Council Daugherty.

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

393

394 **MOTION:** To return to Open Session at 10:48 p.m. The motion was made by Treasurer  
395 Barrett with second by 2<sup>nd</sup> Council Daugherty. *3<sup>rd</sup> Council Kraus left at 9:02 p.m.*

396 **Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

397

398 **Resolution Number 032724-R-05** Resolution to add Ceremonial Chief Shawn King as an  
399 authorized signer of the Buffalo and Livestock Operations and their Subsidiaries Accounts.

400 **NOW THEREFORE BE IT RESOLVED** that the Business Committee of the Eastern  
401 Shawnee Tribe of Oklahoma does hereby wish to name Ceremonial Chief Shawn King as  
402 an authorized signer for the operation concerning the following properties that are used by  
403 Ceremonial Chief Shawn King for the Buffalo and Livestock Operations and their  
404 subsidiaries accounts. Felkins Pasture, Harkins Pasture, Pence Pasture, Oliver Pasture,  
405 Cook Pasture, Stoner Pasture, Young Pasture, Hwy 60 Pasture, Elbert Pasture.

406 **MOTION:** To approve Resolution Number 032724-R-05. The motion was made by 1<sup>st</sup>  
407 Council Kissee with second by 2<sup>nd</sup> Council Daugherty.

408 **Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

409

410 **Resolution Number 032724-R-06** Resolution to Transfer funds from the Bancfirst  
411 Investment account to People's Bank.

412 **NOW THEREFORE BE IT RESOLVED** that the Business Committee of the Eastern  
413 Shawnee Tribe of Oklahoma does hereby wish to transfer \$22,000,000.00 of the Bancfirst  
414 Investment Account Funds to People's Bank to be placed into a secured interest bearing  
415 account.

416 **MOTION:** To approve Resolution Number 032724-R-06. The motion was made by  
417 Treasurer with second by 2<sup>nd</sup> Council Daugherty.

418 **Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

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422 **MOTION:** To adjourn at 10:50 p.m. The motion was made by Treasurer with second by  
423 2<sup>nd</sup> Council Daugherty.

424 **Motion carried:** 4 approved, 0 opposed, 0 abstained, 1 absent.

425

426 **ADJOURN**

427

428 Kathie Kent, Secretary

Chris Samples, Second Chief

429

430

Kathie Kent

Chris Samples

431

Date 4-10-24

Date 4-10-24