

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL
AGENDA

SEPTEMBER 29, 2018

10:00 AM

TRIBAL HEADQUARTERS
2523 WOODBINE STREET
NIOBRARA, NEBRASKA

- I. CALL TO ORDER
 - a. Invocation
 - b. Roll Call
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - a. September 10, 2018 (p.3-7)
- IV. RATIFICATION OF ACTIONS (to be e-mailed separately)
- V. LAW & ORDER CODE, TITLE I – GENERAL PROVISIONS REVISED – SECOND READING/RESOLUTION (p.8-10)
- VI. LAW & ORDER CODE, TITLE IV – DOMESTIC RELATIONS REVISED – SECOND READING/RESOLUTION (Ruthanne Gallup, Law & Order Code Committee) (p.11)
- VII. LAW & ORDER CODE, TITLE XIII – SECURED TRANSACTIONS ACT – DISCUSSION/PUBLIC COMMENT (p.12-15)
- VIII. CHAIRMAN’S REPORT
- IX. EXECUTIVE TEAM REPORT (Falon McAlpin, EDTA) (p.16-32)
- X. WORKFORCE & INNOVATION OPPORTUNITY ACT (Falon McAlpin, EDTA)
 - a. Scope of Work – MOTION (p.33-35)
 - b. BIA 638 Funding (PEDCO) - RESOLUTION (p.36-37)
- XI. JACOB OLSUFKA, DIRECTOR OF FINANCE
 - a. Schedule of Expenditures Report as of 8/31/18 (p.38-41)
 - b. Indirect Cost Report as of 8/31/18 (p.42)
 - c. General Fund Report as of 8/31/18 (p.43-53)
 - d. Committee Report as of 8/31/18 (p.54-57)
 - e. Tribal Council Expenditure Report as of 8/31/18 (p.58)
 - f. Miscellaneous Report for August 2018 (p.59)
 - g. Kraus Anderson Invoices (3) – MOTION (p.60-127)
- XII. HILARY FARLEY, INFORMATION TECHNOLOGY MANAGER
 - a. Midland Phone System Contract – MOTION (p.128-145)
- XIII. RHIANNON CLAUSEN, CHIEF OPERATING OFFICER
 - a. Great Plains Colorectal Cancer Screening Initiative – RESOLUTION (p.146-152)
- XIV. JOEY NATHAN, EXECUTIVE DIRECTOR – NPHA
 - a. FY2019 Indian Housing Plan – MOTION (p.153-169)
- XV. JONATHAN ROBINSON, DIRECTOR OF HUMAN RESOURCES
 - a. Workforce Development Program Coordinator Job Description Revised – MOTION (p.170-173)
 - b. Project Venture Specialist Job Description Revised – MOTION (p.174-175)
 - c. Program Outreach Coordinator Job Description Revised – MOTION (p.176-178)
 - d. Technical Assistant Job Description – MOTION (p.179-180)
 - e. Executive Session (p.181)
 - i. Transfer for Employee #583 – MOTION (p.182)
 - ii. Transfer for Employee #585 – MOTION (p.183)
 - iii. Transfer for Employee #422 – MOTION (p.184)
- XVI. STEPHANIE SLOBOTSKI, TRANSPORTATION PLANNER
 - a. Brosz Engineering (2:00 PM)
 - i. Discussion Re: Trail Storm Shelter/Clinic/Lincoln Projects (p.185)
 - b. Task Order #9 – Ponca Education Trail Storm Shelter New Construction – MOTION (p.186-192)

XVII. NEW BUSINESS

- a. Tanderup Property (Chairman Wright) (p.193-195)
 - i. Tenancy in Common Agreement – MOTION (p.196-200)
 - ii. First Amendment to Real Estate Conveyance Agreement – MOTION (p.201-203)
 - iii. Use License Agreement – MOTION (p.204-208)
- b. Four Directions Request – MOTION (p.209)
- c. Osni Ponca Request – MOTION (p.210)
- d. Law & Justice Committee – MOTION (p.211-214)
- e. Centralized Community Communications – MOTION (Councilwoman Bossard)
- f. Kueny Begley Attorney Agreement (Election Board) – MOTION (p.215-216)

XVIII. OTHER BUSINESS

XIX. EXECUTIVE SESSION

- a. Election Board Request – DISCUSSION/MOTION (p.217-218)
- b. Ponca Gaming Enterprise – DISCUSSION/MOTION

XX. ADJOURN

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 Law & Order Code, Title I – General Provisions; and

WHEREAS: The proposed amendments to the Law & Order Code, Title I – General Provisions was placed on the August 20, 2018 Tribal Council Agenda to allow comments from the public and on September 10, 2018 and September 29, 2018 for first and second readings respectively. A notice of intent to amend the Law & Order Code, Title I – General Provisions 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 Law & Order Code, Title I – General Provisions.

BE IT FURTHER RESOLVED that these amendments shall take effect immediately.

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 Niobrara, 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

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.

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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 Law & Order Code, Title IV – Domestic Relations; and

WHEREAS: The proposed amendments to the Law & Order Code, Title IV – Domestic Relations was placed on the August 20, 2018 Tribal Council Agenda to allow comments from the public and on September 10, 2018 and September 29, 2018 for first and second readings respectively. A notice of intent to amend the Law & Order Code, Title IV – Domestic Relations 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 Law & Order Code, Title IV – Domestic Relations.

BE IT FURTHER RESOLVED that these amendments shall take effect immediately.

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 Niobrara, 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

****** NOTICE: All Tribal Members ******

**LAW AND ORDER CODE REVISION
TITLE XIII
SECURED TRANSACTIONS ACT**

**Discussion on September 29, 2018
During Tribal Council Meeting**

****** NOTICE: All Tribal Members******

The Ponca Tribal Council will be reviewing proposed amendments to the Law and Order Code, Title XIII – Secured Transactions Act. The current ordinance will basically be repealed and replaced. The current Tribal Code is inconsistent with the law in several other jurisdictions, and would make it difficult, if not impossible, for creditors to gain enforceable security interests in personal property, which is essential to the financing for the interim casino, as well as future financings.

A complete copy of the new proposed Secured Transactions Act is available at the tribal offices, or one may be obtained by contacting Jan Colwell, Tribal Council Executive Assistant at 402-857-3391.

There will be a discussion by Tribal Council that is open for public comment on September 29, 2018 at 10:00 a.m. or as soon thereafter as it may be heard.

Written comments will be accepted until 9 AM on September 29th. The written comments may be emailed to janc@poncatrIBE-ne.org or mailed to:

Ponca Tribe of Nebraska
Attn: Jan Colwell
P.O. Box 288
Niobrara, NE 68760

TITLE XIII

PONCA TRIBE OF NEBRASKA GOVERNMENTAL SECURED TRANSACTIONS ORDINANCE

CHAPTER 1 PURPOSE

Section 13-1-1 The purpose of this Ordinance is to establish tribal laws governing security interests granted by a Tribal Party; to provide that the proper office for filing a financing statement against any Tribal Party shall be the office specified by Iowa law as if such Tribal Party were located in Iowa; and to provide that a security interest in Pledged Revenues may be perfected by the filing of an initial financing statement.

Section 13-1-2 This Ordinance may be cited as the “Ponca Tribe of Nebraska Governmental Secured Transactions Ordinance”.

CHAPTER 2 SCOPE

Section 13-2-1 Except as otherwise provided in Article 5 hereof, this Ordinance shall apply only with respect to those security interests that (i) are granted by a Tribal Party, and (ii) are expressly stated to be granted in reliance on this Ordinance.

Section 13-2-2 This Ordinance shall remain in effect as to any security interest to which it applies until all obligations secured thereby have been fully and finally discharged or otherwise satisfied, except that this Ordinance may be amended in any manner that is not adverse to any secured party with respect to any such security interest.

CHAPTER 3 DEFINITIONS

Section 13-3-1 In this Ordinance the following terms have the following meanings:

(a) *Iowa UCC* means, with respect to any particular transaction, the Uniform Commercial Code of the State of Iowa, as amended from time to time.

(b) *Contract UCC* means, with respect to any particular transaction, the Uniform Commercial Code (as amended from time to time) of the state of the United States that is stated to apply in a writing signed by a Tribal Party with respect to such transaction, or if none is so stated to apply, the Iowa UCC.

(c) *Pledged Revenues* means all of a Tribal Party's money, earnings, income and revenues, and the rights to receive the foregoing, whether in the form of money, deposit accounts, investments, accounts, instruments or other assets, and the proceeds thereof, in which such Tribal Party has granted a security interest in a writing signed by such Tribal Party.

(d) *Tribal Party* means the Tribe and all of its governmental authorities, instrumentalities, subdivisions, subsidiaries and departments, including the successors and assigns of all of the foregoing.

(e) *Tribe* means the Ponca Tribe of Nebraska, a federally recognized Indian tribe.

Section 13-3-2 Any undefined terms that are defined in the Iowa UCC are used in this Ordinance with the meanings that apply in the Iowa UCC.

CHAPTER 4 LAWS APPLICABLE TO SECURITY INTERESTS

Section 13-4-1 Except as provided elsewhere in this Ordinance, the rights and obligations of any person with respect to any security interest to which this Ordinance applies shall be governed by the Contract UCC.

Section 13-4-2 Except as provided elsewhere in Article 4 of this Ordinance, the perfection, effect of perfection or nonperfection and priority of any security interest to which this Ordinance applies shall be determined in accordance with the Iowa UCC as if each Tribe and Tribal Party were (for purposes of Sections 554.9301 through 554.9307 of the Iowa UCC) located in the State of Iowa and as if the reservation were located in the State of Iowa.

Section 13-4-3 Notwithstanding any other provision of the Contract UCC, the Iowa UCC or this Ordinance to the contrary, a security interest granted in Pledged Revenues in which the applicable Tribal Party has rights shall be created and attach upon the giving of value and the granting of such security interest by such Tribal Party in a writing executed by that Tribal Party, and such security interest may be perfected only by the filing of an initial financing statement with respect to such security interest in the same manner and in the same location as if all of such Pledged Revenues were accounts.

Section 13-4-4 The provisions of Section 554.9109(3) of the Iowa UCC and the Contract UCC shall be ineffective to limit the application of Iowa UCC and the Contract UCC in accordance with this Ordinance.

CHAPTER 5
EFFECTIVE DATE AND REPEALER

Section 13-5-1 To the extent any provision of any law, ordinance, resolution, motion or any other action of any Tribal Party heretofore taken is in conflict with any provision of this Ordinance, the provision of this Ordinance shall supercede and the conflicting provision shall be and hereby is repealed as it shall apply to a security interest to which this Ordinance applies.

Section 13-5-2 This Ordinance is effective upon the date of its enactment by the Tribe's Tribal Council.

AGENDA ITEM REQUEST

(for employees only)

DATE SUBMITTED: 09/19/2018

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: 09/29/2018

Subject: WIOA

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

- Requesting a Motion to Approve the SOW and;
- Requesting a Motion to Approve the resolution absorbing PEDCO's 638 Carryover for the purpose of funding 1 FTE Workforce Development Coordinator

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

Submitted By: Falon McAlpin

APPROVED


Executive Director of Tribal Affairs

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 18-_____

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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 Economic Development Corporation (PEDCO), at the direction of and with the approval of the Ponca Tribe of Nebraska Tribal Council, entered into a Self-Determination Contract with the Department of the Interior, Bureau of Indian Affairs (BIA), to carry out programs and functions of tribal economic development; and

WHEREAS: The Ponca Tribe of Nebraska Tribal Council has previously submitted Tribal Council Resolution No. 17-81, on file with the BIA Regional Office, which authorized PEDCO to contract directly with the BIA for permanent programming of funds, resulting in Self-Determination Contract _____; and

WHEREAS: PEDCO wishes to partner with the Ponca Tribe of Nebraska to create a workforce development program by contributing its Self-Determination Contract carryover balance to the Tribe's Consolidated Tribal Government Program Contract; and

WHEREAS: PEDCO's contribution of its carryover balance is intended to support one full-time Tribal employee who will administer the Tribe's Workforce Investment and Opportunity Act-funded program; and

THEREFORE, BE IT RESOLVED that the Ponca Tribal Council hereby authorizes PEDCO to allocate its carryover balance of \$179,409.79 from Contract No. _____ to support a workforce development program administered by the Ponca Tribe of Nebraska.

THEREFORE, BE IT FURTHER RESOLVED that the Ponca Tribal Council hereby authorizes PEDCO's contribution of \$179,409.79 to be absorbed into the Tribe's Consolidated Tribal Governments Program contract under the approved Scope of Work attached to this Resolution as Exhibit A.

Resolution 18-____
Page Two

CERTIFICATION

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ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska

AGENDA ITEM REQUEST
(For employees only)

DATE SUBMITTED: 09/17/2018

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: 09/22/2018

Subject: Great Plains Colorectal Cancer Screening Initiative (GPCCSI)

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

Requesting Tribal Council approval and authorization to apply for the Great Plains Colorectal Cancer Screening Initiative Grant.

Will there be support materials for this agenda item? X 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-_____

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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;

WHEREAS: The Great Plains Tribal Chairmen's Health Board has made available funding for their 2018-2019 award period through the Great Plains Colorectal Cancer Screening Initiative (GPCCSI) to decrease colorectal cancer mortality among American Indians through evidenced-based interventions to increase colorectal cancer screening rates among adults 50-75 years of age; and

WHEREAS: The 2020 GPRA target for colorectal screening is 40.2% of patients aged 50 to 75; and

WHEREAS: The Ponca colorectal screening rate was 37.1% at the end of the last fiscal year, a dramatic increase from 11.4% the year before; and

WHEREAS: This improvement results from activities supported by prior GPCCSI funding; and

WHEREAS: Continued GPCCSI funding will help sustain and potentially further improve the Ponca colorectal screening rate.

THEREFORE BE IT RESOLVED that the Ponca Tribal Council supports pursuit of further funding through the Great Plains Tribal Chairmen's Health Board for the Colorectal Cancer Screening initiative grant, for the FY18-19 period, in the amount of \$10,627.18.

CERTIFICATION

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ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Candace Schmidt, Secretary
Ponca Tribe of Nebraska

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: 09/19/2018

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: 09/29-30/2018

Subject: Job Descriptions

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

- Motion to approve the Workforce Development Program Coordinator job description - revised.
- Motion to approve the Project Venture Specialist job description – revised.
- Motion to approve the Program Outreach Coordinator job description – revised.
- Motion to approve the Technical Assistant 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: 9/14/18

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: 9/29/18

Subject: Brosz Engineering-1 hour

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

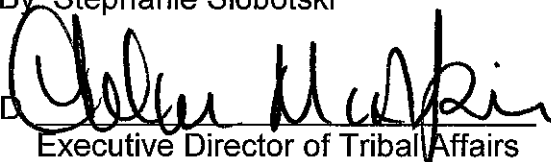
Brosz will come to discuss the 2 different methodologies to construct the Trail Storm Shelter as well expertise for the Clinic and Lincoln projects.

Motion to approve Storm Shelter task order

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

APPROVED



Executive Director of Tribal Affairs