

Called to Order: 5:30

Prayer: Annette Ketchum

Attendance: Chief Chet Brooks, Assistant Chief Bonnie Griffith, Secretary Nicky Michael, Treasurer Benita Shea, Councilwoman Annette Ketchum, Councilman Nate Young.

Approve Agenda:

Councilwoman Griffith so moves.

Councilwoman Shea seconds.

All in favor.

Minutes Oct. 20, 2014:

Ms. Paula Pechonick asks that the minutes from the Oct 20th minutes be reviewed because she believed the Election Committee Chairwoman, Ms. Cy Hughes stated she had taken absentee ballots home out of the post office box.

Councilwoman Griffith states that we have had several members, including the Assistant Chief and Secretary review the tape. According to the reviews of the tape, Ms. Hughes does not state she took any absentee ballots home.

Councilman Young motions to segregate the minutes, separating out the October 20th minutes.

Councilwoman Michael adds a friendly amendment to take the Dec. 2nd Special Meeting out as well because the tape wasn't posted in time to have the full set of minutes.

November 17th and November 24th are the minutes to approve.

Councilwoman Griffith seconds the motion to segregate the minutes.

Councilwoman Shea seconds to approve the Nov. 17th and 24th minutes.

Six were in favor

Chief Brooks abstains because he has not had a chance to review the minutes.

Councilwoman Griffith moves to approve the October 20th Minutes as written.

Councilman Young seconds.

Six in favor.

Councilwoman Ketchum abstains because she was ill that night.

Former Chief Pechonick is recognized and addresses the Tribal Council asking if Ms. Hughes stated she took the absentee ballots out of the post office box—"she did say this didn't she?" Ms. Pechonick says that doing so was illegal. "That" should have been put in there. She adds, "Cy told me later that she took them home," but she did say that she took them out of the P.O. Box restating her argument that it was illegal.

Councilwoman Michael states that in the video, Ms. Hughes says she took them out of the box and picked some up from Sandy.

Ms. Pechonick states she was talking about two different things; she said that she had received more requests and she had already received some ballots back and she said she took them out of the box. Ms. Hughes was supposed to leave them in there until the morning of the election and then three people, according to the election rules, were supposed to go down and pick them all up. This needs to be in the minutes.

Chief Brooks states we have already voted on the minutes. Ms. Pechonick states the minutes can be changed at any time, Roberts Rules.

Chief Brooks asks if there is a motion to again review the video. For one thing, he doesn't believe the rules inhibit the Election Board from taking ballots out of the post office box prior to Sat. November 1st.

Ms. Laura Maynor is recognized and states that in the year before, when she was on the Election Committee, we individually picked up stuff out of that box. Luanne Haneline was Chair of that Committee and had to pick up things as well. That was part of how we ran the Election.

Ms. Pechonick states "We changed those rules. Maybe this is not how they did this before, but I thought they had always read that way—to leave ballots in the Post Office Box but the rules we were going by definitely said it."

Ms. Cade asks if we can bring the Election Board Chairwoman to address this. The Tribal Council is asked to again review the video, read the Election Rules, and contact Cy Hughes.

Treasurers Report:

Councilwoman Shea moves to approve Treasurer's Report pending audit.

Councilwoman Griffith seconds.

All in favor.

Old Business:

Tribal Manager Report:

Provided operational support: computers, keys, office space etc.

Main focus: to restructure DFMS. Kelia Kindred has been brought under the Tribal umbrella to assist him with this restructuring as well as Paul Bradford, our contracted Financial Consultant. I have designated her as my Administrative Assistant. We are not done with it but we have a report up through the end of the FY, Sept. 30th provided in your report. We have numerous vendors to pay and still have to provide the janitorial services in our buildings.

Greg Brown has been working with the Tribal Secretary on the January layout for the Delaware Indian News.

Other activities: awaiting the Solicitors opinion on our Trust application for Caney, Kansas.

He needs to have a detailed briefing with us on the Trust Fund litigation and the report Tom Peckham provided to us. We have some work to do in D.C. to see if we can negotiate a settlement.

The lease in Lawrence with the Pine family has been extended until January 31st. Long range planning needs to include what we are going to do with this land.

We have two grant applications still into the Original Americans Foundation for the walkway around the pond and the two passenger vans.

Plans to meet with and obtain briefings from each of the Department Directors, become better acquainted with each and examine their plans. Child Support will be going comprehensive and the Tribe will need to provide our support services. He is working with Ron Scott and the Indian Housing Plan as well as disability policy, especially in regard to service animals.

Jean Lewis is back in her role as the Chief Financial Officer and is doing much work to get our accounting back into order.

We need to set up a meeting with the BIA in our Agency, Paul Yates as well as the Intertribal Council with those nine Tribes in that area.

Chief Brooks encouraged Tribal Manager to place a priority on Elder, Kay Anderson's housing application due to her current homeless status.

Unfinished Business:

Tim Houseberg with our Attorney David McCullough are recognized for Economic Development:

Last week the Tribal Council met with a group of businessmen developing hydroponics. The considerations for the Tribe are to lease, buy, or build a building. This is a very early stage, however, and we need to do our due diligence to examine this as a feasible opportunity to advance. The next step would be to visit one of their sites and see their books.

The next meeting was an 8(a) government contracting possibility. The Tribal Council met with two organizations, which were meeting with the previous Council, to update the new administration as to the processes and convey the Department of Defense (DoD) has current existing contracts for which we could take if we could take advantage of in the near future.

The audience asked questions of Mr. Houseberg some questions and provided concerns. Ms. Sue Cade encouraged much due diligence of hydroponics before sinking any money into this possibility.

Titus Frenchman asks if there is a plan for the land in Lawrence? That is certainly part of the discussion.

Chief Brooks asks: While Mr. Houseberger and Mr. McCullough are up front, can we go out of order for the resolution regarding formation of the company known as Tahkox e2 LLC, Resolution 2014-52.

Councilwoman Griffith motions.

Councilman Young seconds.

All in favor.

Resolution 2014-52 Authorizing the formation of Tahkox e2 and the waiver of sovereign immunity to the extent set forth in the Articles of Organization.

Attorney David McCullough is introduced and recognized. He explains what the business is: an environmental engineering company. Like many Tribes, we have a long history involved in the environment and we are harnessing this by creating the company. Created under the laws of the Delaware Tribe—would be 100 percent owned by the Tribe. As the sole member, the Tribe approves an Operating Agreement. The waiver of sovereign immunity is required by the Small Business Administration (SBA) for any tribal entity that wants to become an 8(a), only to those government contracts of that particular contractor.

DFMS was not feasible for us to utilize as the Business to make that 8(a) application. Considering this issue, we are two years out based on forming this LLC tonight and we can start doing the work (as required by the process requirements of SBA 8(a) approval) and enables us to make the application when we are comfortable and ready.

The audience was able to ask questions directly to Mr. McCullough, such as sub-contracting and the regulations that came under the Alaska Native Corporations. Individuals, who own companies cannot take over \$4 million worth of contracts or lose eligibility. This gives incentives for working with Tribes because they wouldn't have those limitations.

Councilwoman Michael adds to the discussion that the reason we are doing this under the Environmental Program is because that is a successful program—Jimmy Johnson has done an exceptional job of running that program and that is our “showcase.” We do not necessarily have to be doing that exact work, but demonstrate the Tribe is capable of running a good program. Moreover,

tahkox, means turtle, which goes hand in hand with our creation story of being born off of the turtles back and caring for the environment.

There was discussion of a mistake in the wording. Secretary Michael summarizes the correction; “p.1 should read to approve the very last Whereas should read ‘Articles of Organization’ in place of ‘Operating Agreement.’” Attorney McCullough says that the Tribal Council can approve the Articles of Organization at a later time. Tribal Manager Zunigha adds that we need to take Verna Crawford’s name off as the Tribal Secretary and add Nicky Michael’s name.

Councilman Young moves to approve the resolution.

Councilwoman Shea seconds.

All favor.

Councilwoman Griffith motions for a 5 minute Break.

Councilwoman Michael seconds.

All in favor.

Chief Brooks motions the meeting back to order.

New Business:

Resolution 2014-50—To approve tribal membership. Secretary Michael reads aloud the new enrollees.

Councilwoman Griffith motions to approve.

Councilwoman Shea seconds.

All approve.

Resolution 2014-51—Amend Child Support Service Code for federal and tribal compliance.

Councilwoman Griffith motions to approve.

Councilwoman Shea seconds.

All in favor.

Resolution 2014-53—Establish and Anti-Nepotism Policy

Discussion revolved around who to include as it relates to Native cultures, ie nieces and nephews as well as other hypothetical issues.

Councilwoman Griffith states that we can add a friendly amendment to read “and other degrees or situations could be presented by the Tribal Council.”

Councilwoman Griffith motions to approve.

Councilwoman Shea seconds.

Tribal Manager Zunigha wants to make sure and clarify, “this is from this point forward.” Not to have to go back through the employees.

All in favor (Councilman Young has left at this point for health reasons).

Resolutions 2014-54—To establish policies and procedures for the Personnel Committee.

Councilwoman Griffith motions to approve.

Councilwoman Holley seconds.

Discussion: CW Michael, Is there a time frame for this or as long as it takes? CW Griffith, with Human Resources Director Taylor, believes it will likely take until February. CW Shea believes we have a good skeleton to work with, we need to flesh it out.

All in favor.

Payment for 638 Aid to Tribal Government (ATG): Invoice for \$6,400 to former Councilwoman Jenifer Pechonick. Councilwoman Ketchum asked that this be placed on the agenda as “a pay the bill matter.” She states that she and Chief Brooks were on the Tribal Council that enacted this activity—she says the entire Tribal Council approved.

Chief Brooks explained that he found out that she cannot be paid from the “grant.”

Ms. Sue Cade is recognized and asking about what Aid to Tribal Government means and what the “grant” provides.

Tribal Manager Zunigha is called on to describe the development of this invoice. Earlier this summer, the BIA informed the Tribe that there were funds available for Tribes recently recognized; that there were start-up costs available. He says that there was verbal discussion to have Jenifer Pechonick and Tribal Manager Zunigha write the proposal. No discussion of the “terms,” however were presented. We were partially funded. The funding would have to come out of Indirect Cost or any un-restricted funds.

Ms. Cade approached and states that this sounds similar to the Child Support grant that she wrote. At that time, there was no documentation approving her to write that grant. Under the Code of Conduct, it states that as a Tribal Council member, one cannot benefit from her position on the Tribal Council. She further states that she didn't see any difference between the Child Support grant and this grant. The Tribal Council has to approve and follow the guidelines as written. That Code of Conduct governs the Tribal Council's decisions. Either get rid of it or follow it.

Councilwoman Ketchum believes we have not followed it and it is kind of null and void. Case and point, when one of our Tribal Council members didn't follow the Code of Conduct and this case was just dismissed. We haven't enforced it and we haven't been under it. She believes if someone had not stepped up and written that contract or grant, that we would not have child support. The greater good of the Tribe... That Code of Conduct is a value judgment at best. To get really strenuous about something we haven't followed anyway, the next time we renew those things let's approve or get rid of them. Not only that we would not have this \$166,000 had it not been for her and Curtis stepping up.

Councilwoman Griffith states that she is to the point that we pick our battles and this isn't one of them. Although we have not retrieved our computer back from her; my suggestion would be to deduct the depreciated value of the tablet and pay her the balance.

Councilwoman Michael explains that she is a grant writer and this is what she does for a living. She has worked for the Pawnee Nation, Delaware Nation, and numerous other Tribes. She always has a contract. Other Tribes will often cap it at \$5k. Normally, the parties sign this up front. They know what I charge and they know what to expect from me. She has "deliverables." She was available this whole time for the Tribe to hire. No one offered a contract to do the ATG; she asked to help in any way. My point is we do have tribal members who can write and could have benefited from this as a job. I am reluctant to approve something without a contract as well because a contract solidifies an agreement from both sides. She also says that she even though it's hard work and there was much work involved in this application, but knowing procedures of what normally a grant writer has to go through and what is practiced in the field, she would be reluctant to approve.

Councilwoman Griffith and Councilwoman Ketchum believe that this would be a good faith payment, considering the majority were not on the previous Tribal Council.

Tribal Manager Zunigha states that no, there was no formal action of the Tribal Council to approve. But that we agreed in principal without knowing how much she would charge to get it done. She came in and said she wasn't charging her full rate.

Councilwoman Shea asks the Tribal Manager if he had received an compensation for writing it above his regular salary? He said he gets paid regardless of the work and amount of time but no, nothing in addition to the base pay.

Ms. Cade states that previously she asked Ms. Pechonick what authorization did she have to write the grant? She told her it was in a resolution. Ms. Cade went through the resolutions and found none

providing this authorization. She states the Tribal Council members cannot “profit” from a position on the Tribal Council. Did the Tribal Council put the grant application out for bid? No. Either follow the Code of Conduct or not and if you do not want to follow it, pass a resolution right now to dismantle it and re-write it.

Councilwoman Holley asks for clarification. When was this Tribal Council discussion?

Tribal Manager Zungha states it was at the BIA Offices. When they provided the offer, those present ultimately knew it was going to be Ms. J Pechonick and himself with no discussion of the amount or hours. No objections were raised. Yes, we should have done a better job at formalizing the agreement and time was of the essence.

Chief Brooks states what Mr. Zungha says is correct and further states that he believes the Code of Conduct does not specifically prohibit a Tribal Council member from writing grants. Paying her from the BIA funding would be illegal but she can be paid from other funds. Nor is it specifically illegal under the Code of Conduct except that it should have been voted on in open and regular meeting.

Councilwoman Griffith motions to approve the payment minus the depreciation of the Tribe’s property (the tablet) still in Ms. J Pechonick’s possession.

Chief Brooks asks when the Tribe received the funding. Tribal Manager Zunigha states he believed it was some time in August. Chief Brooks then states the other Tribal Council had time then to be able to approve this. Zunigha states yes.

Councilwoman Shea asks if at the time the contract proposal was being written was there awareness about the conflict of the previous grant (Child Support). Zunigha states that he can’t read their minds, but they all were aware of the previous controversy.

Councilwoman Ketchum seconds.

Two in favor (Griffith and Ketchum)

Three opposed (Michael, Holley, and Shea)

One abstention (Chief Brooks)

Motion fails.

Delaware Indian News (DIN): Councilwoman Griffith motions to extend the deadline until Jan. 5th then we can turn it around soon thereafter.

Councilwoman Ketchum suggested doing away with the DIN.

The rest of the discussion indicated a need to keep the DIN.

Audience would like to see more articles such as Christmas parties and events. Many tribal members want less political and more community news.

Councilwoman Michael seconds.

All in favor.

Councilman Young wishes to resign from the Personnel Committee and we need another member of the Tribal Council to sit on the Personnel Committee.

Councilwoman Griffith nominates Michelle Holley to sit on the Personnel Committee.

Councilwoman Sea seconds.

All in favor.

Mr. Titus Frenchman is recognized. He wants to know the results of his previous questions about rehab on Elder's Housing and the land purchase in Kansas. He awaits answers. Councilwoman Ketchum wants to provide Dee's summary of the purchase. We will put this summary on the web site.

The Indian Housing Plan (IHP) will include the Elders rehab program.

Other New Business:

An organization consortium has asked for a letter of support for software that they are proposing to develop for third graders across the Nation. This would be an expansion of the "common core" curriculum. They are applying for funding to the Department of Education and would like a letter of support as well as for Lenape to be the first stop in the virtual game called powwow highway.

Councilwoman Michael motions to provide a support letter and be the premier Tribe on the Powwow Highway.

Councilwoman Holley seconds.

All in favor.

Councilwoman Griffith motions for Executive Session.

Councilwoman Shea seconds.

All in favor.

Meeting adjourns 10:45.