

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL  
AGENDA

FEBRUARY 8, 2022  
9:00 AM  
LIFESIZE

- I. CALL TO ORDER
  - a. Invocation
  - b. Roll Call
- II. APPROVAL OF AGENDA
- III. CONSENT CALENDAR
  - a. February 1, 2022 Minutes (p.2-3)
  - b. February 2, 2022 Minutes (p.4-5)
  - c. Approval of Applicants for Enrollment – RESOLUTION (to be e-mailed separate)
  - d. National Tribal Operations Council (NTOC) Delegate – RESOLUTION (p.6-7)
  - e. Patient Rights & Responsibilities Policy (tabled from 2/2/22) (p.8-13)
  - f. Ratifications (to be e-mailed separate)
- IV. VICE CHAIRWOMAN’S REPORT
- V. MOSIAH HARLAN, INTERIM EXECUTIVE DIRECTOR OF TRIBAL AFFAIRS
  - a. Domestic Violence Program Director Job Description Revised – MOTION (tabled from 2/1/22) (p.14-16)
  - b. Long Range Tribal Transportation Plan & Inventory Update – RESOLUTION (p.17-68)
  - c. Tribal Transportation Program Agreement – RESOLUTION (p.69-88)
- VI. JANELLE ALI-DINAR, CEO – PONCA HEALTH SERVICES
  - a. Monthly Report (p.89)
- VII. OTHER BUSINESS
- VIII. EXECUTIVE SESSION
  - a. Janelle Ali Dinar – CEO – Ponca Health Services
    - i. Employee #1620 Transfer Request– DISCUSSION/MOTION (p.90-93)
  - b. Jessica Gadeken, CFO
    - i. Deputy Director of Finance Job Description Revised – DISCUSSION/MOTION (p.94-97)
    - ii. Approve Wage Increase for Employee #1257 - MOTION
  - c. Shannon Rowen, HR Director
    - i. Approve Temp Wage Increase for Employee #1307 – DISCUSSION/MOTION (p.98)
    - ii. Tribal Administrator Screening Matrix – Review/Schedule Interviews (p.99-104)
    - iii. Executive Director of Tribal Affairs Screening Matrix – Review/Schedule Interviews (p.105-108)
- IX. ADJOURN

**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: February, 8<sup>th</sup> 2022

Subject: Misha Mazurkewycz as delegate for the National Tribal Operations Council (NTOC) for Region 7. Previously it was alternate delegate but now is delegate.

ACTION REQUEST: Move to approve, support, and endorse the nomination of Misha Mazurkewycz as the NTOC delegate for Region 7.

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

Submitted By: Misha Mazurkewycz

APPROVED **Mosiah** Digitally signed by Mosiah  
**Harlan** Harlan  
 Date: 2022.01.31 09:54:31  
 -06'00'

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Executive Director of Tribal Affairs

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL

RESOLUTION 22-\_\_\_\_\_

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 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: It is the desire of the Tribe to approve the nomination of Misha Mazurkewycz, Environmental Manager, of the Ponca Tribe of Nebraska to serve as the Region 7 National Tribal Operations Council (NTOC) delegate and recognize the value of the Ponca Tribe participating in the NTOC.

THEREFORE, BE IT RESOLVED that the Ponca Tribe of Nebraska Tribal Council does hereby approves, supports, and endorses the nomination of Misha Mazurkewycz, Environmental Manager, Ponca Tribe of Nebraska to serve as the NTOC delegate.

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 February, 2022, 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

\_\_\_\_\_  
Rebecca Sullivan, Vice Chairwoman  
Ponca Tribe of Nebraska

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

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

DATE SUBMITTED: 02/01/2022

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: 05/11/2021

Subject: Long Range Tribal Transportation Plan

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)

- Motion to approve Long Range Tribal Transportation Plan
- Motion to approve Tribal Transportation Inventory Update and Additions
- Motion to approve Tribal Transportation Program Agreement-Surface Transportation Reauthorization Act of 2021 (STRA-21)

Submitted By: Mosiah Harlan

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

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL

RESOLUTION 22-\_\_\_\_\_

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 I of the Constitution affirms that the territorial jurisdiction of the Tribe extends to all trust and Tribal lands in the Treaties between the Tribe and the United States and all future additions to such lands that may be acquired by the Tribe or by the United States in trust for the Tribe and the Tribe has and retains all jurisdiction and authority within its territory; and

WHEREAS: Article V, Section 1(a) of the Constitution provides that the Ponca Tribal Council has the power to negotiate and contract with the federal government on behalf of the Tribe and to advise and consult with the representatives of the United States of America on all activities of the United States government that may affect the Tribe; and

WHEREAS: Article V, Section 1(d) of the Constitution provides the Ponca Tribal Council has the power to advise the United States Secretary of the Interior with regard to all appropriation estimates or United States projects for the use and benefit of the Tribe; and

WHEREAS: Article V, Section 1(o) of the Constitution provides the Ponca Tribal Council has the power to protect and preserve the property of the Tribe; and

WHEREAS: The Tribe qualifies for services and benefits under the Indian Reservation Roads (“IRR”) Program and has identified proposed projects for its Long Range Transportation Plan (“LRTP”) as well as updates to its IRR Inventory and Tribal Transportation Improvement Plan (“TTIP”); and

WHEREAS: The Ponca Tribal Council has before its LRTP as well as routes that it wishes to update and/or include in its IRR inventory and its Tribal Transportation Improvement Plan (“TTIP”), which the Tribe desires to submit to the United States Bureau of Indian Affairs (“BIA”).

THEREFORE, BE IT RESOLVED that the Ponca Tribal Council hereby approves the Ponca Tribe of Nebraska LRTP, Inventory Update, and TTIP for submission to the BIA.

BE IT FURTHER RESOLVED that the Ponca Tribal Council hereby requests that the BIA accept the Ponca Tribe of Nebraska LRTP, Inventory Update, and TTIP approved by this Resolution.

Resolution 22-\_\_\_\_\_  
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BE IT FINALLY RESOLVED that the Ponca Tribal Council authorizes the Vice-Chairwoman, as acting Chairperson, to sign and execute the Agreement and other documents necessary to carry out this Resolution.

#### 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 via Lifesize on the \_\_\_\_ day of February, 2022 by a vote of \_\_\_\_\_ Ayes; \_\_\_\_\_ Nays; \_\_\_\_\_ Abstained; \_\_\_\_\_ Absent. Chairperson \_\_\_\_\_ voting \_\_\_\_\_ not voting. A Quorum of \_\_\_\_\_ was present.

#### ATTEST

\_\_\_\_\_  
Rebecca Sullivan, Vice-Chairwoman  
Ponca Tribe of Nebraska

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

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL

RESOLUTION 22-\_\_\_\_\_

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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: Article I of the Constitution affirms that the territorial jurisdiction of the Tribe extends to all trust and Tribal lands in the Treaties between the Tribe and the United States and all future additions to such lands that may be acquired by the Tribe or by the United States in trust for the Tribe and the Tribe has and retains all jurisdiction and authority within its territory; and

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

WHEREAS: The Ponca Tribal Council has before it a proposed Tribal Transportation Program Agreement (“Agreement”) with the United States Bureau of Indian Affairs to be entered into in accordance with the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, as amended and other relevant United States laws; and

WHEREAS: The proposed Agreement would transfer to the Tribe all of the functions and duties that the United States Secretary of the Interior would otherwise perform with respect to the Tribe’s Tribal Transportation Program (“TTP”), other than those functions that cannot be legally transferred, together with such additional activities the Tribe may perform under the Agreement; and

WHEREAS: The proposed Agreement would provide the Tribe its formula share of TTP funds and other current and prior year funds under various statutes and laws of the United States and authorize the Tribe to perform transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of Tribal transportation facilities located on, or that provide access to, the Tribe with such funding or to a community of the Tribe eligible for funding under the TTP.

THEREFORE, BE IT RESOLVED that the Ponca Tribal Council hereby approves the proposed Tribal Transportation Program Agreement with the United States Bureau of Indian Affairs which will commence upon its approval and execution and extend for the maximum period authorized by any statutory extensions of Surface Transportation Reauthorization Act of 2021 (“STRA-21”) or until all funds transferred to the Tribe under the Agreement have either been expended or returned to the United States, whichever occurs last.

Resolution 22-\_\_\_\_\_  
Page Two

BE IT FURTHER RESOLVED that the Ponca Tribal Council authorizes the Vice-Chairwoman, as acting Chairperson, to sign and execute the Agreement and other documents necessary to carry out this Resolution.

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#### ATTEST

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Rebecca Sullivan, Vice-Chairwoman  
Ponca Tribe of Nebraska

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Kyle Taylor, Secretary  
Ponca Tribe of Nebraska