

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL
AGENDA

FEBRUARY 23, 2019
10:00 AM
TRIBAL OFFICE
5805 S. 86TH CIR
OMAHA, NEBRASKA

- I. CALL TO ORDER
 - a. Invocation
 - b. Roll Call
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - a. February 4, 2019
- IV. RATIFICATION OF ACTIONS
- V. CHAIRMAN'S UPDATE
- VI. JACOB OLSUFKA, DIRECTOR OF FINANCE
 - a. Schedule of Expenditures Report as of 1/31/19
 - b. Indirect Cost Report as of 1/31/19
 - c. General Fund Report as of 1/31/19
 - d. Committee Reports as of 1/31/19
 - e. Tribal Council Expenditure Report as of 1/31/19
 - f. Miscellaneous Report for January 2019
 - g. LSE Invoice - MOTION
- VII. MATT KENNEDY, PONCA GAMING ENTERPRISE
 - a. Prairie Flower Casino – January Financial Review
 - b. Executive Session Request
 - i. Prairie Flower Casino 90 day detailed Financial Reports - DISCUSSION
- VIII. ELISE EMANUEL, DIRECTOR OF GRANTS MANAGEMENT
 - a. CTAS OJJDP Tribal Youth Program Grant Application - RESOLUTION
 - b. Walmart Foundation Grant – RESOLUTION
 - c. Nebraska Department of Roads 5311 Transportation Program Grant Application – RESOLUTION
- IX. EXECUTIVE TEAM REPORT
- X. KITRINA KEY, ENROLLMENT SPECIALIST
 - a. Elder Council and Enrollment Committee – DISCUSSION
- XI. STEPHANIE SLOBOTSKI, TRANSPORTATION PLANNER
 - a. PS&E's for Site Work on Storm Shelter – MOTION
 - b. Increased Cost of Storm Shelter - MOTION
- XII. JONATHAN ROBINSON, HUMAN RESOURCE DIRECTOR
 - a. Leave Without Pay (LWOP) Policy Revised - MOTION

- XIII. REBECCA SULLIVAN, VICE CHAIRWOMAN/TAX COMMISSION
 - a. Title XII Tax Code – Discuss Proposed Revisions/Timeline
 - b. Approval of Tax Commission Forms – MOTION
 - i. Cigarette Stamp Report, Fuel Tax Return, License Application, Power of Attorney, Receipt, Sales Tax Return, Tax License, Letter to PSS, PFC and Cigarette Wholesalers
- XIV. UNFINISHED BUSINESS
 - a. Ponca Pipes – DISCUSSION/MOTION
- XV. NEW BUSINESS
 - a. Whitecoat Tract Fund Disbursement - RESOLUTION
 - b. ITBC Designated Representatives – RESOLUTION
 - c. Brad Jolly Legal Billing Statement – MOTION
 - d. Niobrara Post Prom Request – MOTION
 - e. Bargain Buyways Request - MOTION
 - f. Committee Appointments
- XVI. OTHER BUSINESS
- XVII. EXECUTIVE SESSION
 - a. HHS Children and Family Services -DISCUSSION
 - b. Tribal Member – Confidential Matter – DISCUSSION
 - c. Request – DISCUSSION
 - d. Hilary Farley, IT Manager Annual Evaluation
- XVIII. ADJOURN

AGENDA ITEM REQUEST

(for employees only)

DATE SUBMITTED: 2/15/2019

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of: Tribal Council
 Executive Committee

Meeting Date: **February 23, 2019**Subject: CTAS OJJDP Tribal Youth Program.

ACTION REQUEST: (Please describe request in the form of a motion)

Motion to approve resolution in support of grant application.

Will there be support materials for this agenda item? Yes No
(If there are support materials, one copy must be attached)

Submitted By: Elise Emanuel
Dir. of Grant Management

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 19-_____

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Tribe has the authority to submit an application on behalf of the Native American individuals in the Tribe and to administer programs and activities under this program; and

WHEREAS: OJJDP's Tribal Youth Program (TYP) seeks to support and enhance tribal efforts to prevent and reduce juvenile delinquency and strengthen a fair and beneficial juvenile justice system response for American Indian and Alaska Native youth; and

WHEREAS: A Tribal Youth Program grant would allow the Tribe to provide prevention services designed to impact risk factors for delinquency and promote protective factors for Native youth.

THEREFORE, BE IT RESOLVED that the Director of Grant Management, Elise Emanuel, is approved to submit the application and bestowed the authority to sign and accept obligations on behalf of the Ponca Tribe of Nebraska for funding administered by the Department of Justice Office on Juvenile Justice and Delinquency Prevention.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing Resolution was duly authorized and passed by the Ponca Tribal Council on the 23rd day of February, 2019, at a duly called meeting held at Omaha, Nebraska, by a vote of ____ Ayes; ____ Nays; ____ Abstained; ____ Absent. Chairperson ____ voting ____ not voting. A Quorum of ____ was present.

ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 1/31/2019

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of: Tribal Council
 Executive Committee

Meeting Date: 2/23/2019

Subject: Resolution in support of WalMart Foundation grant

ACTION REQUEST: (Please describe request in the form of a motion)

Motion to approve Tribal Council Resolution in support of WalMart Foundation application.

Will there be support materials for this agenda item? Yes No
(If there are support materials, one copy must be attached)

Submitted By: Elise Emanuel
Dir. Of Grant Mgmt

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 19-_____

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Tribe has the authority to submit an application on behalf of the Native American individuals in the Tribe and to administer programs and activities under this program; and

THEREFORE, BE IT RESOLVED that the Director of Grant Management, Elise Emanuel, is approved to submit the application for funding administered by the WalMart Foundation on behalf of the Ponca Tribe of Nebraska.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing Resolution was duly authorized and passed by the Ponca Tribal Council on the _____ day of February, 2019, at a duly called meeting held at Omaha, Nebraska, by a vote of _____Ayes; _____Nays; _____Abstained; _____Absent. Chairperson _____voting _____not voting. A Quorum of _____ was present.

ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 2/15/2019

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of: Tribal Council
 Executive Committee

Meeting Date: **February 23, 2019**

Subject: Nebraska Dept. of Roads 5311 Transportation Program.

ACTION REQUEST: (Please describe request in the form of a motion)

Motion to approve resolution in support of grant application.

Will there be support materials for this agenda item? Yes No
(If there are support materials, one copy must be attached)

Submitted By: Elise Emanuel
Dir. of Grant Management

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 19-_____

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Tribe has the authority to submit an application on behalf of the Native American individuals in the Tribe and to administer programs and activities under this program; and

WHEREAS: Article 1 of the Ponca Tribe of Nebraska's Constitution affirms, "the territorial jurisdiction of the Ponca Tribe of Nebraska under [their] Constitution shall extend to all trust or tribal lands and as described by metes and bounds in the Treaties heretofore ratified by the Congress of the United States of America and shall cover all future additions that are within or without said boundary lines that may be acquired by the Ponca Tribe of Nebraska...regardless if the eligible lands are under the control of the Ponca Tribe of Nebraska at the time of the adoption of [their] Constitution; and

WHEREAS: The Ponca Tribe of Nebraska has identified specific funding needs to best serve the Ponca members and others who utilize services for transportation, and hereby request funding from the Nebraska Department of Roads 5311 Federal Transit Administration Program to support the Ponca Express Transit Program during Project Years: July 1, 2019 thru June 30, 2021.

THEREFORE, BE IT RESOLVED that the Ponca Tribe of Nebraska Tribal Council approves the 5311 Application for Public Transportation Operating Assistance thru the Nebraska Department of Roads and Federal Transit Administration for project years 2019-2021.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing Resolution was duly authorized and passed by the Ponca Tribal Council on the _____ day of February, 2019, at a duly called meeting held in Omaha, Nebraska, by a vote of _____Ayes; _____Nays; _____Abstained; _____Absent. Chairperson _____voting _____not voting. A Quorum of _____ was present.

ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska

AGENDA ITEM REQUEST

(For employees only)

DATE SUBMITTED: 2/14/2019

All agenda item requests must be approved by the Executive Director of Tribal Affairs and forwarded to the Niobrara Office, Attn: Jan Colwell five **(5) working days before the meeting.**

Meeting of: Tribal Council
 Executive Committee

Meeting Date: 02/23/2019

Subject: Elder Council and Enrollment Committee

ACTION REQUEST: (Please describe request in the form of a motion)

- Discuss the Council's proposal to have the Elders Council take over the Enrollment Committee

Will there be support materials for this agenda item? Yes No

Submitted By:

Kitrina Key

 Kitrina Key – Enrollment Specialist

APPROVED

 Executive Director of Tribal Affairs

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 2/13/19

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of: Tribal Council
 Executive Committee

Meeting Date: 2/23/19

Subject: Storm shelter with landscaping options

ACTION REQUEST: (Please describe request in the form of a motion)

1. Motion to approve PS&Es to go out for the site work on the storm shelter
2. Motion to approve increased cost of storm shelter based on instantaneous electric water heaters (\$286,700)

Will there be support materials for this agenda item? Yes No
(If there are support materials, one copy must be attached)

Submitted By: 

APPROVED _____
Executive Director of Tribal Affairs

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 02/15/2019

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of: Tribal Council
 Executive Committee

Meeting Date: 02/23-24/2019

Subject: Leave Without Pay (LWOP) Policy - Revised

ACTION REQUEST: (Please describe request in the form of a motion)

- Motion to approve the Leave Without Pay (LWOP) Policy – Revised

Will there be support materials for this agenda item? Yes No
(If there are support materials, one copy must be attached)

Submitted By: Jonathan Robinson

APPROVED


EDTA/CEO/DOF/HRD

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 19-_____

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Ponca Tribe of Nebraska requests a draw down from P.L. 10037016 in the amount of \$117.25 for administrative purposes.

THEREFORE, BE IT RESOLVED that the Ponca Tribe of Nebraska hereby authorizes Adelita Guerue, Superintendent of the Bureau of Indian Affairs to submit a draw down from P.L. 10037016 in the amount of \$117.25 for administrative purposes; and to be deposited in the Tribe's general fund account #_____.

BE IT FURTHER RESOLVED that Larry Wright, Jr., Chairman and Candace Schmidt, Secretary of the Ponca Tribe of Nebraska are hereby authorized to execute documents on behalf of the Tribe.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing resolution was duly authorized and passed by the Tribal Council of the Ponca Tribe of Nebraska at a duly called meeting in Omaha, Nebraska on the _____ day of February, 2019 by a vote of _____ Ayes; _____ Nays; _____ Abstained; _____ Absent. Chairperson _____ voting _____ not voting. A Quorum of _____ was present.

ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 19-_____

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Ponca Tribe of Nebraska Tribal Council finds it to be in the best interests of the Tribe and its members to maintain a membership in select national and regional organizations in order to facilitate better advocacy on certain issues; and select Intertribal Buffalo Council; and

WHEREAS: These various organizations require Tribal Council resolutions appointing the official Tribal Representative.

THEREFORE BE IT RESOLVED by the Ponca Tribe of Nebraska Tribal Council that Kyle Taylor and Larry Wright, Sr. are duly authorized to represent the Tribe as delegate/representative to the Intertribal Buffalo Council; and

BE IT FURTHER RESOLVED that Kyle Taylor is authorized to act/vote on behalf of the Ponca Tribe of Nebraska as required to ensure that the Tribe's interests and positions are represented; and

BE IT FURTHER RESOLVED that Larry Wright, Sr. shall be the alternate delegate and may act in absence of the delegate; and

BE IT FURTHER RESOLVED that dues payable to the Intertribal Buffalo Council shall be paid as they come due until such time as this resolution is amended or rescinded.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing resolution was duly authorized and passed by the Tribal Council of the Ponca Tribe of Nebraska at a duly called meeting in Omaha, Nebraska on the _____ day of February, 2019 by a vote of _____ Ayes; _____ Nays; _____ Abstained; _____ Absent. Chairperson _____ voting _____ not voting. A Quorum of _____ was present.

ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska