



Onoideas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

# Oneida Tribe of Indians of Wisconsin

Phone: 869-2771



Oneida, WI 54155

*Approved as  
Read 5-7-85*



UGWA DEMOLUN YATENE

Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States was made possible.

## SPECIAL MEETING

FRIDAY, APRIL 12, 1985

Meeting called to order at 9:00 A.M.

Present: Purcell Powless-Chairman, Kathy Hughes-Treasurer, L. Gordon McLester-Secretary, Lois Powless, Mark Powless, Tony Benson, David King-Council Members

Excused: Richard Hill-Vice Chairman, Lloyd Powless-Council Member

Others: Jerry Hill, Bruce King, John Spangberg, Dale Wheelock

### ADDITIONS TO AGENDA

- 20/20 Bingo Story
- Travel Request for Kathy Hughes and Jerry Hill
- Update on the Indian Gaming Bill

Dave moved to adopt the agenda with the additions. Lois seconded. Motion carried.

### 150-REPORT ON FORT HOWARD SLUDGE PONDS - Jerry Hill & John Spangberg

John met with the BIA and U.S.G.S. They have viewed the Fish Creek Dump and the Fort Howard Sludge Ponds. Nothing could be considered this year, but next year is a possibility for funds for monitoring.

In any event, the Tribe can not be sure of getting any funds, and if any are available, it will have to have matching funds from the Tribe.

John will continue with the process of trying to get help from BIA and U.S.G.S.

The following letter was drafted to Kestutis Ambutas, U.S. Environmental Protection Agency - Region V - Chicago:

As discussed with you previously, the Oneida Tribe is currently faced with air and water quality problems associated with the Fort Howard Paper Company sludge disposal site.

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150-REPORT ON FORT HOWARD SLUDGE PONDS (CONTINUED)

The disposal site consists of 13 cells on 285 acres of land. About 40% of the property is within the boundaries of the Oneida Reservation, and immediately adjacent to a parcel of tribal property. The Tribe operates its Activity Center and is currently developing a hotel on the site.

Currently, Fort Howard dumps approximately 11,000,000 gallons of sludge (about 30% solids, 70% liquids) on the site annually. (The lagoons have been in operation since 1967.) The solids contain primarily clay with some paper fibers, the liquid is mostly water, but contains VOC's, PCB's, and other unknown chemicals. It is estimated that there are about 35 pounds of PCB's dumped at the site annually. There is a liquid collection system in operation at the site which sends 1 - 2,000,000 gallons of water to the Green Bay Metropolitan Sewage Disposal Plant at the mouth of the Fox River. A ground water dome extends for an indeterminate distance in all directions from the system, however, the Wisconsin State Department of Natural Resources have indicated that the primary direction of water flow from the site is to the south, onto tribal lands. (attachment #1).

Fort Howard received permits from the DNR in 1967 to operate 2 cells at the site. Fort Howard is currently operating 6 of the cells. The DNR has attempted to obtain permit compliance at the site, but Fort Howard has countered with legal action, obtaining a legal injunction in December of 1983, to prevent DNR enforcement activities at the site. The DNR has countered that injunction, arguing that test monitoring must be performed at the site. (Attachment #2).

After a series of negotiations, Fort Howard, has begun monitoring the site. (Attachments #3, 4, &5). However, the DNR has not yet approved the monitoring, the Fort Howard has refused to monitor Tribal lands, those lands which are most affected by the disposal lagoons (attachment #1). Fort Howard apparently feels that the State cannot force them to monitor tribal lands. Current legal decisions (Attachment #6) appear to confirm Fort Howard's position.

In addition to water quality degradation at the site, air quality at the site is also affected by the lagoons. Preliminary results of air monitoring conducted at the site in November of 1984, indicated the possible presence of over 100 different organic chemicals. Data analysis is currently being performed on the results to determine the validity of the air monitoring data.

I hope that the information provided with this letter will clarify this issue for you. I would appreciate discussing this issue further with you, at your earliest possible convenience. The assistance of EPA is essential in resolving this issue, so the continuing pollution of Tribal lands can be stopped.

150-REPORT ON FORT HOWARD SLUDGE PONDS (CONTINUED)

Lois moved to send the above letter to Mr.. Kestutis Ambulas and have David King follow-up if we don't get an answer within a week. Kathy seconded. Motion carried.

Mark moved to have John Spangberg meet with Finance & Appropriations to discuss the possibility of funding for monitoring the Fort Howard Sludge Lagoons. Tony seconded. Motion carried.

REPORT ON CLOSE-OUT OF BINGO BUILDING & HEALTH CENTER ADDITION - Carl Rasmussen

Kathy moved to defer this report until Tuesday, April 16, 1985, upon Carl Rasmussen's request. Lois seconded. Mark opposed. Motion carried.

SENIOR CENTER UPDATE - Tony Benson

Septic construction by Bill Danforth was \$9,630.00. This was increase by \$275.00 because we could not re-use the old septic tank as originally proposed. The major contract for construction was with H. Miller for \$179,295.00. There has been an increase of \$1,441.52 plus another \$1,200.00 additional expense is expected.

Up to this point, \$208,199.00 has been expended or obligated.

Kathy asked for information on the black topping cost for the project. Tony said he would have the information on April 16, 1985.

010-FINANCE & APPROPRIATION RECOMMENDATION PER MEMO OF 4/10/85 RE: TRIBAL SCHOOL - Kathy Hughes

The Finance & Appropriations Committee met on April 9, 1985, with Sue Christianson and Nancy Powless to review the requests submitted by the Tribal School to Finance & Appropriations.

The Secretarial position is being handled through temporary fill-in. This can be done for the remainder of this fiscal year and the school will then budget for a permanent position in FY'86.

Assistance was also requested to cover ongoing educational needs of the teachers. At this time, that need is for approximately \$1,600 to \$1,800. Finance and Appropriations feels this should be covered through the training line item in the Personnel budget which shows a balance of \$50,000 at the end of March.

The last request reviewed was for the \$3,892 needed to support the athletic program. The athletic program is continuing to function and they have been very successful in their fund raising attempts. Individuals are helping with the understanding that they will be reimbursed for their efforts. Finance and Appropriations can identify funds from special projects to cover this request.

FINANCE & APPROPRIATION RE: TRIBAL SCHOOL (CONTINUED)

The Business Committee requested a financial status report from the Tribal School to clarify areas of potential short falls for the balance of the fiscal year. Kathy received a memo on February 27, 1985, which covered in-part what was being asked, but it is not a financial status report.

Kathy said she can understand the concern regarding the school buses. It is difficult to estimate the potential costs there, because they are not in the best condition. The school continuously is experiencing break downs and Kathy says she has no problem dealing with those on a needed basis.

However, Kathy feels an analysis of all the school contracts is still very important but, she doesn't think we are going to be able to get that from the school administration. The staff in the Accounting Office will have to put this report together and then review it with Sue.

What needs to be addressed is the request for the athletic program. The Accounting Office is holding paper work to reimburse coaches until the Business Committee says yes or no to the funding. Kathy would like to know if the Business Committee wishes to decide now or hold until a financial status report is received?

Lois moved to send the request of a financial status report to the Tribal School Board and if we don't get a response from the Tribal School Board, the matter will have to be referred to the memorandum of agreement. Gordon seconded. Motion carried.

110-ECONOMIC DEVELOPMENT - Bruce King

- Hotel Project

The UDAG Grant required that the loan be closed by March 31, 1985. Because of the merger of State Bank of DePere and Associated Banc Corporation, the closing was held up, but finally the loan closing was on completed on Friday, March 29, 1985.

- EDA - Water and Sewer Project

Five bids were received for the project. Russ Nelson and Associates were the low bidder at \$627,885.00. Bruce has reviewed the documents and recommends that they be approved to do the construction for the Sewer and Water Project at the cost of \$627,885.00. Mark moved to approve, Tony seconded. Motion carried.

ECONOMIC DEVELOPMENT (CONTINUED)

Work is continuing; trying to seek approvals from the DNR and the Green Bay Metropolitan Sewer District. On Wednesday, March 27, 1985, the Metropolitan Sewer District took action to delay the approval of the sewer and water extensions until the Village of Ashwaubenon and Green Bay Metropolitan Sewer District agree to the rate structure in this particular area. They also want an approved agreement between the Oneida Tribe and the Village of Ashwaubenon for the rates to be charged plus an agreement that the Oneida Tribe abides by the zoning regulations for sewage disposal.

Bruce recommends that the Oneida Tribe take action to enter into an agreement with the Village of Ashwaubenon for paying the sewer and water fees including the abiding by applicable sewage disposal requirements.

Mark moved to approve the recommendation. Tony seconded. Motion carried.

- Industrial Park -

The EVRAET Trucking Company has moved out of the building and has not paid their rent. They left some equipment in the building and the Tribe has taken possession of this equipment and a appraisal will be made. The Law Office is also reviewing the matter. Bruce has another party that is interested in leasing the building.

- Lease with Larsen TV -

Larsen TV is interested in leasing 2,000 square feet of the warehouse space at the Standing Stone Building. At this point, they are not sure of what length of time they will be needing the space.

Lois moved to refer the lease for Larsen TV to the Law Office for review. Tony seconded. Mark and Gordon abstained. Motion carried.

Illusion Van and Auto Accessories would like to lease the Sunway Building which EVRAET Trucking has moved out of.

Lois moved to refer the Illusion Van Lease to the Law Office for review. Tony seconded. Kathy abstained. Gordon opposed. Motion carried.

Bruce presented Procedures for Handling Incoming Rentals and Conducting Reference Checks on Income Companies.

Lois moved to adopt these procedures. There was no second. Motion died.

It is understood that these are internal procedures for Bruce's Office.

200-LAND MINUTES OF APRIL 8, 1985

1. Lease modification for Donald and Christine Doxtator - Located on "County Line U" Resolution #4-12-85-A.

Mark moved to approve, Tony seconded. Motion carried.

2. Residential Lease for Grace and Jeffery Koehler - Located on "Government Road" Resolution #4-12-85-B.

Lois moved to approve, Dave seconded. Motion carried.

3. Agriculture Lease for Carol Metoxen - located on "Fish Creek Road" Resolution #4-1-85-C.

Tony moved to approve, Mark seconded. Motion carried.

4. Agriculture lease for Tony Benson - located behind the "Tribal Building" Resolution #4-12-85-D.

Mark moved to approve, Lois seconded. Tony abstained. Motion carried

5. Kathy Elm requested approval for Ernie Marlewski to reside on the lease premises on a full time basis.

Mark moved to approve the request and the reason for this action is for RNIP requirements. David seconded. Motion carried.

6. The Land Committee recommended that the Land Sub-Committee address the development of a Nuisance Ordinance.

Lois moved to approve the recommendation. Tony seconded. Motion carried

7. Residential lease application for Ken and Caroline Skenandore - located on "Shady Drive, former Ben Vieau Site" and a full payment of \$50.00 requested upon approval of the Business Committee since they are already residing on the property.

Lois moved to approve, David seconded. Motion carried.

8. The Land Committee recommended that Terry Smith pay up the balance rent due in 10 days or his lease will be cancelled.

Lois moved to approve. Gordon seconded. Motion carried.

The Land Committee recommended that new tenants pay  $\frac{1}{2}$  of the security deposit at the beginning of a lease and the balance in 30 days.

After review of this recommendation, Lois moved to refer this item back to the Land Committee. There was no second. Motion died.

LAND COMMITTEE RECOMMENDATIONS (CONTINUED)

Gordon moved to have the Land Office follow the present policy we have in place on security deposits. David seconded. Motion carried.

9. The Land Committee recommended that Mr. Prevost be allowed to make an offer to purchase the property they are presently renting from the Tribe

Lois moved to approve, Tony seconded. Motion carried.

10. HIP Report from Jerry Kurowski

Gordon moved to approve the HIP report, Mark seconded. Motion carried

11. Land Office Report from Chris Doxtator

Dave moved to approve the Land Office Report, Mark seconded. Motion carried.

310-PERSONNEL RECOMMENDATION - Dale Wheelock

The Personnel Office is requesting the promotion of Albertus M. Lucas to Chief Driver of the Oneida Public Transit System. This is due to Commodore Metoxen's retirement. Dale has reviewed all the procedures and they are in order. Mr. Lucas would go from Grade 7/1 \$5.10/hr. to Grade 7/3 \$5.49/hr.

Mark moved to approve, Kathy seconded. Motion carried.

REQUEST FROM ENROLLMENT OFFICE FOR A RELINQUISHMENT - Carol Silva

Mark V. Dickenson requested the cancellation of his membership from the Oneida Tribe.

Dave moved to approve the request. Kathy seconded. Motion carried.

GERALDO RIVERA - ABC's 20/20 BINGO STORY - Jerry Hill

The following is a response drafted by Jerry Hill and Charles Leonard to Geraldo Rivera regarding the story done on Indian Bingo:

Your recent report concerning indian Bingo in the United States has helped perpetuate the stereotypical image of American Indians. As an Hispanic, as a former legal services attorney, and as a "seasoned" reporter, one would have expected better from you.

The thrust of your report was substantiated only by one small California Tribe of sixteen members and multitudes of innuendoes that this tribe (the one you were reporting on) truly represented what is happening in Indian gaming in this country. In effect, you only perpetuated, re-enforced and recited the misinformation of the U.S. Department of Justice that:

GERALDO RIVERA RESPONSE LETTER (CONTINUED)

1. Organized Crime has infiltrated Indian gaming, and
2. Indian Tribal governments cannot and do not regulate gaming in Indian Country.

In reality, both claims are unwarranted assumptions based on suppositions that have not been fully investigated by the government and certainly not by you or your report. If you hold "20/20" out to the public as investigative television journalism, it is professional negligence. If the public believes you, it is out of ignorance.

Certainly one cannot ignore the phenomena and events that have occurred on the Cabozon Reservation in California, and to a lesser extent elsewhere. However, to project such occurrences as the rule rather than the exception throughout Indian country is a gross inaccuracy, extremely unprofessional investigative reporting and an irrational conclusion.

Each Indian nation is unique in size, population and culture. Still, as governments they are similar to municipal governments or cities in this country. To say that every local government is corrupt, just because Chicago's government under Richard Daley may have been, is as inaccurate as what you said and implied on your report concerning Indian gaming.

For more than two years, the National Indian Gaming Task Force has visited Indian gaming operations all over the United States. It's findings were published and presented orally at congressional hearings on HR 4566, a bill introduced by Morris Udall as the Indian Gaming Control Act. The Task Force findings repudiated the claims of the U.S. Department of Justice, which also testified at the same hearings.

Mr. Mark Richards of the Justice Department stated under direct questioning by the committee that he could not cite even one (1) instance of organized crime (as the term is generally accepted) having infiltrated Indian gaming. \*1

This is not to say that some influence does not exist, nor that there may not have been contracts, but rather that such influence is not as pervasive as the Justice Department or your program implied or portrayed. Unfortunately, there is another, more important side to the story that your report ignored or thoughtlessly neglected; it is that most Indian games are well operated and regulated under the laws of the tribe and are of great benefit to their people by providing jobs and monies for the improvement of tribal health care and educational facilities. Many tribes are also using those monies for investing in other tribal businesses to provide additional jobs as well as investing in the local business community, thereby improving conditions for the community as a whole.



GERALDO RIVERA RESPONSE LETTER (CONTINUED)

Many Tribes, the Oneida Tribe included, can and do strictly regulate their gaming activities. The problems in Indian gaming have arisen where tribal councils have entered into unsupervised or unapproved agreements with management firms and consultants outside their Tribe. These non-Indian management firms co-opt tribal officials and members by employing a few of them or permitting them to share in the profits. This has caused great internal dissention and has led to divided tribal governments in many cases

In NO instance (not one instance) has it been shown that a tribal government has been influenced or infiltrated by organized crime when it (the tribal government) actively regulates its own gaming operations. What this proves is that the chief culprit is not organized crime, but the management firms and consultants. It was in this area that the National Indian Gaming Task Force found tribes were in greatest need of assistance.

\*1 Hearing before the Committee on Interior and Insular Affairs, House of Representatives, 98th Congress, 2nd Session on HR 4566, June 19, 1984, p. 20

Several years ago when rumors concerning organized crime infiltrating Indian gaming began, the National Indian Gaming Task Force fought the introduction of new legislation to control Indian Gaming because tribes were not consulted and other options were not presented or explored. The Task Force proposed instead that the U.S. Department of the Interior issue a definitive policy regarding gaming in Indian country based on existing law. To date a status quo exists because no new federal policies, regulations or legislation have been enacted during the intervening two years. Even the Assistant Secretary of Indian Affairs who testified at the HR 4566 hearings, has been unable to unwilling to issue a policy or a propose regulations governing Indian gaming.

Nonetheless, the rumors escalate without a shred of verification and are perpetuated, fed and fertilized by people such as you who hold themselves out to the public as credible investigative reporters. Your report was not only untruthful and poorly investigated, it unfortunately exploited many honest, hard working and dedicated Indians for the sake of sensationalism.

For your information and edification, I am including a copy of the testimony of the National Indian Gaming Task Force and the Oneida Tribe on HR 4566 with this letter.

Finally, let me say that American Indians are not as ignorant or as passive as many stereotypes including yours, conveniently portray. As a former legal services attorney and an Hispanic who should understand the suppression and deprivation of minorities in America, you have a duty to follow up your report with a story dealing with the positive realities that exist in Indian Country today. We not only are helping ourselves to a better life at long last, we believe it is we, not the United States government that offer our best protection from organized crime and other threats to our survival.

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060-TRAVEL REQUEST - Mark Powless and Kathy Hughes

Mark and Kathy are requesting approval to be presenters at a Bingo Workshop at Lac du Flambeau, WI., on April 24 and 25, 1985.

Kathy is also requesting approval to attend and Indian Financing meeting in Spokane, Washington on May 13 & 14, 1985.

Tony moved to approve the two requests Lois seconded. Kathy and Mark abstained. Motion carried.

220-TRAVEL REQUEST - Jerry Hill

Jerry is requesting approval to attend the N.T.C.A. meeting on April 16, 1985 in Miami Florida regarding Indian Bingo.

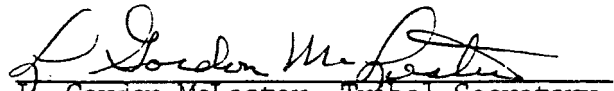
Tony moved to approve Lois seconded. Motion carried.

060-PROPOSED INDIAN GAMING BILL - Mark Powless

Mark provided the Business Committee with the United South and Eastern Tribes Inc., (U.S.E.T.) Proposed Gaming Bill and the Udall Bill. These bills and the bill Senator Dennis DeCouncina is working on will be up for discussion at the National Tribal Chairmans Association meeting next week in Miami, Florida.

After reviewing these bills, the Bingo Task Force has no objection to any of them. Each of the bills would provide the protection for the Tribes that the Task Force has been working towards.

4:45 A.M., Gordon moved to recess Kathy seconded Motion carried

  
L. Gordon McLester, Tribal Secretary  
Oneida Business Committee