

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL
AGENDA

SEPTEMBER 10, 2018

10:00 AM

TRIBAL OFFICE

5805 S 86th CIR

RALSTON, NEBRASKA

- I. CALL TO ORDER
 - a. Roll Call
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - a. August 25, 2018
 - b. August 26, 2018
 - c. August 31, 2018
- IV. RATIFICATION OF ACTIONS
- V. CHAIRMAN'S REPORT
- VI. LAW & ORDER CODE, TITLE I – GENERAL PROVISIONS REVISED – FIRST READING
- VII. LAW & ORDER CODE, TITLE IV – DOMESTIC RELATIONS REVISED – FIRST READING
- VIII. GAMING ORDINANCE REVISED – SECOND READING/APPROVAL – RESOLUTION
- IX. JACOB OLSUFKA, DIRECTOR OF FINANCE
 - a. Niobrara Land Purchase Payment Structure – MOTION
- X. EXECUTIVE SESSION
 - a. Jimmy Centers, Cornerstone Public Affairs (11:00 AM)
 - i. Grand Opening Discussion
- XI. ALLEY-POYNER MACCHIETTO (12:00 PM)
 - a. Tribal Heritage Grant Survey Results
- XII. ELISE EMANUEL, DIRECTOR OF GRANTS MANAGEMENT
 - a. WIOA Grant Update
- XIII. JONATHAN ROBINSON, HUMAN RESOURCE DIRECTOR
 - a. Employee Handbook Section 5 Revised – MOTION
 - b. Maintenance Coordinator – Ralston Job Description – MOTION
 - c. Lead Office Coordinator Job Description – MOTION
 - d. Vocational Training Specialist Job Description – MOTION
 - e. Workforce Development Program Coordinator Job Description – MOTION
- XIV. ANDREA RODRIGUEZ, DOMESTIC VIOLENCE PROGRAM DIRECTOR
 - a. Domestic Violence Awareness Month – RESOLUTION
 - b. White Ribbon Week – RESOLUTION
- XV. RHIANNON CLAUSEN, CHIEF OPERATING OFFICER
 - a. Public Health Emergency Preparedness & Epidemiology Surveillance Sub-Award Contract – RESOLUTION
- XVI. STEPHANIE SLOBOTSKI, TRANSPORTATION PLANNER
 - a. Approve entering into an option year w/Brosz Engineering – MOTION
 - b. Task Order #6 for Niobrara Educational Trail Paving Project – MOTION
 - c. Task Order #7 for Norfolk Gym Drive Project – MOTION
 - d. Task Order #8 Norfolk 8-Plex Project – MOTION
 - e. Clarity on moving forward with Lincoln and Clinic Projects
- XVII. NEW BUSINESS
 - a. Brad Jolly Legal Billing Statement – MOTION
 - b. Nebraska Democratic Party (Chairman Wright)
 - c. Department of Interior Re-organization Position of PTN – RESOLUTION
- XVIII. OTHER BUSINESS
- XIX. SENATOR HARR (3:00 PM)
- XX. ADJOURN

TitLe I- First Reading

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Section 1-1-15. Legal Holidays.

1. The following days shall be legal holidays of the Tribe:

- a. Sunday of each week;
- b. January 1, "New Year's Day;"
- c. Third Monday of January, "Martin Luther King Jr. Day;"
- d. May 12, "Chief Standing Bear Day: Remembering Our Leaders;"
- e. Last Monday in May, "Memorial Day;"
- f. July 4, "Independence Day;"
- g. First Monday in September, "Labor Day;"
- ~~g. Fourth Monday in September, "Native American Day;"~~
- h. October 31, "Northern Ponca Restoration Day - Remembering our Elders;"
- i. November 11, "Veterans' Day;"
- j. Fourth Thursday in November, "Thanksgiving Day;"
- k. Fourth Friday in November, ~~"Day After Thanksgiving;"~~ "Native American Day;"
- l. December 24, "Christmas Eve;"
- m. December 25, "Christmas Day;" and
- n. Any other day the Tribal Council may, from time to time, declare to be a legal holiday.

2. With the exception of the holiday enumerated in subsection 1, paragraph a:

- a. When any of the holidays enumerated in subsection 1 falls on a Sunday, the following Monday shall be observed as a holiday; and

b. When any of the holidays enumerated in subsection 1 falls on a Saturday, the preceding Friday shall be observed as a holiday.

Title II - First Reading Changes

- 4-2-11 Add Domestic Partnership to Code
- 4-4-3 Change grounds for dissolution
- 4-5-6 Add that extended family members may be granted visitation rights
- 4-6-1 Remove mention of child support program
- 4-8-2 Add Elder Abuse to the Code

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 18-_____

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 Tribal Council has reviewed the proposed amendments to the Ponca Tribe of Nebraska Gaming Ordinance; and

WHEREAS: The proposed amendments are being considered to ensure that the Gaming Ordinance is up to date with current National Indian Gaming Commission rules and regulations and reflective of recent gaming initiatives that are underway by the Ponca Tribe of Nebraska; and

WHEREAS: The proposed amendments to the Gaming Ordinance was placed on the August 25, 2018 Tribal Council Agenda to allow comments from the public with First Reading held on August 31, 2018; and on September 10, 2018 for the second reading and approval thereof. A notice of intent to amend the Ponca Tribe of Nebraska Gaming Ordinance was mailed to all heads of household at least 14 days prior to any final action satisfying the requirements for the adoption, amendment, or abolishment of Ordinances.

THEREFORE BE IT RESOLVED that the Ponca Tribal Council approves the amendments to the Ponca Tribe of Nebraska Gaming Ordinance.

BE IT FURTHER RESOLVED that the Tribal Council requests prompt approval of the amended Gaming Ordinance and directs Legal Counsel to take necessary steps to secure said approval.

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 held in Omaha, Nebraska on the ____ day of September, 2018 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 Bossard, Secretary
Ponca Tribe of Nebraska

AGENDA ITEM REQUEST

DATE SUBMITTED: 08/31/2018

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: 09/10/18

Subject: Niobrara Land Purchase Payment Structure

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

Motion to approve utilizing presented funds to purchase land in Niobrara.

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

Submitted By: Jacob Olsufka

APPROVED _____
Director of Finance

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 9-4-18

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: 9-10-18

Subject: Alley Poyner Macchietto (Heritage Grant follow up)

ACTION REQUEST: (Please describe request in the form of a motion)
Alley Poyner Macchietto representation will be available for an update and grant conclusion to be presented to tribal council as an existing conditions survey

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

Submitted By: William E. Yunker, Sr. Facility Director

APPROVED _____
Executive Director of Tribal Affairs

AGENDA ITEM REQUEST

(for employees only)

DATE SUBMITTED: 9/4/2018

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: 9/10/2018

Subject: WIOA grant update

ACTION REQUEST: (Please describe request in the form of a motion)
No action requested at this time.

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
Director of Grant Management

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 08/31/2018

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: 09/10/2018

Subject: Employee Handbook Section 5: Employee Benefits

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

- Motion to approve the Employee Handbook Section 5: Employee Benefits – 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

AGENDA ITEM REQUEST

(for employees only)

DATE SUBMITTED: 08/31/2018

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: 09/10/2018

Subject: Job Descriptions

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

- Motion to approve the Maintenance Coordinator – Ralston job description – New.
- Motion to approve the Lead Office Coordinator job description – New.
- Motion to approve the Vocational Training Specialist job description – New.
- Motion to approve the Workforce Development Program Coordinator job description – New.

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

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: August 28, 2018

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: Sept 10, 2018

Subject: Resolution for Domestic Violence Awareness Month

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

A resolution is needed for the Tribe to recognize October 2018 as Domestic Violence Awareness Month

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

Submitted By: Andrea Rodriguez, Domestic Violence Program Director

APPROVED


Executive Director of Tribal Affairs

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 18-_____

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: In Indian Country, an alarming number of Native women experience physical, sexual, and/or emotional abuse as part of a controlling or violent relationship. The consequences of domestic violence poses a threat to the health and well-being of women and men in our communities, and it is essential we come together to break the cycle of violence that burdens too many of our people. This month, we are committed to providing critical support and services for victims of domestic violence and empowering survivors with the tools to cultivate healing; and

WHEREAS: During the month of October, we as a tribal government, programs, and communities, will work to raise awareness about the prevalence of domestic violence in our communities because of the atrocious impact it has on our people's lives; and

WHEREAS: Recent statistics from the Department of Justice indicate four out of five American Indian and Alaska Native women have experienced intimate partner violence during their lifetime—a rate more than twice the national average; and

WHEREAS, survivors of domestic violence have alarmingly high rates of Post-Traumatic Stress disorder, depression, anxiety, suicidal thoughts and attempts, and alcohol and drug use; and

WHEREAS, Ponca Tribe of Nebraska, our programs, staff, and partnering agencies strive to support and empower survivors of domestic violence throughout their healing journey; and

WHEREAS, by providing our communities with education about awareness, programs, and services available to increase awareness to develop healthy relationships and relationship skills and by changing attitudes that support violence, we recognize that domestic violence can be prevented; and

WHEREAS, The Ponca Tribe of Nebraska Domestic Violence Awareness and Prevention Month will focus on youth and adult prevention and awareness, healthy relationships, and bystander empowerment and education; and

WHEREAS, domestic violence remains a major public health, social justice, and human rights issue requiring particular attention, and its interventions must be with the inclusion of both women and men at all levels. There is an urgent need, more than ever, to get involved. The wide prevalence of domestic violence and sexual assault, along with the shocking silence and inaction around these issues, compels all of us to come together and get involved to end the abusive violence in our relationships, in our families, and in our communities.

Resolution 18-
Page Two

THEREFORE, BE IT RESOLVED that the Ponca Tribe of Nebraska Tribal Council does hereby proclaim October as Domestic Violence Awareness and Prevention Month in our tribal nation, and encourages all of our citizens to partake in domestic violence awareness events.

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 10th day of September 2018, at a duly called meeting held in Omaha, NE 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: August 28, 2018

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: Sept 10, 2018

Subject: Resolution for White Ribbon Awareness Week

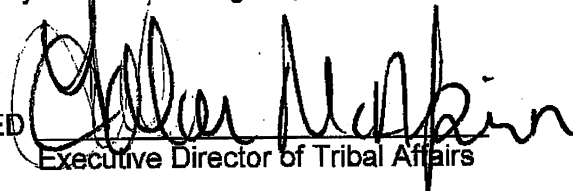
ACTION REQUEST: (Please describe request in the form of a motion)

A resolution is needed for the Tribe to recognize the week of November 25 - December 1 2018 as White Ribbon Awareness Week. This week is recognized internationally as the week to encourage men and boys to get involved in eliminating violence against women.

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

Submitted By: Andrea Rodriguez, Domestic Violence Program Director

APPROVED


Executive Director of Tribal Affairs

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 18 - _____

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: Studies show that Native American women are at a higher risk for domestic violence than other populations. Up to 84% of American Indians and Alaska Native women have experienced violence in their lifetime. More than half of Native American women who experienced abuse also endured sexual assault; and

WHEREAS: In 1981, November 25th was declared "International Day Against Violence Against Women"; and

WHEREAS: The White Ribbon Campaign seeks to promote healthy relationships and gender equity, and involve men and boys in addressing violence against Native American women and girls; and

WHEREAS: Starting in 1991, males have worn white ribbons as a pledge to never commit, condone or remain silent about violence against women during the week of November 25th; and

WHEREAS: Since 2016, The White Ribbon Campaign has worked in partnership with the Congress of Aboriginal Peoples to engage Indigenous men and boys to prevent violence against Indigenous women and girls. Together, they have implemented a Walking In Her Moccasins Bundle on Domestic Violence Prevention; and

WHEREAS: The Ponca Tribe of Nebraska, our programs and staff, will host events during the week of November 25th through December 1, 2018 to involve men and boys in raising awareness of violence against Native American women to the Ponca tribal and community members in recognition of White Ribbon Week.

THEREFORE, BE IT RESOLVED that the Ponca Tribe of Nebraska Tribal Council does hereby proclaim November 25, 2018 through December 1, 2018 as White Ribbon Week in our tribal nation, and encourages all of our citizens to partake in awareness events and wear white ribbons as a pledge to never commit, condone, or remain silent about violence against women.

Resolution 18-_____
Page Two

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and forgoing resolution was duly authorized and passed by the Tribal Council of the Ponca Tribe of Nebraska at a duly called meeting held in Omaha, Nebraska on the 10th day of September 2018 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: 08/31/18

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

Meeting of: √ Tribal Council
 Executive Session

Meeting Date: 09/10/2018

Subject: Public Health Emergency Preparedness and Epidemiology Surveillance
Sub award Contract

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

Requesting a motion for Tribal Council to approve the FY18-19 Public Health Emergency Preparedness and Epidemiology Surveillance sub-award Resolution and contract.

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

Submitted By: Rhiannon Clausen, COO

APPROVED



Rhiannon Clausen, COO

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 18-_____

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 and the Ponca Tribe of Nebraska Law & Order Code, 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: The purpose of this sub award is to build and maintain the health center's preparedness and response to bioterrorism, outbreaks of infectious diseases and other public health treats and emergencies under the Federal Cooperative Agreement from the Centers for Disease Control and Prevention (CDC) Coordinating Office for Terrorism Preparedness and Emergency Response.

THEREFORE BE IT RESOLVED That the Ponca Tribal Council approves the contract with the Nebraska Department of Health and Human Services, Division of Public Health Office of Preparedness & Emergency Response for the period of July 1, 2018 through June 30, 2019. The amount of the sub award is not to exceed \$35,405.

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 held in Omaha, Nebraska on the _____ day of September 2018 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: 8/30/18

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: 9/10/18

Subject: 1. Approval/Motion to enter into an option year with Brosz Engineering with updated pricing. 2. Approve Task Orders for Brosz Engineering on Niobrara Trail Paving, Norfolk Gym Drive and Norfolk 8-plex FY19 projects.

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

1. Motion to approve entering into an option year with Brosz Engineering from October 1, 2018-September 30, 2019 for preliminarily engineering services for the Tribal Transportation Program with updated pricing.
2. Motion to approve Task Order # 6 with Brosz Engineering for the Niobrara Educational Trail Paving project; Not to Exceed (NTE) \$89,000.
3. Motion to approve Task Order # 7 with Brosz Engineering for the Norfolk Gym Drive project. NTE \$105,000.
4. Motion to Approve Task Order #8 with Brosz Engineering for the Norfolk 8-plex project. NTE \$70,000.
5. Clarity on moving forward with Lincoln and Clinic projects

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

Submitted By: Stephanie Slobotski, Transportation Planner

APPROVED _____
Executive Director of Tribal Affairs