

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL  
AGENDA

JUNE 1, 2021  
10:00 AM  
LIFESIZE

- I. CALL TO ORDER
  - a. Roll Call
- II. APPROVAL OF AGENDA
- III. CONSENT CALENDAR
  - a. May 18, 2021 Minutes
  - b. Use of Culture Building for Funeral Gathering
  - c. NDOT 5311 Funding Application - RESOLUTION
  - d. Federal Transit Administration Funding Application- RESOLUTION
  - e. Letter of Incumbency
  - f. Purchase Benches for Educational Trail
  - g. Holland & Knight Legal Billing Statement
  - h. Ratifications
- IV. CHAIRMAN'S REPORT
- V. ROBIN BAIR, TRIBAL MEMBER
- VI. CHUCK FREYERMUTH, CEO – OSNI PONCA
  - a. Release of USDA RBDG Funding to Complete Feasibility Study: Grocery Store & Osni Ponca Construction & Development
    - i. Approval of Odee Ingersoll – MOTION
    - ii. Release of Funds - MOTION
- VII. FALON MCALPIN, EDTA
  - a. ARP BIA Funding - RESOLUTION
  - b. Powwow Booklet 30<sup>th</sup> Anniversary Feature – DISCUSSION/MOTION
  - c. April 2021 Monthly Report
- VIII. RETREAT DISCUSSION (CHAIRMAN WRIGHT)
- IX. REVIEW ACTION ITEMS ON SMARTSHEET WITH EXECUTIVE TEAM
- X. NEW BUSINESS
  - a. ARP Funding Requests – MOTION (Vice Chair Sullivan)
  - b. Tribal Council Residence Requirements - DISCUSSION (Vice Chair Sullivan)
- XI. OTHER BUSINESS
- XII. EXECUTIVE SESSION
  - a. Culture Director Screening Matrix (Falon McAlpin)
  - b. Culture Director Job Description Revised – DISCUSSION/MOTION (Falon McAlpin)
  - c. Project Letter of Intent – DISCUSSION/MOTION (Jake Olsufka, CFO/Atty Meggesto)
  - d. F/up Discussion Re: Confidential Matter from 5/11/21 TC Mtg.
  - e. Employee Annual Evaluation
- XIII. ADJOURN

**AGENDA ITEM REQUEST**

(for employees only)

DATE SUBMITTED: 5/24/21

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: 6/1/21

Subject: Resolution

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

Motion to approve the NDOT Transportation  
Resolution.

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

Submitted By: Dani Wright

APPROVED \_\_\_\_\_  
Executive Management

**PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL**

**RESOLUTION 21-\_\_\_\_\_**

**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:** Article V, Section 1(a) of the Constitution provides that the Ponca Tribal Council has the power to negotiate and contract with federal, state, and local governments on behalf of the Tribe; and

**WHEREAS:** The Nebraska Department of Transportation has received grant funds from the U.S. Department of Transportation through the Federal Transit Administration to support capital/operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act and such funds are available for Public Transportation Operating Assistance; and

**WHEREAS:** The Ponca Tribe of Nebraska desires to apply for funds from the Section 5311 grant to provide public transportation in the territory of the Tribe; and

**WHEREAS:** The contract for financial assistance will impose certain obligations upon the Ponca Tribe of Nebraska, as an applicant, including the provision by it of the local share of project costs and an indirect costs agreement and the Ponca Tribe of Nebraska will commit to the necessary financial resources for the local share of costs and to the indirect costs agreement.

**THEREFORE BE IT RESOLVED** that the Ponca Tribal Council hereby approves submission of an application and request for the above-mentioned Section 5311 funding from and through the Nebraska Department of Transportation for the period of July, 1, 2021 through June 30, 2022.

**BE IT FURTHER RESOLVED** that the Ponca Tribal Council hereby authorizes the Ponca Department of Transportation to execute and submit the application and other documents necessary for said Section 5311 funding.

Resolution 21-\_\_\_\_\_

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**BE IT FURTHER RESOLVED** that the Ponca Tribal Council hereby authorizes the Chairman or his designee to sign and execute any other applications, proposals, assurances, and other documents necessary to carry out this Resolution, provided that any final agreement required to be entered into by the Ponca Tribe of Nebraska for such funding shall be subject to the approval of the Ponca Tribal Council.

**CERTIFICATION**

**THIS IS TO CERTIFY AND AFFIRM** that the above and foregoing Resolution was duly authorized and passed by the Ponca Tribe of Nebraska Tribal Council on the \_\_\_\_ day of June, 2021 at a duly called meeting held via Lifesize 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

\_\_\_\_\_  
Kyle Taylor, Secretary  
Ponca Tribe of Nebraska

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

DATE SUBMITTED: 5/20/21

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: 6/1/21

Subject: \_\_\_\_\_

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

Motion to approve the FTA Transportation Resolution.

Motion to approve the FTA letter of Incumbency.

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

Submitted By: *Dani Wright*

APPROVED Falon McAlpin Digitally signed by Falon McAlpin  
Date: 2021.05.20 15:50:18 -05'00'  
Executive Management

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL

RESOLUTION 21-\_\_\_\_\_

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 Federal Transit Administrator has been delegated authority to award federal financial assistance for a transportation project; and

WHEREAS: The grant or cooperative agreement for federal financial assistance will impose certain obligations upon the Tribe, and may require the Tribe to provide the local share of the project cost; and

WHEREAS: The Tribe has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project.

THEREFORE, BE IT RESOLVED that Jacob Olsufka, Chief Financial Officer, and/or Elise Emanuel, Director of Grant Management is authorized to execute and file an application for federal assistance on behalf of the Ponca Tribe of Nebraska with the Federal Transit Administration for federal assistance authorized by 49 U.S.C Chapter 53, title 23, United States Code, or other federal statutes authorizing a project administered by the Federal Transit Administration.

BE IT FURTHER RESOLVED that Elise Emanuel, Director of Grant Management and/or Erika Long, Grant Compliance Coordinator, and/or Dannette Wright, Transit Director, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a federal assistance grant or cooperative agreement.

BE IT FURTHER RESOLVED that Elise Emanuel and/or Dannette Wright is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the Ponca Tribe of Nebraska.

BE IT FINALLY RESOLVED that Brad Jolly, Tribal Attorney, is authorized to submit legal certification on behalf of the Ponca Tribe of Nebraska.

Resolution 21-\_\_\_\_\_  
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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 \_\_\_\_, 2021, at a duly called meeting held via Lifesize 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

\_\_\_\_\_  
Kyle Taylor, Secretary  
Ponca Tribe of Nebraska

**AGENDA ITEM REQUEST**

(for employees only)

DATE SUBMITTED: 5/18/2021

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: 6/1/2021

Subject:

- Approval to purchase benches for educational trail

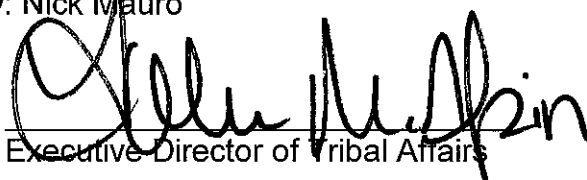
ACTION REQUEST: (Please describe request in the form of a motion)

- Motion to approve the purchases of benches for the educational trail for a total of \$8218.55

Will there be support materials for this agenda item?   Yes    
(If there are support materials, one copy must be attached)

Submitted By: Nick Mauro

APPROVED



Executive Director of Tribal Affairs



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

DATE SUBMITTED: **5/25//2021**

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

Meeting of: **XXX** Tribal Council  
\_\_\_\_\_ Executive Committee

Meeting Date: **6/1/2021**

Subject: **Release of USDA RBDG Funding to Complete Feasibility Study: Grocery Store & Osni Ponca Construction & Development.**

ACTION REQUEST: (Please describe request in the form of a motion)  
**Requesting: 1) Approval of Odee Ingersoll 2) The release of \$40,000 of aforementioned funding to complete both feasibility studies**

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

Submitted By: **Chuck Freyermuth, CEO, Osni Ponca**

APPROVED \_\_\_\_\_

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

DATE SUBMITTED: 05/27/2021

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: 06/01/2021

Subject: ARP BIA Funding Resolution

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

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

- ARP BIA Funding Resolution (Motion)

Submitted By: Falon McAlpin

APPROVED \_\_\_\_\_  
Executive Director of Tribal Affairs

