

CHAIRMAN
Marshall Pierite

VICE CHAIRMAN
Marshall Ray Sampson, Sr.

SECRETARY-TREASURER
Beverly C. Rachal

COUNCIL MEMBERS
James Craig, III
Bobby Pierite, Sr.
Harold Pierite, Sr.
Rudolph Wambsgans III

TUNICA-BILOXI
TRIBE OF LOUISIANA



**Tunica-Biloxi Tribal Council
Multi-Purpose Room – CERC Building
Thursday, May 6, 2021
Business Meeting Minutes**

1. **Call Meeting to Order**
The meeting was called to order by Vice-Chairman Marshall Ray Sampson, Sr. at 10:29 a.m.
2. **Prayer**
Prayer was led by Council Member, Harold Pierite, Sr.
3. **Pledge**
Pledge of Allegiance was led by the Council.
4. **Roll Call**
Roll call conducted by Secretary Treasurer, Beverly Rachal.

Council present:

In chambers: Vice Chairman, Marshall Sampson, Sr., Secretary Treasurer, Beverly Rachal; Council Member, Rudolph Wambsgans, III; Council Member, Bobby Pierite, Sr.; Council Member, James Craig, III, Council Member, Harold Pierite, Sr.

Staff present:

In chambers: Chief Financial Officer, Clarence Brown, III;
In-House Counsel, Jacob Snow
Via ZOOM: Tribal Administrator, Tim Martin

Guests present:

In chambers: John Barbry
Via ZOOM: Brad Campbell; Huggy Price; and Kim Brooks

5. **Approval of Agenda**
Motion made by Council Member, Bobby Pierite, Sr., to approve agenda, seconded by Council Member, James Craig, III.
Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.
Motion carries unanimously.
6. **Reading of Minutes**
Tribal Council was presented with the 4/8/21 Meeting Minutes. Council requested more information be added to one topic discussed and otherwise the set of minutes would be ready

for approval. Tribal Administrator suggested to table 4/8/21 minutes, along with 3/11/21 and 3/25/21 minutes, until next meeting.

Motion made by Council Member, Bobby Pierite, Sr., to table minutes for meetings 3/11, 3/25, and 4/8, seconded by Council Member, James Craig, III.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

Motion carries unanimously.

7. Unfinished Business

A. Authorizing Cancellation of BIA Residential Lease (Eloy Lopez Jr.)

Tribal Administrator presented the Council with "A Resolution Authorizing the Cancellation of BIA Residential Lease H-E to Eloy David Lopez, Jr. (deceased)" to return the lease back into hands of the tribe.

Council Member, Bobby Pierite, Sr, motioned to approve TBN-R-2021-014 "A Resolution Authorizing the Cancellation of BIA Residential Lease H-E to Eloy David Lopez, Jr. (deceased)", seconded by, Council Member, Rudolph Wambsgans, III.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

Motion carries unanimously.

"Attachment A"

B. CFO and Tribal Administrator to Make Corrective Adjustments to Budget Year 2021

Administrator requested an extension to make corrective adjustments to Budget Year 2021.

Vice-Chairman requested that the Council be presented with those changes by May 10, 2021 and the extension would be approved.

C. Minor's Trust Program

CFO addressed the Council. Tim Martin, Clarence Brown, III and Brenda Lintinger are to come up with a process for auditing to determine who is missing.

Council Member, James Craig, III motioned to approve the task, seconded by Council Member, Bobby Pierite, Sr.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

Motion carries unanimously.

****Council Member, Rudolph Wambsgans, III requested a summarization of the discussions on this matter.**

D. Constitutional Committee Resolution

Presented by Jacob Snow

Resolution outlined and expounded upon by Mr. Snow.

Council Member, Bobby Pierite, Sr. motioned to table to 5/20/21 business meeting "A Resolution to Create a Constitutional Committee", seconded by Council Member, James Craig, III.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

Motion carries unanimously.

E. TERO Waiver Request for Shift Manager and Floor Supervisors

Resolution presented by to the Council by Jacob Snow.

Secretary Treasurer, Beverly Rachal, motioned to approve, TBN-R-2021-022 “*A Resolution for TERO Waiver Request for Shift Manager and Floor Supervisors*”, seconded by Council Member, James Craig, III.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

Motion carries unanimously.

“Attachment B”

8. New Business

A. ANA Presentation by John Barbry

ANA Grant for July 2021-June 2024

- *Request to reapply*
 - *Would build upon existing grant*
 - *Presented expected outcomes & achievements*
 - *Requesting approval to move forward with Letter of Intent*
 - *Tribal Administrator Council authorize filing of Letter of Intent*
- Tribal Council will notify Mr. Barbry with their decision at a later time.*

B. NEWCO (8)(a) Certified Company

ZOOM conference with Brad Campbell, Huggy Price and Kim Brooks to “Provide Council with an Update on Project”

Prior to the conference Vice-Chairman briefed the Council Members on topic.

C. Maturity of Commercial CD, Morgan City Bank & Trust

CFO briefed council on transaction. No comments/questions from Council Members

D. EDC Banking—Resolution allowing CFO access to those accounts

Resolution allowing CFO access to those accounts.

Council Member, Harold Pierite, Sr. motioned to table approval of Resolution until 5/20/21 business meeting, seconded by Council Member, James Craig, III.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

Motion carries unanimously.

E. Tribal Member’s Request for Commercial Lease

Office of General Counsel prepared a Brief which was presented to the Tribal Council outlining their findings, issues, and conclusions in response to a tribal member’s request.

Secretary Treasurer, Beverly Rachal motioned to deny the request, seconded by Council Member, James Craig, III.

Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.

3 for: Bobby Pierite, Sr; James Craig, III; Rudolph Wambsgans, III

1 against: Harold Pierite, Sr.

3-1 Motion carries.

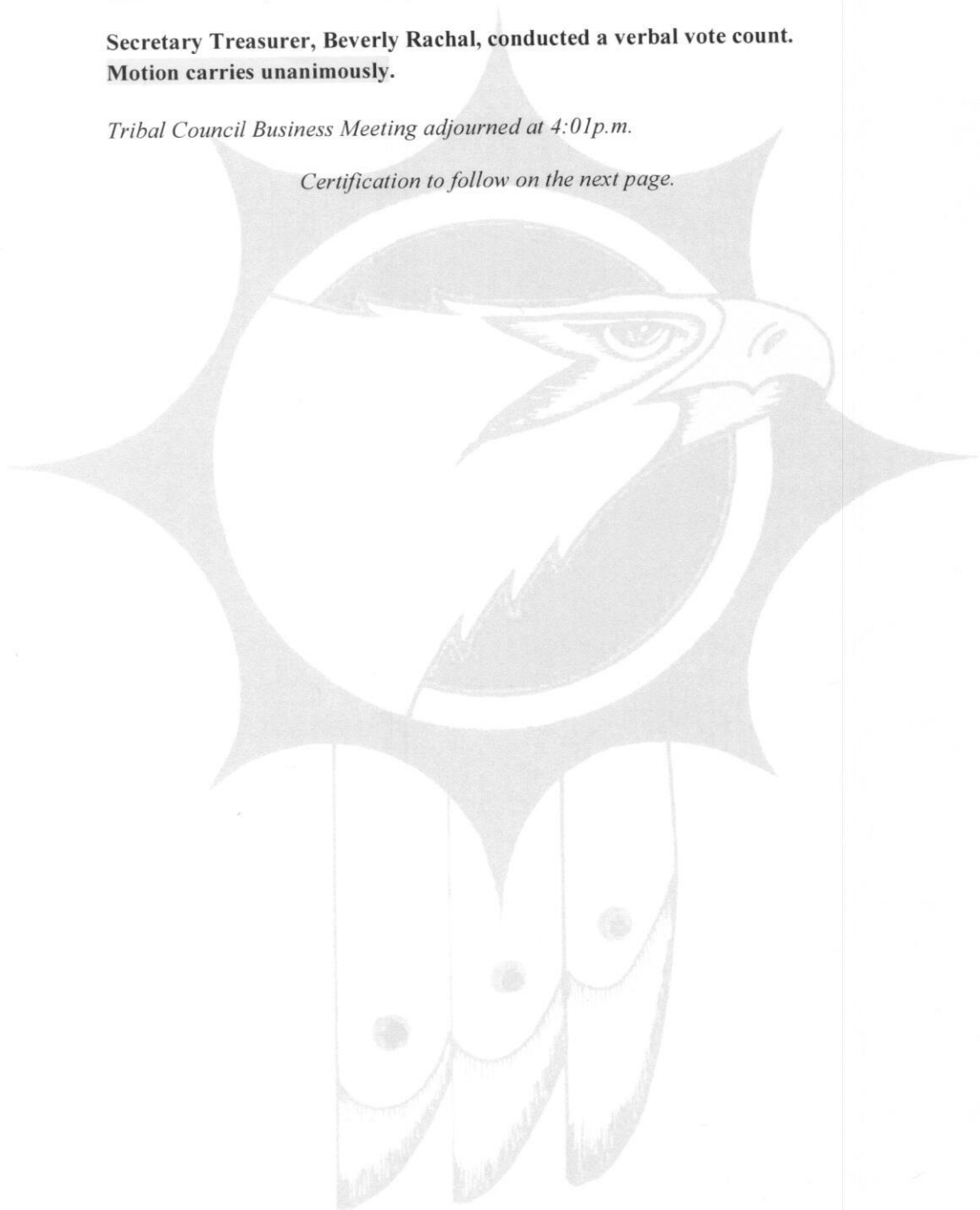
9. **Business Meeting Adjournment**

Council Member, Bobby Pierite, Sr. motioned to adjourn Business Meeting, seconded by Council Member, Harold Pierite, Sr.

**Secretary Treasurer, Beverly Rachal, conducted a verbal vote count.
Motion carries unanimously.**

Tribal Council Business Meeting adjourned at 4:01p.m.

Certification to follow on the next page.

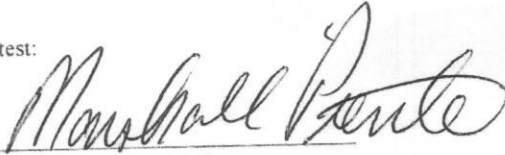


CERTIFICATION

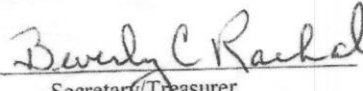
I the undersigned, as Secretary-Treasurer of the Tunica-Biloxi Tribe of Louisiana, certify that the Tribal Council is comprised of 7 Members, of whom 5, constituting a quorum were present at a/an regular meeting, duly called, noted, convened, and held on this 27 day of August 2021 and that the foregoing Resolution was duly approved by a vote of 5 members in favor, 0 opposed, and 0 abstaining.

Dated this 27 day of August 2021.

Attest:



Chairman/Vice-Chairman



Secretary/Treasurer

**TUNICA-BILOXI TRIBE OF LOUISIANA TRIBAL COUNCIL RESOLUTION NO.
TBN-R-2021-021**

**A RESOLUTION AUTHORIZING THE CANCELLATION OF BIA RESIDENTIAL
LEASE H-E #409 TO ELOY DAVID LOPEZ, JR. (DECEASED).**

WHEREAS, the Tunica-Biloxi Tribe of Louisiana (the "Tribe") is a federally-recognized Indian Tribe, governed by the Tunica-Biloxi Tribe of Louisiana Tribal Council (the "Tribal Council"), the duly elected governing body of the Tribe, as authorized by Article VII, Section 1, of the Constitution of the Tunica-Biloxi Tribe of Louisiana (the "Constitution");

WHEREAS, the Tribal Council has the enumerated power and responsibility to "promote and protect health, peace, morals, education, and the general welfare of the Tribe," as authorized by Article VIII, Section 1(G), of the Constitution;

WHEREAS, the Tribal Council has the authority and the responsibility to act on behalf of the Tunica-Biloxi Tribe of Louisiana to pass laws and resolutions necessary or incidental to the exercise of any of its delineated powers;

WHEREAS, the Tunica-Biloxi Tribe of Louisiana has been federally recognized by the United States Secretary of the Interior on July 27, 1981;

WHEREAS, among those responsibilities is the provision of safe and sanitary housing;

WHEREAS, the Tribe has developed and supports instruments that provide legal and fundamental principles to assist Tribal Members in securing desirable housing; and;

WHEREAS, Eloy David Lopez, Jr. planned to purchase the Lease Purchase single family unit located at 392 Melacon Road situated on Lot # 46 in the Heritage Villa Subdivision on the Tunica-Biloxi Indian Reservation but, first must secure a recorded (BIA Residential Homesite Lease) on the land of which the housing unit is situated;

WHEREAS, upon the execution of the of the Lease H-E#409, that a Certified Title Status Report be issued for this executed lease in compliance and as stipulated by the guidelines under the HUD Section 184 Guaranteed Loan Program;

WHEREAS, on November 16, 2018, Eloy David Lopez, Jr. passed away; the Joint Co-Executors of the Estate: Paula Kimble Bordelon and James Lopez continued to pay the mortgage until February 2021, and the Tribe purchased the home located at 392 Melacon Road in March 2021, located on the Tunica-Biloxi Indian Reservation; and

WHEREAS, the home is a part of the housing inventory of the Tunica-Biloxi Housing Department, so that the Housing Department can continue to serve other Tribal members in need of housing.

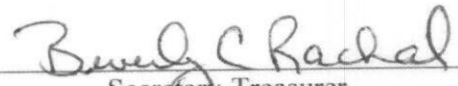
THEREFORE, BE IT RESOLVED, that the cancellation of Lease H-E #409 to Eloy David Lopez, Jr, is duly authorized and shall become effective immediately on the date of a quorum is present by Tribal Council.

CERTIFICATION

We, the undersigned, as Chairman and Secretary-Treasurer of the Tribe, certify the Tribal Council is composed of seven (7) members, of whom 5, constituting a quorum, were present at a meeting duly called, noted, convened, and held this 6 day of may 2021; and the foregoing resolution was duly adopted by a vote of 5 members in favor, 0 opposed, and 0 abstaining.

Dated this 6 day of may 2021.


Chairman/Vice-Chairman


Secretary-Treasurer

**TUNICA-BILOXI TRIBE OF LOUISIANA TRIBAL COUNCIL RESOLUTION NO.
TBN-R-2021-022**

**A RESOLUTION FOR TERO WAIVER REQUEST FOR SHIFT MANAGER AND
FLOOR SUPERVISORS.**

WHEREAS, the Tunica-Biloxi Tribe of Louisiana (the "Tribe") is a federally-recognized Indian Tribe, governed by the Tunica-Biloxi Tribe of Louisiana Tribal Council (the "Tribal Council"), the duly elected governing body of the Tribe, as authorized by Article VII, Section 1, of the Constitution of the Tunica-Biloxi Tribe of Louisiana (the "Constitution");

WHEREAS, the Tribal Council has the enumerated power and responsibility to "promote and protect health, peace, morals, education, and the general welfare of the Tribe," as authorized by Article VIII, Section 1(G), of the Constitution;

WHEREAS, the Tribal Council has the authority and the responsibility to act on behalf of the Tunica-Biloxi Tribe of Louisiana to pass laws and resolutions necessary or incidental to the exercise of any of its delineated powers;

WHEREAS, the Tunica-Biloxi Tribe of Louisiana ("Tribe") has duly enacted and adopted Title XX of the Tribe's Code, "Tribal and Indian Preference in Employment and Contracting (as amended, the "TERO");

WHEREAS, capitalized terms not defined herein, shall have the meaning ascribed to them in the TERO;

WHEREAS, the TERO requires that, among other things, Covered Employers, including the Tribe and its agencies, subdivisions and departments, must exercise certain Preferences with respect to Employment Activity;

WHEREAS, the TERO also incorporate s certain preference requirements set forth in the Tribal State Class III Gaming Compact between the Tribe and the State of Louisiana, effective as of September 24, 2001 ("Compact");

WHEREAS, the Tunica-Biloxi Gaming Authority ("TBGA") is an arm of the Tribe that operates the Paragon Casino Resort ("Paragon");

WHEREAS, the TBGA has recently entered into a consulting agreement ("Management Agreement") with the Mohegan Tribal Gaming Authority ("MTGA");

WHEREAS, the Management Agreement is a management agreement as that phrase is defined in the Indian Gaming Regulatory Act and regulations of the National Indian Gaming Commission;

WHEREAS, considering the unprecedented revenues we are currently experiencing, MTGA, in its professional judgment, has recommended to the TBGA that it immediately implement the following changes:

- Waive the necessary posting of the following positions and fill them with previously identified experienced professionals with the necessary background in gaming.

| Dept | Position | Reports To: |
|--------|------------------|--------------------|
| Gaming | Shift Manager | Director of Gaming |
| Gaming | Floor Supervisor | Director of Gaming |

WHEREAS, the TBGA accepted the recommended to not post these 3 positions (1 shift manager and 2 floor supervisors) and as a result.

WHEREAS, the MTGA also recommended that all positions and associates above be designated at the respective new positions above and they all meet the Requisite Qualifications for their respective positions;

WHEREAS, Article VII of the TERO incorporates the application of the preference requirements of the Compact to gaming employees “[w]hen analogous circumstances exist”;

WHEREAS, Article VII of the TERO defines “analogous circumstances” as “when two or more persons meet the Requisite Qualifications”;

WHEREAS; “when analogous circumstances exist”, the Compact and Article VII of the TERO require that preference in employment be given to members of federally recognized tribes located in Louisiana;

WHEREAS, Article V of the TERO requires certain Preferences in Employment Activities that are not subject to Article VII, “when two or more persons meet the Requisite Qualifications”;

WHEREAS; Section 4.9, Article IV of the TERO authorizes the TERO Officer to grant an exemption from the applicable provisions of the TERO if the party requesting the exemption demonstrates commercial hardship, unique conditions or exigent circumstances that justify the exemption and the Tribal Council approves, in advance, the exemption;

WHEREAS, the TERO Officer has found that the TBGA has demonstrated commercial hardship, unique conditions and exigent circumstances that justify an exemption from the requirements of Article V of the TERO; and

WHEREAS, the Tribal Council has reviewed the findings of the TERO Officer.

NOW THEREFORE, LET IT BE RESOLVED, that the Tribal Council finds that "analogous circumstances" do not exist in the case of the Shift Manager and Floor Supervisors because only one candidate met the respective Requisite Qualifications for Shift Manager and two candidates met the respective Requisite Qualification for Floor Supervisors, and therefore, neither the Compact preference provisions nor Title VII of the TERO apply to that employment activity;

NOW THEREFORE, LET IT BE RESOLVED, that the Tribal Council finds that "analogous circumstances" do not exist in the case of the Gaming Department because all associates above met the respective Requisite Qualifications for such positions, and therefore, neither the Compact preference provisions nor Title VII of the TERO apply to that employment activity;

LET IT BE FURTHER RESOLVED, that the Tribal Council agrees with the findings of the TERO Officer that the above referenced exemptions are warranted because the TBGA has demonstrated commercial hardship, unique conditions and exigent circumstances that justify such exemptions.

(Certification on next page)

CERTIFICATION

We, the undersigned, as Chairman and Secretary-Treasurer of the Tribe, certify the Tribal Council is composed of seven (7) members, of whom 5, constituting a quorum, were present at a meeting duly called, noted, convened, and held this 6 day of may 2021; and the foregoing resolution was duly adopted by a vote of 5 members in favor, 0 opposed, and 0 abstaining.

Dated this 6 day of may 2021.



Chairman/Vice-Chairman


Secretary-Treasurer