

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL
AGENDA

NOVEMBER 5, 2018

10:00 AM

TRIBAL TRANSIT FACILITY
1800 SYRACUSE AVENUE
NORFOLK, NEBRASKA

- I. CALL TO ORDER
 - a. Roll Call
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - a. October 28, 2018 (to be e-mailed separately)
- IV. RATIFICATION OF ACTIONS (to be e-mailed separately)
- V. CHAIRMAN'S REPORT
- VI. LAW & ORDER CODE, TITLE I – GENERAL PROVISIONS REVISED – SECOND READING/APPROVAL – RESOLUTION (p.2-3)
- VII. WILLIAM YUNKER, FACILITY DIRECTOR
 - a. Window Cleaning of Ralston Facility Bids – MOTION (p.4-6)
 - b. Sioux City Sidewalk Project – MOTION (p.7-14)
- VIII. PAT EICHBERGER, EDUCATION DIRECTOR
 - a. ANA I-LEAD Program – MOTION (p.15-16)
- IX. HILARY FARLEY, IT MANAGER
 - a. Henry Schein (Dentrix) On-site Labor Purchase – MOTION (p.17-19)
- X. LARRY VOEGELE, CHIEF EXECUTIVE OFFICER
 - a. Clinic Computer RFP – MOTION (p.20-23)
- XI. JONATHAN ROBINSON, HUMAN RESOURCE DIRECTOR
 - a. Executive Session
 - i. Rehire Status – MOTION (p.24-25)
 - ii. Clarification Re: Jobs and Promotions in the Transportation Department (Vice Chairwoman Sullivan)
 - iii. Discussion Regarding Job Description/Position (Vice Chairwoman Sullivan)
- XII. OTHER BUSINESS
- XIII. 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 amendment to the Ponca Tribe of Nebraska Law & Order Code, Title I – General Provisions, Section 1-7-5.

WHEREAS: The proposed amendment to the Law & Order Code, Title I was placed on the October 8, 2018 Tribal Council Agenda to allow comments from the public and on October 28, 2018 and November 5, 2018 for first and second readings respectively. A notice of intent to amend the Law & Order Code, Title I 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 to amend the Ponca Tribe of Nebraska Law & Order Code, Title I – General Provisions, Section 1-7-5.

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 Norfolk, Nebraska on the ____ day of November, 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 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 or mailed to:

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

FIRST READING TO BE HELD OCTOBER 28, 2018.
SECOND READING/APPROVAL TO BE HELD NOVEMBER 5, 2018.

AGENDA ITEM REQUEST
(for employees only)

DATE SUBMITTED: **10-22-18**

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: **Nov 5, 2018**

Subject: **Additional Sidewalk Repairs – Ralston Glass Cleaning bids**

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

- I) **Motion to use Ronald E. Warren Concrete for sidewalk project to include concrete removal/repair and drainage upgrade to Sioux City Property as described in submittal.**
- II) **Motion to accept bids for window cleaning of the Ralston facility.**

Will there be support materials for this agenda item? **Yes**
(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: 10/29/2018

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

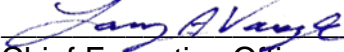
Meeting Date: 10/04/2018

Subject: Motion: Henry Schein (Dentrix) On-site Labor Proposal Approval

ACTION REQUEST: (Please describe request in the form of a motion)
Motion to approve Henry Schein On-site labor purchase.

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

Submitted By: Hilary Farley

APPROVED 
Chief Executive Officer

AGENDA ITEM REQUEST

(for employees only)

DATE SUBMITTED: 10/29/2018

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: 10/04/2018Subject: Motion: Clinic Computer RFP Approval


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

Motion to approve request for purchase (RFP) for replacement health staff computers for the new electronic health record system.

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

Submitted By: Larry Voegele

APPROVED



Chief Executive Officer