

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL  
AGENDA

OCTOBER 8, 2018  
10:00 AM  
TRIBAL OFFICE  
1701 E STREET  
LINCOLN, NEBRASKA

- I. CALL TO ORDER
  - a. Roll Call
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
  - a. September 29, 2018
- IV. RATIFICATION OF ACTIONS
- V. CHAIRMAN'S REPORT
- VI. LAW & ORDER CODE, TITLE XIII – SECURED TRANSACTIONS ACT REVISED – FIRST READING
- VII. LAW & ORDER CODE, TITLE I REVISED – DISCUSSION/PUBLIC COMMENT
- VIII. JOHN PAPPAN/DR. RUDI MITCHELL (10:30 AM)
  - a. Native Advisory Council for Native Affairs
- IX. ANGELA BESSMER, EMPLOYEE BENEFITS & RISK COORDINATOR (11:00 AM)
  - a. 2019 Employee Benefits Renewal - MOTION (Scott McCoy & Molly Ducker w/Arthur J. Gallagher)
- X. MATT KENNEDY, PONCA GAMING ENTERPRISE CHAIRMAN (11:30 AM)
  - a. Fiscal Year 2018 PGE Budget - MOTION
- XI. KITRINA KEY, ENROLLMENT SPECIALIST
  - a. Application for Honorary Membership – RESOLUTION (Councilman Wendzillo)
  - b. Approval of Applicants – RESOLUTION
  - c. Online Enrollment Application Issue w/Family Tree – DISCUSSION
- XII. GEORJA KRIEBS, ENVIRONMENTAL MANAGER
  - a. Request Utilization of General Fund until TRP Grant Funds Become Available – MOTION
- XIII. JACOB OLSUFKA, DIRECTOR OF FINANCE
  - a. Transfer of Transportation Dollars to First National Bank – DISCUSSION/MOTION
  - b. Sell Commercial Property - MOTION
- XIV. JONATHAN ROBINSON, HUMAN RESOURCE DIRECTOR
  - a. Norfolk Staff Dentist Job Description Revised - MOTION
  - b. Norfolk Transit Lead Scheduler job description Revised – MOTION
  - c. Transit Manager Job Description Revised – MOTION
  - d. Request for Executive Session
    - i. Personnel Action for Employee #424 – MOTION
- XV. MICHAEL HLAVSA, GAMING CONSULTANT
  - a. Executive Session
    - i. Activities and Status of Ponca Gaming Commission
- XVI. NEW BUSINESS
  - a. Robin Bair Request – MOTION
  - b. Brad Jolly Legal Billing Statement - MOTION
- XVII. ADJOURN

**\*\*\*\* 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 The current ordinance will basically be repealed and replaced.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@poncatribes-ne.org](mailto:janc@poncatribes-ne.org) or mailed to:

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

*First Reading Scheduled for October 8 2018.*

**\*\*\*\* NOTICE: ALL TRIBAL MEMBERS \*\*\*\***

**LAW AND ORDER CODE REVISION  
TITLE I  
GENERAL PROVISIONS**

**Discussion on October 8, 2018  
During Tribal Council Meeting**

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

The Ponca Tribal Council will be reviewing a proposed amendment to the Law and Order Code, Title I – General Provisions, Section 1-7-5 Recognition of Foreign Court Orders/Judgments.

Our current lender and likely all future phase lenders will have an issue with the current language of the L&O Code regarding the enforcement of foreign judgments. In particular, current tribal law states that foreign judgments (i.e. other tribal courts, state courts or federal courts) will be enforced by the Ponca tribal courts as long as, among other things, such judgments don't violate the "public policy of the Ponca Tribe." This standard is too broad and would allow the Tribal Courts to refuse to enforce any judgment it doesn't agree with.

Rather than repealing and replacing this section, our lender is proposing adding an additional subsection which would allow the Tribal Council, by resolution, to waive application of this language. Such resolutions would be entered into as closing conditions of certain loans, including the upcoming Shakopee loan. Thus, we propose adding the following to Section 1-7-5 as #3 to the existing Law & Order Code:

( ). Nothing in this subsection shall prevent the Tribal Council, by duly executed Tribal Council Resolution, from making the foregoing provisions not applicable to any transaction, agreements, or other matter specified in such Tribal Council Resolution.

**There will be a discussion by Tribal Council that is open for public comment on October 8, 2018 at 10:00 a.m. or as soon thereafter as it may be heard.**

**Written comments will be accepted until 9 AM on October 8.** The written comments may be emailed to [janc@poncatribene.org](mailto:janc@poncatribene.org) or mailed to:

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

**AGENDA ITEM REQUEST**  
(for employees only)

DATE SUBMITTED: 9/28/2018

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: 10/08/2018

Subject: 2019 Employee Benefits Renewal

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

- Motion to approve the employee benefits renewal
- Scott McCoy and Molly Ducker with Arthur J. Gallagher will be present for the meeting and will present material

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

\*\*\*ADDITIONAL DOCUMENTATION WILL BE SUBMITTED NEXT WEEK\*\*

Submitted By: Angela Bessmer

APPROVED

  
\_\_\_\_\_

EDTA/CEO/DOF/HRD

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 shall exercise legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: In accordance with Article II, Section 3 of the Constitution, the Tribal Council shall establish an honorary roster for persons adopted by the Tribe who do not meet the requirements for membership in the Tribe. Honorary members shall not have the right to vote, hold office, or otherwise exercise the rights or receive benefits of membership in the Tribe; and

WHEREAS: Honorary Membership is to recognize certain individuals who have voluntarily committed themselves to the overall development of the Tribe and its members and who have maintained strong social ties with the Tribe. Honorary members are recognized for their unselfish giving of friendship and assistance to the Tribe and its membership; and

WHEREAS: Mr. James Meggesto has been a tireless advocate for the Ponca Tribe of Nebraska in our fight for the right to offer gaming in Carter Lake, Iowa. His professionalism, skill, and knowledge of Native American issues served him well in the fight for not only justice for the Ponca Tribe of Nebraska but, for Native American Tribes and organizations across the nation. His work will contribute to the financial growth and ultimately, for the growth of our tribal programs; and

WHEREAS: The Enrollment Committee has approved that Mr. James Meggesto be placed on the Ponca Tribe of Nebraska Honorary Membership Roster.

THEREFORE, BE IT RESOLVED that the Ponca Tribal Council hereby approves Mr. James Meggesto as an Honorary Member 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 October, 2018 at a duly called meeting held in Lincoln, 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**

DATE SUBMITTED:

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: October 8<sup>th</sup>

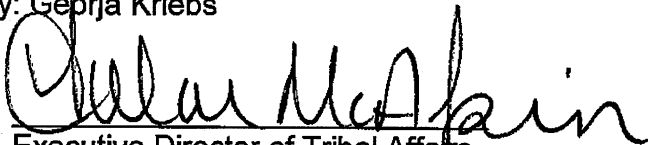
Subject: Update on CERCLA 128 (a) Tribal Response Program Grant funding.

ACTION REQUEST: Motion to approve utilization of General Fund until TRP grant funds become available.

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

Submitted By: Georja Kriebs

APPROVED

  
Executive Director of Tribal Affairs

**AGENDA ITEM REQUEST**

DATE SUBMITTED: 10/3/2018

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: 10/8/18

Subject: FNB Relationsip

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

Motion to approve moving 3 million dollars from TTP (Saving and Checking) to FNB Money Market

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

Jacob Olsufka

Digitally signed by Jacob Olsufka  
DN: cn=Jacob Olsufka, o=Ponca Tribe of  
Nebraska, ou=Finance Director,  
email=jolsufka@poncatrbe-ne.org, c=US  
Date: 2018.10.03 09:22:44 -05'00'

**AGENDA ITEM REQUEST**

DATE SUBMITTED: 10/3/2018

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: 10/8/18

Subject: Sell Commercial Property

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

Motion to approve moving forward with the sale of Swanson Ag to offset the land loan – Starting price 442,500

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 **Jacob Olsufka**  
\_\_\_\_\_  
Director of Finance

Digitally signed by Jacob Olsufka  
DN: cn=Jacob Olsufka, o=Ponca Tribe of  
Nebraska, ou=Finance Director,  
email=jolsufka@poncatribes-ne.org, c=US  
Date: 2018.10.03 09:31:11 -05'00'



**AGENDA ITEM REQUEST**

(for employees only)

DATE SUBMITTED: 10/01/2018

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: 10/08/2018

Subject: Norfolk Staff Dentist Job Description

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

- Motion to approve the Norfolk Staff Dentist job description – 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

Jonathan

APPROVED Jonathan Robinson  
EDTA/CEO/DOF/HRD

Digitally signed by Jonathan Robinson  
DN: cn=Jonathan Robinson, o=Ponca Tribe  
of Nebraska, ou=Human Resources Director,  
email=jrobinson@poncatribes-ne.org, c=US  
Date: 2018.10.01 15:54:38 -05'00'

**AGENDA ITEM REQUEST**

(for employees only)

DATE SUBMITTED: 09/28/2018

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:   X   Tribal Council  
       Executive Committee

Meeting Date: 10/08/2018

Subject: Transit Job Descriptions – Revised

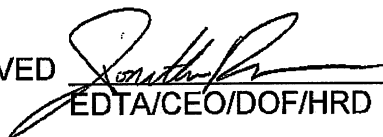
ACTION REQUEST: (Please describe request in the form of a motion)

- Motion to approve the Norfolk Transit Lead/Scheduler job description – Revised.
- Motion to approve the Transit Manager job description – Revised.
- Executive Session - Motion to approve the personnel action for employee #424.

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

Submitted By: Jonathan Robinson

APPROVED

  
EDTA/CEO/DOF/HRD