



Oneida Business Committee

Executive Session
9:00 a.m. Tuesday, October 25, 2016
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
9:00 a.m. Wednesday, October 26, 2016
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

To get a copy of the agenda, go to: oneida-nsn.gov/government/business-committee/agendas-packets/

I. CALL TO ORDER AND ROLL CALL

II. OPENING

III. ADOPT THE AGENDA

(pp. 1-8)

IV. OATHS OF OFFICE

A. Environmental Resources Board – Weldon “Ted” Hawk

(pp. 9-10)

B. Southeastern Oneida Tribal Services Advisory Board – Felicia Bernhardt ([via Polycom](#))

(pp. 11-12)

V. MINUTES

A. Approve October 12, 2016, regular meeting minutes

(pp. 13-29)

Sponsor: Lisa Summers, Tribal Secretary

VI. RESOLUTIONS

A. Adopt resolution entitled Back Pay Law Amendments

(pp. 30-49)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

B. Adopt resolution entitled Election Law Permanent Amendments

(pp. 50-90)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

C. Adopt resolution entitled Leasing Law Amendments

(pp. 91-123)

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee

D. Adopt resolution entitled Drug & Alcohol Free Workplace Policy Emergency Amendments

Sponsor: Councilman Brandon Stevens, Chair/Legislative Operating Committee (pp. 124-140)

VII. STANDING COMMITTEES

A. Legislative Operating Committee

Sponsor: Councilman Brandon Stevens, Chair

1. **Accept October 5, 2016, Legislative Operating Committee meeting minutes** (pp. 141-143)

B. Finance Committee

Sponsor: Tribal Treasurer Trish King, Chair

1. **Approve October 17, 2016, Finance Committee meeting minutes** (pp. 144-149)

VIII. UNFINISHED BUSINESS

A. **Review final report and accept recommendation regarding Medicare Part B Research** (pp. 150-161)

Sponsors: Debra Danforth Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Division Director/Medical Operations

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM APRIL 08, 2015: Motion by Melinda J. Danforth to defer the Medicare Part B research back to the Comprehensive Health Division Directors and to comeback with a report in 90 days that researches the opportunities we would have to provide insurance to those individuals of 65 and over that are Oneida Tribal members and have a work meeting with the directors to clarify and develop the scope, seconded by Lisa Summers. Motion carried unanimously

EXCERPT FROM FEBRUARY 11, 2015: Motion by Melinda Danforth to accept the Oneida Nation Commission on Aging report and that the request from ONCOA regarding researching whether or not the Tribe should pay for Medicare Part B benefits for Tribal members who use the Oneida Health Center be assigned to the Comprehensive Health Division Directors to research and bring back in 60 days, seconded by Lisa Summers. Motion carried unanimously.

B. **Accept close-out report regarding 340-B certification and determine next steps** (pp. 162-173)

Sponsors: Debra Danforth Division Director/Comprehensive Health Operations; Dr. Ravinder Vir, Division Director/Medical Operations

EXCERPT FROM OCTOBER 12, 2016: Motion by Fawn Billie to accept the close-out report; to include the sales comparison; and request the report to be released from executive session by placing it into open session for the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

C. **Defer update regarding vacancies on the Oneida Personnel Commission to the November 9, 2016, regular Business Committee meeting** (pp. 174-175)

Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 14, 2016: Motion by Lisa Summers to defer this item back to Chair's Office regarding the (2) two Oneida Personnel Commission vacancies not filled through posting #3 which had the deadline of June 20, 2016, and the one (1) vacancy not filled through posting #4 which had the deadline of July 15, 2016; and to request clarifications be brought back to the October 12, 2016, regular Business Committee, seconded by Tehassi Hill. Motion carried with two abstentions.

EXCERPT FROM AUGUST 24, 2016: (1) Motion by David Jordan to approve the recommendation to appoint Leland Wigg-Ninham, Eric Krawczyk, and Jennifer L. Hill to Oneida Personnel Commission, seconded by Melinda J. Danforth. Motion carried with one abstention. (2) Amendment to the main motion by Lisa Summers to direct the Tribal Secretary to bring back a chronology of events for these particular vacancies for information to the Business Committee, seconded by Jennifer Webster. Motion carried unanimously.

- D. Accept report and proposed correspondence regarding request from Environmental Resources Board to support Menominee Nation in opposing the Back Forty Mine** (pp. 176-181)
(Not Submitted)

Sponsor: Nathan King, Director/Intergovernmental Affairs & Communication

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to forward this item to the Intergovernmental Affairs & Communications Department to do further research; and for that area to bring back a report and proposed correspondence for the Business Committee to consider and support, to be conducted before the October 26, 2016, regular Business Committee meeting so that any action that may be taken can be accepted at the October 26, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

- E. Approve request to schedule a special executive session Business Committee meeting on Friday, December 16, 2016, at 9:00 a.m. to review, approve, and forward Year End Financial Statements and presentation to the 2017 Annual General Tribal Council meeting** (pp. 182-183)

Sponsor: Councilman Tehassi Hill, Chair/Audit Committee

IX. NEW BUSINESS

- A. Approve limited waiver of sovereign immunity for CIP project # 14-008 Uskah Village infrastructure – Wisconsin Public Service – contract # 2016-1173** (pp. 184-190)
Sponsor: James Petitjean, Assistant Division Director/Development
- B. Approve revised Oneida Business Committee SOP entitled Conducting Electronic Voting** (pp. 191-198)
Sponsor: Lisa Summers, Tribal Secretary

X. TRAVEL

A. TRAVEL REQUESTS

- 1. Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**
Sponsor: Lisa Summers, Tribal Secretary
- a. Failed reconsidered travel request– Chairwoman Tina Danforth and up to three (3) Business Committee members – National Congress of American Indians (NCAI) conference – October 9-13, 2016** (pp. 199-215)

XI. REPORTS *(This section of the agenda is scheduled to begin at 1:30 p.m.)*

A. UNFINISHED REPORTS

1. **Accept Oneida Nation Arts Board FY '16 4th quarter report** (pp. 216-219)
(1:30 p.m.-1:45 p.m.)
Chair-Elect: Dawn Walschinski
Liaison: Jennifer Webster, Councilwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer the Oneida Nation Arts Board FY '16 4th quarter report to the October 26, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

B. OPERATIONAL REPORTS

1. **Accept Oneida Housing Authority FY '16 4th quarter report** (pp. 220-228)
(1:45 p.m.-2:05 p.m.)
Sponsor: Dale Wheelock, Coordinator/Oneida Housing Authority

C. BOARDS, COMMITTEES, AND COMMISSIONS

1. **Accept Oneida Nation Veterans Affairs Committee FY '16 4th quarter report** (pp. 229-233)
(2:05 p.m.-2:20 p.m.)
Chair: Mike Hill
Liaison: Jennifer Webster, Councilwoman
2. **Accept Oneida Pow Wow Committee FY '16 4th quarter report** (pp. 234-239)
(2:20 p.m.-2:35 p.m.)
Chair: Tonya Webster
Liaison: Fawn Billie, Councilwoman
3. **Accept Oneida Police Commission FY '16 4th quarter report** (pp. 240-253)
(2:35 p.m.-2:50 p.m.)
Chair: Bernie Johns-Stevens
Liaison: Lisa Summers, Tribal Secretary
4. **Accept Southeastern Oneida Tribal Services Advisory Board FY '16 4th quarter report** (pp. 254-257)
(2:50 p.m.-3:05 p.m. via Polycom)
Chair: Daniel Schiller
Liaison: Tina Danforth, Tribal Chairwoman

XII. GENERAL TRIBAL COUNCIL *(To obtain a copy of Members Only Materials, please visit the BC Support Office, located on the 2nd floor of the Norbert Hill Center and present Tribal I.D. card)*

A. Petitioners Madelyn Genskow and Yvonne Metivier: Incentive stipends for Oneida Nation elections starting 2017

- 1. Accept legislative analysis** (pp. 258-262)
Sponsor: Brandon Stevens, Councilman
- 2. Accept progress report regarding legal analysis** (pp. 263-264)
Sponsor: Jo Anne House, Chief Counsel
- 3. Accept progress report regarding financial analysis** (pp. 265-267)
Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM AUGUST 24, 2016: (1) Motion by Lisa Summers to accept the verified petition submitted by Madelyn Genskow and Yvonne Metivier regarding incentive stipends for Oneida Nation elections starting 2017, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to send the verified petition to the Law, Finance, and Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Lisa Summers to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days; and that a progress report be submitted in forty-five (45) days, seconded by Jennifer Webster. Motion carried unanimously. (4) Motion by Lisa Summers to direct the Direct Report Offices to submit appropriate administrative analyses regarding the petition to be submitted to the Tribal Secretary's Office within thirty (30) days, seconded by Jennifer Webster. Motion carried unanimously.

B. Accept verified petition submitted by Edward Delgado regarding Oneida panel of educators and retention of kindergarten students; and request appropriate analyses (pp. 268-276)
Sponsor: Lisa Summers, Tribal Secretary

C. Approve Tribal Member's request to provide an update on status, report, and timelines for opening emergency food pantry per General Tribal Council directive from the October 2, 2016, reconvened special GTC meeting (pp. 277-278)
Sponsor: Lisa Summers, Tribal Secretary

XIII. EXECUTIVE SESSION *(The Business Committee is scheduled to recess at 11:15 a.m. and to reconvene at 1:30 p.m. to attend the Voices for Oneida Conduit event)*

A. REPORTS

- 1. Accept Intergovernmental Affairs & Communications report – Nathan King, Director** (pp. 279-285)
- 2. Accept Chief Counsel report – Jo Anne House, Chief Counsel** (p. 286)
- 3. Accept Chief Financial Officer report – Larry Barton, Chief Financial Officer** (pp. 287-292)

B. STANDING ITEMS

1. Land Claims Strategy *(No Requested Action)*
2. Oneida Golf Enterprise – Ladies Professional Golf Association (pp. 293-309)
(This section is scheduled to begin on 10:30 a.m.)
Sponsor: Trish King, Tribal Treasurer

C. AUDIT COMMITTEE

Sponsor: Councilman Tehassi Hill, Chair

1. Accept September 29, 2016, Audit Committee meeting minutes (pp. 310-313)
2. Approve Department of Public Works – Cemetery Maintenance audit and lift confidentiality requirement to allow Tribal Members to view the audit (pp. 314-331)
3. Approve Card Games and Poker Rules of Play audit and lift confidentiality requirement to allow Tribal Members to view the audit (pp. 332-360)
4. Approve Craps Rules of Play audit and lift confidentiality requirement to allow Tribal Members to view the audit (pp. 361-373)

D. UNFINISHED BUSINESS

1. Accept final close-out report regarding Print Shop – Mail Center Operation plan (pp. 374-376)
(This item is scheduled to begin at 9:00 a.m.)
Sponsor: Joanie Buckley, Division Director/Internal Services

EXCERPT FROM JULY 13, 2016: (1) Motion by Lisa Summers to accept the Oneida Printing October-May 2016 report; and to request a final close-out report be brought back in ninety (90) days which includes any final transition items and timelines, seconded by Brandon Stevens. Motion carried unanimously. (2) Motion by Lisa Summers to request the Internal Services Division Director to start including transitioning this item into their quarterly report, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM APRIL 13, 2016: Motion by Fawn Billie to accept the Print Shop – Mail Center Operational plan as information and to request an update for the July 13, 2016, regular Business Committee meeting, seconded by Melinda J. Danforth. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: No formal action was taken on this item.

EXCERPT FROM DECEMBER 9, 2015: (1) Motion by David Jordan to accept the report, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to require the next update be brought back to the March 23, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 23, 2015: Motion by Brandon Stevens to accept the update as information, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: (1) Motion by Jennifer Webster to accept this item as information, seconded by Lisa Summers. Motion carried unanimously. (2) Amendment to the main motion by Melinda J. Danforth to request the Internal Services Director bring back the assessment to the Business Committee in three (3) months, seconded by Lisa Summers. Motion carried unanimously.

2. Review report regarding request from Tribal Member's concern over depletion of Bureau of Indian Affairs – General Assistant Grant funds (Not Submitted)

Sponsors: Chris Johns, Coordinator/Self-Governance; Liz Somers, Division Director/Governmental Services

EXCERPT FROM OCTOBER 12, 2016: Motion by David Jordan to defer this item to the October 26, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM AUGUST 24 & 29, 2016: (1) Motion by Jennifer Webster to accept the request as information; and to request the Governmental Services Division and Self-Governance Director to provide a report, seconded by Lisa Summers. Motion carried unanimously. (2) Amendment to the main motion by Lisa Summers to defer this item to a Business Committee Officer's for continued monitoring and follow-up; and to request the initial report be brought back within thirty (30) days, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.

3. Review complaint # 2016-DR06-05 and determine appropriate next steps

(pp. 377-387)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by David Jordan to accept the draft memorandum; and to direct the memorandum be forwarded to the appropriate parties, seconded by Brandon Stevens. Motion carried with one with one abstention.

4. Accept update regarding complaint # 2016-DR07-01

(pp. 388-389)

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to accept the verbal update; and to request an update be brought back in two (2) weeks, seconded by Jennifer Webster. Motion carried unanimously.

5. Discuss request for job title change of Medical Director to Comprehensive Health Division Director-Medical (This item is scheduled to begin at 10:00 a.m.)

(pp. 390-393)

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM OCTOBER 12, 2016: Motion by Jennifer Webster to defer this item to the October 26, 2016, regular Business Committee in order to allow for additional information to be followed up on, seconded by Tehassi Hill. Motion carried with one unanimously.

6. Review financial update regarding release of confidential employee information (Not Submitted)

Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM OCTOBER 12, 2016: Motion by Tehassi Hill to request the Finance Department to identify cost and funds to potentially provide identity theft insurance to the thirty-eight (38) employees; and to direct that report to come back in two (2) weeks, seconded by Jennifer Webster. Motion carried with one unanimously.

a. Accept verbal update regarding concern # 2016-CC-15

(pp. 394-395)

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM SEPTEMBER 28, 2016: (1) Motion by Tehassi Hill to request the Human Resources Department to expedite their investigation regarding concern # 2016-

CC-15, seconded by Jennifer Webster. Motion carried with one abstention. **(2)** Motion by Tehassi Hill to request the Law Office to complete a legal opinion on the potential liability to the Oneida Nation for the disclosure of confidential information, seconded by Jennifer Webster. Motion carried with one abstention.

E. NEW BUSINESS

1. **Review personnel related request and determine next steps** (pp. 396-397)
(This item is scheduled to begin at 9:30 a.m.)
Sponsor: Dale Wheelock, Director/Oneida Housing Authority
2. **Approve limited waiver of sovereign immunity – Wells Fargo Merchant Services – contract # 2016-1136** (pp. 398-455)
Sponsor: Larry Barton, Chief Financial Officer
3. **Approve Attorney Retainer Agreement – contract # 2016-1084** (pp. 456-472)
Sponsor: Councilman David Jordan, Liaison Alternate/Oneida Personnel Commission

XIV. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 3:30 p.m., on Friday, October 21, 2016, pursuant to the Open Records and Open Meetings Law, section 7.17-1.

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: <https://oneida-nsn.gov/government/business-committee/agendas-packets/>

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214.