

# 2017 Annual General Council Meeting

July 15, 2017



## President's Report

Terri Parton, President

**Wichita Executive Committee**

**July 2016-July 2020**

**Terri Parton, President**

**Jesse Jones, Vice President**

**Myles Stephenson Jr., Secretary**

**Vanessa Vance, Treasurer**

**Shirley Davilla, Committee Member**

**Nahusheah Mandujano, Committee Member**

**Matt Roberson, Committee Member**

**The attached report is submitted to you on behalf of the work done by the**

**Wichita Executive Committee.**

## **INTRODUCTION**

My name is Terri Parton. I graduated from Gracemont Public Schools. I earned my Bachelor of Science degree in Business Administration in May 2013 from Southern Nazarene University. I have completed several hours in a Legal Assistant program. I graduated in December 2015 with a Master of Jurisprudence in Indian Law from the University of Tulsa. In August 2017, I will pursue a Master of Business Administration degree. I have worked for the Wichita and Affiliated Tribes since January of 1998.

I have served in several capacities for the Tribe throughout the years. I served as the Tribal Government Services Specialist where I performed various work throughout the years in the Enrollment Office, Tag Office, Burial Assistance, National Park Service Grants, Children Clothing Assistance, Aid to the Elderly, and various other programs. I also wrote both Park Service Grants and several Arts Council Grants so I have some grant writing experience. I taught the Wichita Language Classes for three years from 2006 to 2009 where I developed several skits, games and other activities for the language classes and have occasionally taught them when time permitted since 2009. I enjoyed the time I had working with our language and Doris McLemore.

I served on the Wichita Annual Dance Committee, Foster Care Review Board, Wichita Tribe Industrial Development Commission and Wichita Gaming Oversight Subcommittee. I served as Secretary for the Wichita and Affiliated Tribes from July 2004 to August 8, 2011. I was elected by our people as the President for the Wichita and Affiliated Tribes in July 2012 and July of 2016. I have served as President for 5 years now. I have served on the Lawton Indian Health Board since August of 2012 and was elected as the Chairman in June 2017. I have served on the WCD Enterprises, Inc. since 2012 and I currently serve on the Tribal Public Health Advisory Committee.

I am the daughter of Oscar Brown Sr., the granddaughter of Myra Ross Brown, the great granddaughter of Mary Rose. I have son named Jacob and my nephew Joshua. Jacob lives with his fiancé Kaitlyn and daughter Rosalina. Jacob and Kaitlyn are expecting a son in September. I am enrolled Wichita but I am also of Caddo descent.

It has now been approximately five years that I have been in office as President. Our current Committee Members. The Wichita Executive Committee members are Terri Parton, President; Jesse Jones, Vice President; Myles Stephenson Jr., Secretary; Vanessa Vance, Treasurer; Shirley Davilla, Committee Member; Matt Roberson, Committee Member; Nahushseah Mandujano, Committee Member. We also continue to have a great staff who help accomplish the many things that we have been able to accomplish for our people.

It is important that you know about me as your tribal leader, my family and the people that I work with so that as I provide this report to you that you recognize that things that we have accomplished cannot get done unless we work together. You have to have leaders that came before you that allow you to grow and teach you. I have gained experience from past Presidents, past Committee Members, past Tribal Administrators, coworkers, friends, elders, and even children throughout the years. It is always good having people that you can work with and disagree with but realize that you still have a job to do. Most importantly you have to realize that you are here to serve our people to the best of your ability. It will never be perfect but you have to do the best that you can.

In this report, you will find the things that the Committee has worked on this last year. It has been an honor to serve the Wichita people in this capacity these last five years. May God continue to bless each of you and your families.

## **PROGRESS, ACCOUNTABILITY AND THE STABILITY OF THE TRIBE**

We hope each of you have enjoy our new newspaper. We had a bump in the road this last year but hopefully the newspaper will be back on track and continue to progress forward. The newspaper is one thing that I have always felt strongly about. The newspaper allows all tribal members to know what goes on with our tribal government and helps us be accountable. We have tried to listen to you over the years and incorporate as much information in there as possible. We always want to promote a positive image of our Tribe regardless of any differences. We do fail at that sometimes. As we continue to grow, progress and move into new areas of business, it is important that we have accountability and stability in the Tribe. It is not only important to have stability in our staff, including the businesses and commissions, but especially with our elected officials. There are several things that the Committee wants to accomplish over the three years before this term ends. We hope that while you may not agree with all of our decisions that you look at the bigger picture and the things that can be accomplished working together.

## **REFERENDUM ELECTIONS HELD ON JULY 16, 2017 & PASSED AFTER SEVERAL ATTEMPS TO PASS OVER A FOUR-YEAR PERIOD**

### **BLOOD QUANTUM PASSED**

On July 16, 2016, the Blood Quantum Referendum question passed with the vote for 228 for, 121 against and 7 spoiled. This met the 10% requirement of eligible voters that had to vote in order for the amendment to pass. The passing of the amendment did the following:

- Lowered the blood quantum from 1/8 to 1/32
- Corrected section and Amendment numbers
- Removed all reference to the Blood Consolidation which is no longer needed with the passing of the lowering of the blood quantum
- The Amendment became effective October 1, 2016 at which time those who were not previously eligible for membership could begin to apply under the new criteria
- Those enrolled under this amendment will not be eligible for services until January 1, 2017

The Governing Resolution with the amendments is posted to the website.

### **ABSENTEE VOTING PASSED**

On July 16, 2016, the Absentee Voting Referendum question passed with the vote of 255 for, 121 against and 7 spoiled. This also met the 10% requirement of eligible voters that had to vote in order for the amendment to pass. The passing of the amendment did the following:

- Added the word "third" in Section 1
- Removed the word "present being" and added the words "of those casting votes" to allow for absentee voting
- Removed the words in Section 3 "or upon the petition of 20 members of the Council"
- Removed nominations from the floor
- Added Section 4 with the words "Election Procedures shall allow absentee voting for all elections and referendums of the Council."

This amendment is now effective. An Election Ordinance is currently being drafted for the Committee to review that will govern future elections and provide provisions for the absentee voting. This is a very in-depth document that will

cover all elections, submitting petitions, determining their validation, procedures for settling election disputes and establishes procedures for fair elections, guidelines, rules and orderly procedure. This will also establish an election board.

**What Progress Have We Made Since July 16, 2016**

**New Programs/Services/Businesses-Year 1-July 2016-July 2017**

- No new programs or services were created from July 2016-2017.

**Grants Applied For July 2016-July 2017**

- Several resolutions were passed for new grant submissions but to my knowledge none were submitted. This does not include renewal grants for programs already in place.

**New Jobs Created-July 2016-July 2017**

- Education Services Administrator currently held by Tribal Administrator
- Health Services Administrator

**TRIBAL LAWS**

Below are some of the laws we have in place. This year we have approved the Accounting & Finance Manual, Procurement Policies and Procedures and a Gaming Device Tax. A Membership Ordinance draft is included in the Annual Meeting edition of the newspaper for a 30-day comment period by tribal members. Once the 30 day comment period ends, the Committee will review any comments for consideration before officially taking action to approve the Membership Ordinance.

Governing Resolution	General Revenue and Taxation Act which includes:
Wichita Housing Authority Ordinance	Chapter 1-Creation of Wichita Tax Commission
Wichita Tribe Industrial Development Act	Chapter 2-Sales Tax
Wichita Gaming Ordinance	Chapter 3-Tobacco Tax
Wichita Tribe Sports Commission Act	Chapter 4-Possesory Interest Tax (Draft-Not Passed)
Tribal Court Civil Jurisdiction Ordinance	Chapter 5-Motor Vehicle Registration
Limited Liability Company Code	Chapter 6-Oil & Gas Severance Tax
Liquor Ordinance	Policies and Procedures
TERO Ordinance	Election Procedures
Solid Waste Code-Passed August 20, 2013	Business Site Leasing Ordinance-Signed by AS-April 8, 2014
<b>Accounting &amp; Finance Manual</b>	<b>Procurement Policies and Procedures</b>
<b>Gaming Tax Device</b>	<b>Membership Ordinance-Pending Final Approval</b>

**COMPACTS WITH THE STATE OF OKLAHOMA**

Tobacco Compact	Gaming Compact	Motor Fuels Contract
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**ISSUES & UPDATES**

## **INDIRECT COST**

We are currently working on the Indirect Cost Rate for FY-2017. The Indirect Cost Rate for FY-2016 is 40.39%. The FY-2015 Indirect Cost Rate was 40.56%. The FY-2014 Indirect Cost Rate was 45.98% and the FY-2013 Indirect Cost Rate was 44.55%. The Indirect Cost Rate fluctuates depending on many factors such as budgets, expenditures, grants that have caps on Indirect Cost, grants that do not allow Indirect Cost along with many other things to consider. When we began budgeting for FY-2013, we kept having program directors that were having issues with space cost and utilities and being able to pay those directly out of their programs. We ended up moving all of the space costs and utilities along with other items that were allowable to the Indirect Cost Budget. This increased our Indirect Cost Budget enormously. Did it help? Yes! By moving more allowable costs to the Indirect Cost Budget it cut down on the tedious work that was being done by the finance office and the directors to break down all of the bills. This was part of the problem that bogged down the finance office while it was here at the Tribe. Everything is more streamlined now. It helps the budgets to stay cleaner, the bills are paid more timely and less paperwork. We keep reminding the directors to make sure their funds are spent, properly and to ensure that we are able to collect the maximum amount of Indirect Cost from the programs.

## **HINTON TRAVEL INN RENOVATIONS**

The Hinton Travel Inn Renovations are mostly complete. We have some headboards that need to be replaced, final decorating, touchups and a final swimming pool paint issue that we hope is resolved. There have been several change orders and unforeseen issues such as roof guards for the metal roof that was replaced. We also decided to replace floor tile in the bathrooms after the contract was signed. In addition, there were some issues with the door locks on all 46 rooms which resulted in a change order. Below is the information on the total cost of the contract and the resources used to pay for the renovations. There will be funds left over after the total renovation is completed due to some ways that we generated other revenue for the renovations. We have one change order for \$982 that we approved but we did not add this to the contract and it will be a separate invoice for \$982 for an additional furniture purchase. In addition, while I was preparing this report, I realized there was a follow up on the roof that took place in regards to the insurance claim that is not shown in the revenues. We will be following up on that. A lot of questions arise as to the costs and why so much is spent. I wanted to provide information on costs, revenues utilized and some of the expenses. Please see the information below.

### **Hinton Travel Inn-Contract and Change Order Information**

Original Contract	Resolution-WT-16-84	\$1,302,519.16	Resolution-WT-16-84-April 7, 2016
Change Order #1	Resolution-WT-16-102	\$82,375.22	Install ice guards, tile, gyp, PTAC Units
Change Order #2	Resolution-WT-16-129	\$18,745.40	Install door lever, software, encoder, etc.
Change Order #3	Resolution-WT-16-148	\$0.00	Unchanged Scope Change-floor, rug, etc.
Change Order #4	Resolution-WT-17-06	(\$8,083.20)	Credit for box springs
Change Order #5	Resolution-WT-17-40	\$20,506.12	Tub repairs, floor patch, flange,
Change Order #6	Resoltution-WT-17-96	(\$225.00)	Deleted cost to perform tub repair
	<b>Total</b>	<b>1,415,837.70</b>	<b>Total Costs including Change Orders</b>

### **Hinton Travel Inn-Revenues Used for Renovations**

Excess Pledged Revenues from Sugar Creek Casino	\$1,317,377.85
Insurance Claim on Roof Damage	\$99,823.71
Vent Hood/Range	\$3,500.00
Scrap Metal Sale from Roof	\$355.00
Right of Way Revenue from Hinton Properties	\$24,540.00
Surplus Sale Revenue from FF&E	\$9,794.00
<b>Total Revenue Funds</b>	<b>\$1,455,390.56</b>

### **Work Done During the Remodel**

During the remodel 46 rooms were remodeled including the pool area, snack area, kitchen area changed to a conference room, front counter, roof replaced, EFIS repaired and FF&E were included in the contract. FF&E (Furniture, Fixtures & Equipment) for 46 rooms and other areas, although not everything is in each room, includes: door signs, blinds, shower curtains & rods, flat screens for all rooms, clock radios, coffee makers, hair dryers, desk chairs, desk lamps, mini fridges, microwaves, king beds, queen beds, sleeper sofas, end tables, tables and chairs for snack area, lounge chair, couch, coffee tables, rugs, bed linens that include sheets, comforters and pillow cases. In addition, the roof was replaced along with gutters and downspouts, EFIS repaired, tile replaced, millwork done, PTAC units (air units) in most of the rooms were replaced and hardware with locks and software were also replaced.

On Tuesday, September 27, 2016, the Wichita Executive Committee increased the room rates. On September 28, 2017, the Wichita Executive Committee approved Resolution WT-174A approving the transfer of operations of the Hinton Travel Inn to the Wichita Tribe Industrial Development Commission effective October 1, 2017. The idea was to have all of the operations transferred by December 31, 2016. We ran into some bumps in the road with vendor change over, sales tax associated with the EIN and name change over but those were resolved. The new name for the Hinton Travel Inn is Sugar Creek Inn & Suites and we have new signage. We plan to have a Grand Opening sometime after the Annual Dance in August. Surplus

### **Wichita Tribal History Center**

In November of 2015, the Wichita Executive Committee, at that time, set out to construct the Wichita History Center. On Monday, October 11, 2016, the Wichita Executive Committee, by a vote of 6-0-0, voted to name the building that we have been calling informally the Wichita History Center to the formal name of the "Wichita Tribal History Center". The building will have a plaque dedicating the building to Doris J. Lamar (McLemore). Doris was our last fluent Wichita speaker and the Wichita Tribal History Center was the last building that she blessed during our groundbreaking ceremony held on January 28, 2016 before her passing in September 2016. Below is a rendering of the Wichita Tribal Historical Center as of October 2016 and the information below that was written by Gary McAdams, Cultural Planner. The rendering and information is scheduled to be included in a local phone book publication in the upcoming year. The building is complete. We are still working on the panels, borrowing objects from other entities, a video, landscaping and operational things that need to be accomplished before we open. The panels took a lot more time than expected to get them to where we want to be. Gerald Collins, Sr. worked on the ICDBG Grant to get the funding for the Wichita Tribal Historical Center and Gary McAdams, Cultural Planner, has put in numerous hours researching, reading and editing panels to make sure our history is told as accurate as possible. Numerous others have contributed but it would not be to this point without their tireless efforts.

Original Contract	Resolution-WT-16-24	\$1,199,404.65	Executed November 18, 2015
Change Order #1	Resolution-WT-16-48	\$28,233.50	Architectural/Geo Technical Due to Site Relocation
Change Order #2	Resolution-WT-121A	\$459,283.00	Additional Roads due to Site Relocation
Change Order #3	No Resolution	\$0.00	Unchanged Import Fill from Contingency
Change Order #4	No Resolution	(\$6,300.45)	CK Energy Paid from other line/Deleted
Change Order #5	Resolution-WT-17-72	\$0.00	Deleted IPADS/Add to Contingency
	<b>Total</b>	<b>1,680,620.70</b>	<b>Total Costs including Change Orders</b>

## **U.S. FOREST SERVICE AND NATIONAL PARK SERVICE AGREEMENTS**

The previous Committee that served from 2012 to 2016 started on a journey to get an agreement with the U.S. Forest Service for a firefighter program. The Committee authorized the President to execute the U.S. Forest Service Agreement in April 2016. On October 24, 2016, the Master Agreement was signed by the U.S. Forest Service. This program is currently under the TERO Program to implement the Firefighter Program.

## **TRIBAL HISTORIC PRESERVATION OFFICE DESIGNATION**

The previous Committee that served from 2012 to 2016 started another journey to get an agreement with the National Park Service for a Tribal Historic Preservation Office designation. Gary McAdams with the help of a consultant worked on the applications. On April 25, 2017, the National Park Service approved the Wichita and Affiliated Tribes plan to assume responsibilities pursuant to 54 USC 302702 (commonly known as Section 101 of the National Historic Preservation Act). The Wichita and Affiliated Tribes is the 170<sup>th</sup> Tribe to assume historic preservation duties that were previously the responsibility of the State of Oklahoma. The Tribe will be eligible to apply for Tribal Historic Preservation Office (THPO) funds.

## **TRIBAL MEMBER HEALTH PLAN**

The Tribal Member Health Plan renewed again on January 1, 2017. This is the second year that the Tribe has offered this plan. The benefits remain the same as 2016. The burial assistance is now being processed by the Tribe. If you have not received your card, then please contact (405) 247-2425 and request an application. All questions regarding benefits should be directed to Native Care Health. I included some statistics on claims and ages provided by RWI Benefits in the July edition of the newspaper. Please make sure you sign up.

## **INDIAN HEALTH SERVICES BOARD**

On June 1, 2017, the Lawton Inter-Tribal Indian Health Board held elections. Those elected were: Terri Parton, Wichita as Chairman; Lori Gooday-Ware, Fort Sill Apache as Vice Chairman and Justus Perry, Apache as Secretary/Treasurer. We are continuing to work on getting the office for the Health Board set up. Sydney Prince, Wichita tribal member, is currently working in the office through the Four Tribes Consortium. We are working to revise the organizational documents to file for a 501(c)(3) status. We are going to attempt to find ways to be more responsive to consultation requests on more collaborative level.

The HR-244-Consolidated Appropriations Act, 2017 (<https://www.whitehouse.gov/legislation/hr-244-consolidated-appropriations-act-2017>) was signed on May 5, 2017. Indian Health Services will face huge funding shortfalls in the proposed budget for 2018 released by the White House on May 23, 2017. (<https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/budget.pdf>) Hopefully, those budget cuts won't happen as they were presented. Hobbs, Straus, Dean & Walker, LLP prepared a Memorandum on



the Indian Health Service Fiscal Year 2017 Final Budget. You can find it at <http://www.hsdwlaw.com/general-memorandum-17-030>. They also prepared a Memorandum on the Proposed Budget Indian Health Service Fiscal Year 2018 Proposed Budget. You can find that at <http://www.hsdwlaw.com/general-memorandum-17-031>. These memorandums provide a lot of detail on the 2016 enacted, 2017 enacted and the 2018 proposed budget. The Memorandums break the budget down by line items. The BIA will be facing similar budget cuts in the proposed budget.

## **HEALTH AND HUMAN SERVICES (HHS) SECRETARY’S TRIBAL ADVISORY COMMITTEE (STAC)**

On July 12, 2017, I was notified that I was selected to serve on the Health and Human Services, Secretary’s Tribal Advisory Committee (STAC). The STAC creates a department-wide strategy to incorporate tribal guidance on HHS priorities, policies and budget as well as to improve the Government-to-Government relationship between HHS and Tribes. Serving as chairman for the Lawton Inter-Tribal Indian Health Board for the southwest part of the state, this will be an opportunity to have our voices heard as a direct service tribe facility. Hopefully by serving on this Committee I will be able to advocate for our people and advocate for our Indian people on this side of the state.

## **RAMAH SETTLEMENT**

### **Background**

Information taken from memos from Hobbs, Straus, Dean & Walker, LLP and the *Ramah Navajo Chapter, et al., v. Jewell*, No. 90-cv-957 (D.N.M.)

The Ramah case is a class action lawsuit against the Bureau of Indian Affairs (“BIA”) over unpaid contract support costs (“CSC”) as provided for under the Indian Self-Determination and Education Assistance Act (“ISDA”). In the ISDA, CSC are defined as “an amount for the reasonable costs for activities which must be carried on by a tribal organization as a contractor to ensure the compliance with the terms of the contract and prudent management....” 25 U.S.C. §450j-1(a)(2). Specifically the BIA must reimburse CSC of each contracting tribal organization, “for reasonable and allowable costs of-(i) direct program expenses for the operation of the Federal program that is subject of the contract, and (ii) any additional administrative or other expense related to the overhead incurred by the tribal contractor in connection with the operation of the Federal program, function, service, or activity pursuant to the contract[.]” 25 U.S.C. §450j-1(a)(3)(A)(i) and (ii).

Two earlier settlements in the case generally dealt with unpaid contract support costs between the years 1989 and 1993. In 2008, a third settlement adjusted the process for the negotiation of indirect cost rates. Nonetheless, these earlier settlements left unresolved the unpaid contract support cost claims. Although the Supreme Court held that class members’ had a right to full payment, the amount of unpaid costs was contested and had yet to be settled. The parties to the Ramah case engaged in settlement negotiations and reached a proposed settlement for unpaid contract support costs post 1994 (“Settlement”) for which the Tribe is entitled to a predetermined share as a class member.

Since 1994, the United States Congress has capped the maximum amounts the BIA could spend on contract support cost payments, and, as a result, the BIA has long taken the position that it is not liable for any underpayments. In 2012, the United States Supreme Court reviewed the Ramah case and held the federal government liable for contract support cost underpayments that occurred after 1994. The Supreme Court

explained that limited agency appropriations did not excuse the BIA's duty to pay each tribal contractor the full amount of contract support costs owed.

#### **Current Status of Ramah Settlement**

On Sept. 30, 2015, Judge Parker of U.S. District Court of New Mexico granted a preliminary approval order of the proposed Settlement. The order required that a Class Notice be issued to all class members by October 5, 2015. The Notice explained key terms of the Settlement, as well as a means for class members to file an objection to the Settlement which had to be submitted by November 19, 2015. On January 8, 2016, the parties filed their joint motion for final approval of final settlement agreement. The District Court conducted a fairness hearing on January 20, 2016.

#### **Payment/Distribution**

The final settlement agreement was filed on February 23, 2016. The settlement amount was \$940,000,000 but after estimated attorney fees (\$79,900,000), costs (\$1,205,989.92), and monies set aside in a reserve fund (\$4,000,000). The Settlement Amount is generally based on the contract support costs paid to a class member during the period 1994 through 2013 along with other determinations. The Tribe's Distribution was \$285,592.45.

On November 17, 2016, the Wichita Executive Committee approved Resolution-WT-17-21 authorizing the transfer of funds in the amount of \$235,592.45 to the Tribally Funded Account from the General Fund Account which was a portion of the RAMAH Settlement Funds, vote 5-0-0. On November 17, 2016, the Wichita Executive Committee approved Resolution-WT-17-22 authorizing the transfer of funds in the amount of \$50,000 to the Indirect Cost Account from the General Fund Account which was a portion (remaining balance) of the RAMAH Settlement Funds, vote 5-0-0;

#### **SUGAR CREEK CASINO DISTRIBUTIONS**

In this newspaper, we have provided the dollar amounts for the last few years of casino distributions. In additions to the distributions that the Tribe received, we were able to utilize excess pledged revenue funds for the renovation for the Hinton Travel Inn without having to borrow money for the renovation.

#### **GAMING BOARD**

In 2014, at the Annual General Council Meeting, the Council voted to form a separate gaming board. We then continued working on acquiring property around the casino and the hotel. That was completed in August 2014. We are still working at ways to implement this. We will look at utilizing our LLC Code and putting a structure for the gaming operations in place. Our focus this year has been the Membership Ordinance, Gaming Device Tax and the Election Ordinance. We have some sample ordinances for the Gaming Board that the Committee has been given to review to provide input.

#### **CEMETERY**

The Tribe still needs to evaluate what we plan to do with the cemetery. The previous Committee had plans to move forward. Due to the need to complete the Hinton Travel Inn Renovations and the Wichita Tribal History Center, this has been set to the side. We will be completing the other projects and will discuss next steps to addressing the cemetery. We do have plans drawn and need to reevaluate those plans. It will be addressed in the near future.

#### **VETERANS MONUMENT**

We still have plans to put in a new Veterans Monument. The location has changed and we plan to do something in the roundabout at the Wichita Tribal History Center. This is still a work in progress. We still hope to get a Veterans Program in place. A proposal has been submitted to the Committee for consideration and needs to be revised some.

#### **YOUTH COUNCIL**

The Tribe really needs to form and support a Youth Council so that youth have a forum to participate and provide input. There were attempts to start this but as leaders we have to be willing to step up and help those younger than us. We shouldn't discourage them. They have great ideas but need help making them become a reality. If we don't teach our youth and involve them in the processes of government, culture, language and other things then they learn the ways of others and never truly appreciate where they come from. It doesn't become instilled in them. We find this going on now with our language and culture. Many will tell you that they were discouraged at a young age because they didn't pronounce words right and so they didn't try to learn. The ones that did only learn a few words or phrases but can't carry on a long conversation. We have to change our attitude about the importance of educating our youth. We may not have a lot of language and culture but the only way that we can preserve what we have or revive what we've lost is to include our youth.

## **RECALL PETITIONS**

I have been served three recall petitions from David Leonard, Jr. The Wichita Executive Committee validated one of them. I have invalidated all of them for various reasons in regards to errors in the petitions from wrong dates, non-legible signatures, issues with affidavits and no allegations of misconduct. The last recall petition was invalidated by the Wichita Executive Committee on Tuesday, May 30, 2017, the Wichita Executive Committee, by a vote of 5-0-0, invalidated the Recall Petition that was submitted on May 15, 2017 titled "Petition for Recall of President Terri Parton." The Executive Committee rejected the petition due to an insufficient number of verifiable signatures and issues with the affidavits.

## **OTHER ITEMS**

The Wage Scale still has not been implemented. We will be working with the American Indian College Fund with some scholarships. There isn't a lot going on with WCD Enterprises over the last year to report on for the annual report. The Smoke Shop had its grand opening back in the fall of 2016. There are a lot of things going on in Arkansas City that have been reported on in several newspapers.

## **LEGAL ISSUES**

### **WCD LAND EXCHANGE**

One of the bigger issues that has been outstanding for years is the WCD Land Set-A-Side. Records going back to at least over 15 years indicate that the Wichita, Caddo and Delaware Tribal leaders had been negotiating a land set-a-side so that each tribe could obtain title to land in their name. Those negotiations also indicate that early on one of the Tribes pushed for the set-a-side to be based off an IBIA decision that says the BIA has to apportion income from the restored lands according to the current population of each tribe. Over 2,500 acres have been jointly held since they were restored to the three tribes in between the years of 1963 and 1983. The Industrial Park, which was comprised of 51 acres, was leased and managed by WCD Enterprises, Inc. That lease actually expired several years ago. Anything done on the remaining acreage requires approval from the three tribes with the exception of the Land Set-A-Side. The resolutions indicated trust between the three tribes in keeping their word to honor the resolutions and was a display of unity between the three tribes to work together to promote economic development.

In 2006, at the Annual Meeting, former President Gary McAdams explained the set-a-side to the General Council. On January 9, 2007, the Wichita Executive Committee approved Resolution WT-07-09 approving and agreeing to the partitioning of 600 acres of the jointly held lands. Caddo's received 312 acres, Wichita's received 180 acres and the Delaware Nation received 108 acres. The resolutions granted each respective tribe in perpetuity the right of exclusive use and sole governmental authority. The lands that were not partitioned would remain for joint use and under the

authority of the WCD Tribes which is not to be confused with WCD Enterprises, Inc. The Wichita and Affiliated Tribes has built the Wichita Travel Plaza and the Wichita Tribal Historical Center on acreage it received from the Set-A-Side.

The idea behind this was that the three Tribes would work to get the land into title. The Tribes tried to go through the BIA to have them to place the land in title for each tribe. The Tribes were told that they would have to get Congressional approval. They tried that and kept hitting road blocks and with changeover in all three Tribes the Tribes, individually, never received title to the land.

The Wichita Executive Committee decided to take the lead on this. Former President Gary McAdams was once authorized to do so by the WCD Board. I informed the other leaders during a few of the WCD meetings that we would be looking into getting the title changed into each individual tribes' name. The Tribe asked our tribal attorneys, Hobbs, Straus, Dean & Walker, LLP, to look into the issue.

Hobbs, Straus, Dean & Walker, LLP prepared a brief for Assistant Secretary of the Interior, Kevin Washburn at the time. Mr. Washburn sent it back down to the Anadarko Agency. The Superintendent asked for appraisals. I and others met with the Superintendent and discussed with the Superintendent the possibility of waiving the appraisals since a special relationship exists with the three tribes. The Wichita and Affiliated Tribes passed a resolution waiving the appraisals. The other two Tribes never submitted their resolutions agreeing to waive the appraisals and appealed the Superintendents decision requiring the appraisals.

We were two resolutions away from having the Superintendent to sign off on changing the title over to each Tribe after 6 years of sporadically trying to get it to Congress to pass and more importantly separating the 600 acres that had been jointly held for 30-50 years. This would have given each Tribe land in its own name. Currently the only land we have title to in our name is the land that we own that Sugar Creek Casino sits on. On June 26, 2014, the Regional Director announced indefinite delay pending resolution of the Caddo internal conflict. The Wichita and Affiliated Tribes appealed the decision. On March 22, 2016, the IBIA concluded "that it was arbitrary and capricious for the Regional Director to withhold action, "and vacates "the Regional Director's June 26, 2014, decision and remands the matter to the Regional Director for further consideration and issuance of a new decision."

We have gone through an appeals process and was dismissed. The land exchange was sent back to the Regional Director who notified the Tribes that further action would be withheld until the Caddo leadership issue was resolved and the Caddo Nation has had the opportunity to state its views. The information above was the information that was provided the last few years. As of this date, the Regional Director still has not made a decision.

## **LITIGATION**

A lawsuit was filed by the Caddo Nation in the United States District Court for the Western District of Oklahoma to halt construction of the History Center Project which was filed in May of 2016. In June 2016, a notice of appeal was filed by the Caddo Nation to the 10<sup>th</sup> Circuit Court of Appeals. During all that time and even today, numerous suits, notices, motions, briefs, objections and replies have been filed by attorneys for both the Caddo and Wichita Tribes. Since the original lawsuit was filed, the construction of the building for the Wichita Tribal History Center has been completed. The lawsuits and appeal are still in process and is costly to both tribes incurring attorney fees to halt construction on a building that is already constructed. We hope that the Caddo Nation will eventually dismiss the

lawsuit and appeal so that each tribe can utilize funds to further economic development and job creation for both tribes rather than on attorney fees to fight a lawsuit that is moot at this point.

### **HINTON PROPERTIES**

In August of 2014, the Wichita Executive Committee at that time, closed on a deal purchasing 80 acres of land and financing several other acres along with the Hinton Travel Inn. During that year, we paid off the Texaco Property and then on June 23, 2015, the Wichita Executive Committee, by Resolution WT-15-114, approved the prepayment of the full release price on the loan for certain other tracts of land located in Hinton, Oklahoma. On June, 26, 2015, the payment and transaction for these properties was completed. This transaction added 43.0015 acres of land to our land base. The Wichita and Affiliated Tribes now own 151.1806 acres of land plus the town lot. This does not include the land where the CrossTimbers building sits or the Mazzio's building purchased or other properties purchased by the WTIDC. The Wichita Housing Authority has Fee Simple acreage. This includes Wichita Terrace Estates with approximately 13 acres, Kitikiti'sh: Hid Dod (Square Top) with 80 acres, Iscani Subdivision with 30 acres and 3.5 acres of undeveloped land south of Iscani. I had this in a excel spreadsheet with the dates of purchase but was not able to locate it in time to put in my report.

### **TRUST APPLICAITONS**

At this time, the Tribe has one pending trust application for the Hydro Tract Property. The 80-acre Trust Application at Hinton has been sent back. We are working to get the application resubmitted.

### **CONCLUSION**

I hope you continue to find the President reports informative. I continue to enjoy providing information to you to keep you as tribal members informed. I try to keep an open door. You are always welcome to come and visit with any concerns or questions. Once again, I thank you for allowing me to serve our Wichita people.