

Oneidas 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

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



UGWA DEMOLUM YATEHE
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



Business Committee Meeting Minutes-Regular
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**ONEIDA BUSINESS COMMITTEE MINUTES
REGULAR MEETING
WEDNESDAY-MAY 25, 1994
BUSINESS COMMITTEE CONFERENCE ROOM
9:00 A.M.**

Present: Julie Barton-Secretary, Kathy Hughes-Treasurer, Shirley Hill-Council Member, Deborah J. Doxtator-Chairwoman, Gary Jordan-Council Member, Ernie Stevens, Jr.-Council Member (9:05 A.M.), Loretta Metoxen-Vice-Chairwoman (9:08 A.M.)

Excused: Sandra Ninham-Council Member, Russell Metoxen-Council Member

Others Present: Samantha Greendeer, Karen Cornelius, Micheal J. Roberts, Roy A. Huff, Mary E. Kames, Ted Christjohn, Jan Malcolm, Jennifer Webster, Joan Skenandore Biddle, Mary Edna Greendeer, Arlene Elm, Attorney Gerald L. Hill, Charles L. Bannach, Robert C. Barton, Deanna Bauman, Wendell McLester, Jeff House, Jessica Kachur, Bruce Danforth, Charlene Sanders, Lee McLester, Cathy Metoxen, Ernie Stevens, Sr., Tami Hill, Chris Doxtator, Celene Elm, Pat Cornelius, Paddy Brzezinski

Prayer offered by Attorney Gerald L. Hill

I. Call to Order at 9:02 A.M. by Chairwoman Deborah J. Doxtator

Oath of Office-Oneida Nation Social Services of Southeastern Wisconsin
Kathy Hughes administered oath:

Robert C. Barton-Present
Joan Skenandore Biddle-Present
Micheal J. Roberts-Present
Charles L. Bannach-Present
Roy A. Huff-Present

Charlene Sanders-Present
Mary E. Kames-Present

II. Approval of Agenda:

1. Changes to Agenda:

- A. Defer the Housing Report until next week,
- B. Add in Executive Session: Human Resources Department: Item F. for Procedural Exception,
- C. Add under Follow-Up Reports: Item C.: Vietnam Wall,
- D. Add under Follow-Up Reports: Item D.: Howard Johnson/Oneida Inn Report,
- E. Under Requests, delete Item E. and G.,
- F. Defer Item L. to Executive Session,
- G. Item M. will be dealt with in the ORCOA report,
- H. Add travel request for Loretta Metoxen for June 5, 1994 to Albuquerque, NM re: Coalition on Education, and to Washington, D.C.

Motion by Kathy Hughes to approve the agenda of May 25, 1994 with changes. Seconded by Ernie Stevens, Jr. Motion carried unanimously.

III. New Employees: (none)

IV **Minutes to be approved:** May 11, 1994-Regular On Page 6, change to "Gary Jordan stated is developing the Oneida Small Business Council and they will have their first meeting on June 14, 1994." Minutes stand approved as corrected.

V. Tabled Business:

- A. Report from Business Manager on the Business Plan from the Business Committee meeting of May 11, 1994. Under Land Committee Minutes, #3 Modify Cattle Lease

VI. Reports:

- 1. HOTEL-1st Wednesday of the Month
APPEALS COMMISSION-(Quarterly: Jan/Apr/July/Oct) 2nd Wednesday of the Month-Janet Hill/Carol Liggins
WIGA REPORTS-2nd Wednesday of the Month-Russell Metoxen
OEI-3rd Wednesday of the Month-Gary Metoxen
HOUSING-4th Wednesday of the Month-Dale Wheelock
ORCOA-4th Wednesday of the Month-Lee McLester-ATTACHED

Lee McLester made request for Special General Tribal Council Meeting for presentation of the Community Based Residential Facility and requested the creation of an elderly

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department as well as bingo pass requests for the Senior Center.

The Business Committee recommends that the Community Based Residential Facility presentation be Item #2. at the July 11, 1994, General Tribal Council meeting.

Lee McLester presented April Meeting minutes and noted that the footnote for follow-up is not correct.

The Business Committee questioned rationale in regards to the bingo pass request for 500 passes. Lee McLester explained that the 500 passes would be utilized for different functions.

Mary Edna Greendeer explained that it would be used for the community members and that the other 100 passes were for the other elderly guests who were coming to Oneida.

Loretta Metoxen suggested that the ORCOA minutes should be corrected before they come to the Business Committee and that Roberta Kinzhuma should be present.

Lee McLester suggested that the Business Committee mandate David Webster to attend the Business Committee meetings.

Discussion on availability of meeting space at the hotel.

Julie Barton noted that there is an issue in getting a quorum for the meeting and proper notice for the time of the meeting.

Wendell McLester explained timeframe with construction/time of the year and need for space for meetings.

Motion by Kathy Hughes to accept the ORCOA report. Seconded by Shirley Hill. Motion carried unanimously.

Motion Kathy Hughes to approve the request for a Special General Tribal Council Meeting to present the Community Based Residential Facility package on June 13, 1994, at 3:00 P.M. Seconded by Shirley Hill. Motion carried unanimously.

Motion by Kathy Hughes to direct the General Manager to give a report on the development of an elderly department for the Tribe within thirty (30) days. Seconded by Ernie Stevens, Jr. Motion carried unanimously.

Ernie Stevens, Jr. noted that he will schedule tentative report on Per Capita for June 6, 1994.

Motion by Shirley Hill to approve 100 Bingo passes. Motioner withdraws motion.

Action for bingo passes will be deferred later into the agenda.

Discussion on veterans concerns.

2. **Human Resources Department**
 - A. Employee Recognition: Shirley Hill presented an Employee Recognition Certificate of appreciation to Jennifer Webster-Travel Coordinator. Jennifer graduated on May 10, 1994, from the Associated Institute of Travel as a Travel Agent.
 - B. Approval Requested for:
 - C. Hiring Information: FOR INFORMATION ONLY...
 - D. Transfers/Promotion/Reassignments
 - E. Limited Term Employees (Submitted for Information Only)
 - F. Human Resources Department Request for Industrial Hygienist

Motion by Shirley Hill to approve request by the Human Resources Department for Industrial Hygienist in the Environmental Department to hire who is an enrolled Tribal Member. Seconded by Kathy Hughes. Motion carried unanimously.

3. **Travel Reports-None this Week**
4. **Follow-Up Reports/BC Directives from Previous Meetings**
 - A. Training Plan for Lobbyists from the Broydricks and Bill Gollnick (originated from the 2/18/94 meeting).

Motion by Kathy Hughes to defer the Training Plan for Lobbyists from the Broydricks and Bill Gollnick follow-up report for thirty (30) days. Seconded by Ernie Stevens, Jr. Motion carried unanimously.

B Report from Attorney Gerald L. Hill re Randy M. Cain Custom Homes

Attorney Gerald L. Hill disbursed memo/reply to Randy M. Cain in response and explained situation.

Attorney Gerald L. Hill noted that the offer/demand by Randy M. Cain made to the Oneida Tribe was poor and not acceptable. Attorney Gerald L. Hill is proposing permission to consult with Randy Cain's attorney for reasonable settlement.

Loretta Metoxen suggested that the Business Committee send a letter to decline demand and if a suit is filed, that would be the appropriate time to discuss how to proceed.

Motion by Kathy Hughes to accept the recommendation by Attorney Gerald L. Hill and authorize the letter to be sent out. Seconded by Ernie Stevens, Jr. Shirley Hill Opposed. Abstained by Gary Jordan. Motion carried.

FOR THE RECORD: Shirley Hill stated that she opposed the motion because the plight and the cause to pursue will be greater than the value of the vehicle.

C. Vietnam Wall Presentation (addition)-Ted Christjohn, Jan Malcolm

Loretta Metoxen suggested the Oneida Veterans Group work with the town of Oneida regarding speed limits as there will be many pedestrians present.

Ted Christjohn presented a draft of the daily ceremonies.

Jan Malcolm presented and explained computer access of locating names on The Wall

The Communications Department will administer tour for the visiting dignitaries.

Motion by Julie Barton to approve report on the Vietnam Wall Presentation. Seconded by Shirley Hill. Motion carried unanimously.

D. Howard Johnson/Oneida Inn Report (Addition)

Loretta Metoxen explained options for Oneida Inn: Consultants/Contracts; amounts for payment of services need to be negotiated.

Motion by Kathy Hughes to approve the business plan for the Oneida Inn and accept recommendation for Option 2. for accounting services with select portions of services be contracted from Option 3. Seconded by Ernie Stevens, Jr.

Discussion:

Neil Cornelius noted that the business plan outlines a training plan for Oneidas for three years.

Julie Barton noted that there is a possibility that the Tribe can request other bids with other management companies and that she opposes the plan to enable outside management to continue the Tribes services without exploring other options.

Pat Cornelius noted that this enterprise should not be exempt from the development process (three bid process).

Ernie Stevens, Sr. noted that this development will have to go through the 12-Step development process but the renovation needs to begin now. Negotiating Management services/fees should be done by the Economic Development Department.

Loretta Metoxen suggests to approve budget for renovation and defer action on the management area of development.

Motion by Kathy Hughes to amend motion that in Option 3, the appointment/development of the management firm go through the normal bidding process and also to include training of Management. Secunder agrees. Gary Jordan opposed. Motion carried.

(Second Amendment) Motion by Shirley Hill for the management portion of the planning process to be negotiated through the 12-Step Process. Seconded by Kathy Hughes. Gary Jordan opposed. Motion carried.

Gary Jordan noted that he will oppose because the Tribe should use their own people in the initial management development.

Loretta Metoxen noted that if tribe owns property, then the tribe needs to develop a lease agreement.

5 **LOC Meeting Minutes**

- A. LOC Meeting Minutes of May 12, 1994
1. FOR APPROVAL: Clean Air Policy

CLEAN AIR POLICY

Article I. Purpose and Policy

§1-1. *Purpose. It is the purpose of this Clean Air Policy to provide a healthy working and learning environment within buildings owned and operated by the Oneida Tribe of Indians.*

§1-2. *Policy. The Oneida Tribe of Indians is committed to health and wellness in all forms. There is long standing evidence that smoking is harmful to oneself and that second-hand smoke is harmful to others. In an effort to provide a healthy environment for children, employees, and visitors, smoking will be restricted as described within this policy.*

§1-3. *This policy will be reviewed on an annual basis by the Compliance Office of the Oneida Tribe of Indians of Wisconsin. Amendments to be approved by the Oneida Business Committee or Oneida General Tribal Council and posted for fifteen (15) days prior to implementation.*

Article II. Definitions

§2-1. *"Indoor" means within the exterior walls of any building that is enclosed. Indoor also includes a structure that is not fully enclosed, but has limited ventilation.*

§2-2. *"Offices" means any room in which one or more persons meet to complete assigned tasks. Not necessarily a separate room, this includes cubicles, desks, tables, and all other like areas.*

§2-3. *"Building or Structure" means a structure that is permanent or semi-permanent in nature where the occupants are sheltered from the elements.*

§2-4. "Main entrance" means the front entrance to any building, or any entrance designated by the building manager of Tribal Engineer to be the entrance a majority of the employees and public use to access the building.

§2-5. "Sufficient ventilation" means that amount of ventilation needed to clear smoke from the environment such that it promotes a reasonable minimum health hazard as designated by the Oneida Environmental Offices.

Article III. Regulation of Smoking

§3-1. (a) *Except as provided in §3-2, no person may smoke in the following places:*

- (1) *Public conveyances, including, but not limited to, police vehicles, buses, and any other vehicle owned or operated by the Oneida Tribe of Indians of Wisconsin.*
- (2) *Educational Facilities.*
- (3) *Inpatient health care facilities, provided that state licensing requirements are not violated by any prohibition.*
- (4) *Indoor movie theaters.*
- (5) *Offices.*
- (6) *Passenger or freight elevators.*
- (7) *Retail Establishments.*
- (8) *Public waiting rooms.*
- (9) *Within thirty (30) feet of any building or structure.*
- (10) *Any enclosed, indoor area of a building or structure owned or operated by the Oneida Nation of Wisconsin, unless an exception is granted under §3-2 or a permit is granted by the Oneida Business Committee for a specific period or yearly exception.*

§3-2. *Exceptions.*

(a) *There shall be an exception for specific cultural uses for the reasonable burning of tobacco, sage, cedar, and sweetgrass. Employees working in the vicinity of this cultural use must be notified prior to use.*

(b) *Specifically excepted from this Clean Air Policy are*

- (i) *Irene Moore Activity Center, the New Casino Building, and all One-Stop Outlets.*
- (ii) *Provided that smoking and non-smoking employee break rooms are provided for which are well ventilated.*

Provided that:

1. *Employees shall not smoke while in working in these buildings other than in the provided break room, and*
2. *Sufficient ventilation throughout the entire building is available to minimize smoke.*

(c) *The Oneida Business Committee may grant an exception under this policy to applicants who provide the following information:*

- (1) *The size of the area the exception is requested for,*
- (2) *The reason a exception is required, and*
- (3) *How long the exception is needed.*

Provided however, that no exception may be granted for longer than one (1) year, and that non smoking employees are not subjected to smoke from those excepted areas during the normal course of their business in that building or structure. Provided further that an exception is granted only after Public Hearing in which affected parties are notified. Provided further, that no exception will be granted for smoking areas inside any Oneida Tribal School building.

(d) *All buildings shall construct a shelter, consistent with the building style and landscaped, to provide a smoking facility for employees who smoke, provided that such shelter is thirty (30) feet from any building and there are employees that actively smoke employed within the building. Provided that, buildings that do not have smoking employees are not required to build shelters for future smoking employees.*

§3-3. *Posting and Notices*

- (a) All buildings and structures shall be posted "Non-Smoking" on entrances, hallways, rest room facilities, and other public areas.
- (b) Signs shall be large enough that it can be viewed and read thirty (30) feet from the building.
- (c) All buildings shall maintain receptacles for disposing of smoking materials at least thirty (30) feet from the main entrances of any building.

§3-4. Penalties.

- (a) Failure to obey this policy may result in:
 - (i) Fine of not more than ten dollars (\$10), or
 - (ii) in the case of a tribal employee -
 - (A) reprimand appearing in employee file for first time violation,
 - (B) suspension without pay for one week for second violation,
 - (C) termination for any violation thereafter.
- (b) Any building manager or designated agent of the Oneida Business Committee may file for injunctive relief against any person repeatedly or wilfully violating this policy with the Oneida Appeals Commission under §I(C) of R 5-20-90 and R 8-19-91-A.
- (c) Any director, supervisor, manager, administrative personnel and their assistants are authorized to issue fines under this policy.
- (d) Fines shall be paid at the Compliance Office.

**Motion by Julie Barton to approve the Clean Air Policy. Seconded by Gary Jordan.
Motion carried unanimously.**

Motion by Kathy Hughes to amend the original motion to delay the implementation of Article III. §3-1. a. (9): "Within thirty (30) feet of any building or structure." until an alternative building can be provided; this will not include any educational facility where minors are present. Seconded by Julie Barton. Motion carried unanimously.

Discussion on tobacco industry, smoking in casino, current smoking problems, shelters built prior to enactment of policy, mechanical problems with ventilation and rights of adults who choose to smoke.

2. FOR APPROVAL: Independent Contractor Policy

INDEPENDENT CONTRACTOR POLICY

Article I. Policy and Purpose

§1-1. Policy

- (1) It is the policy of the Oneida Nation of Wisconsin to utilize Native American and other minority businesses to complete work that the Nation is unable to complete through use of its own employees. All Programs, Enterprises, and government agencies are encouraged to seek within their own employees those with expertise in any matter before going to Independent Contractors.
- (2) It is further the policy of the Oneida Nation that the following order of preference be used in the selection of Independent Contractors:
 - (a) Oneida Members
 - (b) Spouses of Oneida Tribal Members

- (c) Other Native/American Indians
- (d) Other of Minority Status
- (e) All others.

(3) It is further the policy of the Oneida Nation that Independent Contractors train qualified and available Oneida Members or provide training manuals regarding the work that the Independent Contractors are being hired to complete, as may be deemed appropriate by the Oneida Nation.

§1-2. Purpose

The purpose of this Independent Contractor Contract Policy is to regulate the hiring of persons to complete work in order to minimize the costs of Independent Contractors.

- (1) All departments, programs, enterprises and other agencies of the Oneida Nation of Wisconsin must use the contracts created under this Policy.
- (2) No employee shall be hired as Independent Contractor, this shall include tribal officers, and members of Boards, Committees and Commissions.

Article II. Adoption, Amending, Repeal

§2-1. This Policy has been adopted by the Oneida Business Committee.

§2-2. Amendment to this Policy shall be exclusively by the Oneida Business Committee or the Oneida General Tribal Council.

§2-3. All regulations, policies, ordinances, and laws regarding Independent Contractors, Consultants, and all others working for the Oneida Nation of Wisconsin in like manner are hereby repealed and are hereby superseded.

§2-4. This policy does not apply to construction contracts. Construction contracts means those contracts issued to build or remodel structures and includes sub-contracts entered into for any portion of a construction contract.

Article III. Form of Contract

§3-1. All contracts with the Oneida Nation of Wisconsin should be in the format set out herein (obtainable from the Oneida Print Shop).

INDEPENDENT CONTRACTOR CONTRACT

An agreement by and between the Oneida Nation of Wisconsin, whose mailing address is P.O. Box 365, Oneida, Wisconsin, 54155, hereinafter referred to as the "Nation", and

Name: _____

Address: _____

Federal ID Number: _____ (Or Social Security Number for self employed)

Vendor Number: _____

Vendor Permit Number: _____

hereinafter referred to as Independent Contractor pursuant to the following conditions and covenants:

A. There shall be the following services and deliverables:

- Attachment A
- Listed herein.

B. Results from services rendered under this contract, and deliverables, are the property of the Oneida Tribe of Indians of Wisconsin and must be tendered for payment, further no information resulting from this agreement or made accessible to the contractor may be communicated to any third party for any purpose without the express written permission of the Nation.

C. The length of this contract is from the ____ day of _____, 19__ to the ____ day of _____, 19__.

D. The terms of this contract shall be effective with the signing of both parties and shall conclude with satisfactory completion of the proposed services and/or deliverables. No work may be commenced under this contract until all

parties have signed and appropriate approvals have been obtained.

E. Satisfactory completion of this contract shall be subject to the approval of _____.

F. The Oneida Nation agrees to pay the following for the acceptable completed work of the Independent Contractor upon submission of an invoice along with any deliverables as listed below (payment of this contract does not include lodging, food, beverages, office rental, equipment rental, or supplies. Further, this contract does not cover travel costs or transportation costs):

Attachment B Listed herein.

G. The Independent Contractor shall be responsible for all withholding and any other employment taxes due to any taxing authority.

H. The Independent Contractor shall be responsible for any injuries incurred during this agreement.

I. This agreement may not be assigned by either party for any reasons. Provided however, that this does not bar the Independent Contractor from sub-contracting any or all work under this contract, further provided, that Section B, above, shall be applicable to any sub-contractor.

J. This agreement may be terminated upon reasonable advance written notice by either party. In the event of termination, no payment of services shall be rendered, provided however, payment for deliverables shall be made upon approval of person listed in (D).

K. Consultant has signed the Conflict of Interest form and certifies that there are no known conflicts that would interfere with this contract. A conflict arising after this contract is signed shall be made known to the person listed in (D). A conflict arising after the signing of this contract will allow the Oneida Business Committee to terminate this contract immediately, or as may be deemed reasonably appropriate by the Nation.

By signing below I agree to all terms of this contract, subject to the approval of the Oneida Business Committee. (Independent Contractor signature and date)

(Supervisor, employer, person signing the contract on behalf of the Oneida Nation of Wisconsin and date)

§3-2. (a) *The sections of the contract may be as follows, excepting those that specifically state otherwise:*

(1) *Opening clause. This clause describes the parties and how they will be addressed in the contract. This information shall be in every contract.*

(2) *Section A. This section contains the description of the services and deliverables to be rendered by the Independent Contractor. The description of the services and deliverables shall contain a time line and a description of the specific services or deliverables either listed in the contract provided or as an attachment. A service is an action performed by the contractor and must be adequately described as to the actions that will be taken and final result of the actions taken. A deliverable is an object with specified content and format and must be adequately described as to final content.*

(3) *Section B. This section makes all results of this contract the property of the Tribe and may not be changed.*

(4) *Section C. This section describes the length of the contract. An Independent Contractor may not be required to be at a designated office or keep designated office hours during the length of the contract.*

(5) *Section D. This section of the contract states when the effective dates of the contract begins and ends. It means that the contract is binding upon the parties, even though it may not begin until some time after signing.*

(6) *Section E. This section requires that a person be named who shall accept deliverables and be apprised of completion of services. This person is responsible for, but not limited to:*

- (a) verifying that the contract has been completed,*
- (b) requesting extensions of the contract,*
- (c) requesting modifications to the payment amount or schedule, and*
- (d) terminating the contract.*

This section shall not be changed.

(7) *Section F. This section shall list how payments shall be made under this contract. If multiple*

deliverables are made, then each payment should be made with the receipt of deliverables. Payment may not be made in advance. Each request for payment should have an invoice and a letter stating completion of services or deliverables is satisfactory. Notice or need for an invoice for any payment must be in the contract, further, no alcohol or other beverages, food, personal items, travel, or room rental may be paid under this contract.

(8) *Section G. This section places the tax reporting burden on the Independent Contractor and may not be changed.*

(9) *Section H. This section places liability for injuries occurring as a result of this contract on the Independent Contractor. This section may not be changed.*

(10) *Section I. This section allows the Independent Contractor to sub-contract the services and deliverables, but does not allow this contract to be assigned in any way. This section may not be changed.*

(11) *Section J. This section states when and how notice of termination of the contract may be made.*

(12) *Section K. The Conflict of Interest form must be signed and attached. The words of this section may not be changed.*

(13) *Ending clause. This clause binds the Nation and the Independent Contractor.*

§3-3. *Attachments. All parts of the contract must be filled in. If the space in the form contract is not sufficient, then that section should be labeled as "Attachment" and the section that it is the attachment for.*

(1) *Some sections will always have an attachment. An example is Section A. This section should contain a time flow chart on how and when the services or deliverables will be completed.*

§3-4. *All persons making contracts on behalf of the Oneida Nation of Wisconsin shall to be subject to background checks if the nature of the contract warrants. This background check, if found necessary, shall be completed before the contract is executed. Background checks may include, but are not limited to, verifying the security of the business, prior business dealings, or minority status verification.*

(1) *The Administrative Council may compile a list of types of contracts requiring background checks and the nature of that investigation. Provided, that the list is approved by the Oneida Business Committee and published not less than fifteen (15) days prior to when it is to be implemented or enforced.*

Article IV. Accounting Procedures

§4-1. *Accounting procedures regarding Independent Contractors shall be as described herein.*

§4-2. *All Independent Contractor contracts submitted for Purchase Order Numbers from the Oneida Purchasing Department shall have the following documents:*

(1) *Copy of the contract, and all attachments, signed by both parties. If requiring Oneida Business Committee approval, a notation in the upper right hand corner containing the date it was approved. If it does not require Oneida Business Committee approval, a notation in the upper right hand corner to that effect.*

(2) *Appropriations Request from Programs, or Purchase Requisition from Enterprises with description of payment schedule dates and amounts.*

(3) *Copy of Attorney review of contract.*

§4-3. *Any request for extension or modification of any Independent Contractor contract shall contain the following documents:*

(1) *Letter explaining the extension or modification and signed by both parties.*

(2) *Approval by party listed in Article VII, if approval was required on original contract.*

§4-4. *All requests for payment of any Independent Contractor contract shall have the following documents:*

(1) *Apron requesting full or partial payment.*

(2) *Letter stating that the Independent Contractor has satisfactorily completed the partial deliverables or services, or the full deliverables or services.*

§4-5. *The Purchasing Supervisor for the Oneida Tribe of Indians of Wisconsin may reject any contract that fails to meet the requirements set out in section 4-2(1-4) or section 4-3(1-2).*

§4-6. *The Accounts Payable Department for the Oneida Tribe of Indians of Wisconsin may reject any request for*

payment for failure to meet the requirements of section 4-4(1-2)

Article V. Oneida Tribal Secretary

§5-1. The Oneida Tribal Secretary shall receive the documents as listed within this Article V.

§5-2. The following documents shall be delivered to the Oneida Tribal Secretary's office prior to close of the business day on Friday:

- (1) Signed originals of contract and all attachments, including, but not limited to, any attachments requiring more space for description, and any disclosure statements.*
- (2) Original of Attorney review of contract.*
- (3) Statement containing the following information:*
 - (a) Deviation from Oneida Preference or use of non-employee.*
 - (b) Need for Independent Contractor.*
 - (c) Bids or proposals received, must be at least three and documentation.*
 - (d) Why there will be no training of an Oneida Member to do this work in the future, why no training manuals are to be provided so future work may be provided by Oneida Members, or what type of training or manuals will be provided.*
- (4) Summary of contract person(s) and services and or deliverables, cost, and how long the contract is to last and how training will be provided so that this can be done by Oneida Members or employees in the future. This summary is the only document placed in the Oneida Business Committee Packets according to the Paper Reduction Policy.*

Article VI. Attorney Review

§6-1. Independent Contractor contracts shall be review by the designated Tribal Attorney.

§6-2. The Attorney Review shall consist of the following:

- (1) verification that sovereign immunity has not been waived, or*
- (2) verification that Independent Contractor status has not been violated, provided however, that the contract has not been accompanied by a memorandum from the person listed in Section E of the form contract that an Independent Contractor relationship is not requested. Provided further, that if such a memorandum is attached, that the contract provides for the proper tax withholding, and*
- (3) verification that the content of the contract meets the legal needs for the protection of tribal assets, description of services, payment, and other similar items.*

§6-3. No Attorney Review is valid until all recommendations have been complied with, or notation that after a meeting with the reviewing Attorney that the recommendations do not need to be followed.

Article VII. Approval Requirements

§7-1. All contracts shall follow the below listed monetary approval requirements. These requirements do not pertain to the sign-off requirements of the Accounting Department of the Oneida Tribe of Indians of Wisconsin:

- (1) for contracts that are less than \$3000, signature by person authorized to sign contracts within the department, enterprise, division, or the like,;*
- (2) for contracts greater than \$3000 and less than \$10,000, signature by person listed in subsection 7-1(1) and approval by Administrative Council is required;*
- (3) for contracts greater than \$10,000, signature by person listed in subsection 7-1(1) and approval by Business Committee.*

Motion by Kathy Hughes to table action on Independent Contractor Policy. Seconded by Ernie Stevens, Jr. Shirley Hill and Gary Jordan opposed. Julie Barton abstained. Chair opposes motion. Motion fails.

Shirley Hill noted that she opposes motion because the policy has already gone through the correct processes for development.

Gary Jordan noted that there is a misinterpretation of terms.

Motion by Julie Barton to approve the Independent Contractor Policy. Seconded by Gary Jordan. Motion carried unanimously.

Motion by Shirley Hill that the Independent Contractor Policy go to the Administrative Council and full Business Committee for review. Seconded by Gary Jordan. Kathy Hughes and Ernie Stevens, Jr. opposed. Motion carried.

Motion by Gary Jordan to send the Independent Contractor Policy back to LOC for terminology clarification. Seconded by Ernie Stevens, Jr. Motion carried unanimously.

Loretta Metoxen noted that we need to follow the correct process for development.

3. FOR ADOPTION: Resolution and Oneida Small Business Development Center

RESOLUTION

WHEREAS, the Private Sector Initiative Program did not truly respond to the needs of the entrepreneur, and

WHEREAS, the community has not been in a financial position prior to this time to allow investment in individual members who wanted to go into business for themselves, and

WHEREAS, Tribal membership took actions to make their needs known in *GTC-6-23-93-A* and *GTC-6-30-93-B*, and

WHEREAS, the revised Overall Economic Development Plan, the Master Plan, and the Budgeting Process of the Tribe includes consideration of Oneida Small Business Development Center clients,

NOW THEREFORE BE IT RESOLVED: that the Oneida Small Business Development Center Program is implemented through the attached law, and all monies budgeted for the Private Sector Initiative be moved from that budget to the budget created for this new program, and

NOW THEREFORE BE IT FURTHER RESOLVED: that the Private Sector Initiative

Program is hereby dissolved by adoption of this Resolution, and

NOW THEREFORE BE IT FURTHER RESOLVED: that the following persons are appointed as Interim Approval Board members for 120 days, commencing 10 business days after adoption of this Resolution:

- a. Bob Niemala
- b. Betty Gould
- c. Wayne Skenandore
- d. Keven Cornelius
- e. Neil Cornelius

Provided that, all persons appointed file a Conflict of Interest Disclosure Form with the Tribal Secretary's Office within ten (10) business days of appointment. No person appointed as interim member of the Approval Board is prohibited from being appointed as a permanent member, provided that they file the appropriate applications.

NOW THEREFORE BE IT FINALLY RESOLVED: that there shall be Interim Co-Directors of this program, Pat Misikin and Jim Driving Hawk, who will develop a job description for the Program Director's position and any necessary staff, without delay. Provided that, alternative, permanent, solutions may also be pursued.

Shirley explained intent of resolution.

Motion by Shirley Hill to adopt Resolution 5-25-94-A with deletion of second "Now Therefore Be It Further Resolved" and to have Gary Jordan follow-up with names of individuals to sit on Approval Board. Seconded by Kathy Hughes. Motion carried unanimously.

Motion by Kathy Hughes to amend the Oneida Small Business Development Center Regulations and Procedures with the following changes: Addendum to approve with the addition on Page 1 of 2, Article I., §1-1. delete "that are not in direct competition with tribal policies or enterprises," under the Regulations Article IV., C. insert "...according to Tribal Leasing Procedures.", in Article III. §3-1. I., put period after "New or expanding and Existing Businesses", on Article III., §3-5., retain only "The Oneida Nation will not compete with any business plan submitted.", on Article II., §2-3., change to "...promulgate procedures", on §3-1. change to "Creation of procedures.", change in Approval Board to consist of 7 members and add "Who are not employees of the Tribe". Seconded by Loretta Metoxen. Motion carried unanimously.

Daniel Hawk questioned competitive clause, noted the need for change so the Mission Statement and the Purpose Statement would be identical and also stated that he would like to add that the Oneida Tribe will not compete with other tribal businesses; a document of

covenants.

Ernie Stevens, Sr. noted that this program should be run only by the people it is intended for.

Loretta Metoxen suggested that there be definitions and criteria of what business the tribe will have.

Discussion on Mall Space at Gaming.

Ernie Stevens, Sr. noted that the director must be qualified for the position.

4. FOR ADOPTION: Resolution on Minority Business Preference Law

RESOLUTION #

WHEREAS, there is a need to adopt a policy regarding the granting of bids to Oneida Businesses, whether Tribal owned or Tribal Member owned, and

WHEREAS, there is currently being developed a Minority Business Preference Law that will take time to make it through the processes, and

WHEREAS, the Oneida Nation desires to bring the economy to the Tribe, the Tribal Membership, and to the Oneida Reservation.

NOW THEREFORE BE IT RESOLVED: That the Oneida Business Committee adopts the following policy until such time as a comprehensive Business Preference Law can be implemented, said policy to be effective ten (10) business days after adoption.

BE IT FURTHER RESOLVED: That all persons with purchasing authority are delegated the authority to accept proposals and bids made by Tribal Members, their spouses, or tribal enterprises that are within reasonable amounts of the lowest bid, but at least within the three (3) lowest bids received.

Motion by Kathy Hughes to refer the resolution regarding Interim Minority Business Preference Law back to the Legislative Operating Committee for clarification on the definition of "reasonable amounts". Seconded by Julie Barton. Motion carried unanimously.

5. FOR APPROVAL: Attorney Assignment Request

Motion by Kathy Hughes to assign to Attorney Gerald L. Hill for attorney assignment. Seconded by Gary Jordan. Motion carried unanimously.

6. FOR APPROVAL: Public Hearing Requests

Motion by Julie Barton to approve the four public hearing requests: one hearing for the Plan for Older People 1994-6, one hearing for the Proposed Plan for the Development of a Police Commission, and two hearings for the Land Acquisition Plan. Seconded by Gary Jordan. Motion carried unanimously.

6. Finance Planning and/or Finance and Appropriations Recommendations (none)

VII. New Business

1. Resolutions

WHEREAS, the Oneida Tribe of Indians has established Social Service programs to promote the stability and security of Tribal families, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin provides within these Social Services, the Oneida Indian Child Welfare Program as an effort to protect the best interests of Oneida Children everywhere.

THEREFORE BE IT RESOLVED: that the Oneida Tribe of Indians of Wisconsin hereby submit application for 1994 grant funds available under the Title II Indian Child Welfare Act grant program for the Oneida Social Services Department to provide continuing services through the Indian Child Welfare Program.

Motion by Shirley Hill to adopt resolution 5-25-94-B. Seconded by Kathy Hughes. Motion carried unanimously.

B. Arts Board Resolution

WHEREAS, the Oneida General Tribal Council has adopted the Oneida Nation Administrative Procedures Act, Resolution _____ to ensure the consistency of law and rule-making procedures, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin is committed to retain and preserve the culture of the Oneidas, and

WHEREAS, the Oneida Nation is continually constructing or renovating tribal buildings, and

WHEREAS, artwork is utilized in either sculpture, design, or matted and framed in the interior and/or exterior design of these buildings, and other medias art-related, and

THEREFORE BE IT RESOLVED: that the Oneida Business Committee direct that all tribal departments must be involved and coordinated with the Oneida Nation Art Board in any decision making regarding artwork in the design, construction or renovation of any Oneida Tribal Building.

BE IT FURTHER RESOLVED: that at least 10% of any sculpture, craftwork or matted framed artwork must be purchased from enrolled Oneida Tribal Members.

Motion by Kathy Hughes to refer the resolution on Arts Board Coordination with Tribal Construction or Renovation on any Tribal Building back to the Legislative Operating Committee. Seconded by Gary Jordan. Motion carried unanimously.

2. Bingo Pass Requests
 - A. Oneida Senior Center-500 (Roberta Kinzhuma)

Motion by Kathy Hughes to request justification from Roberta Kinzhuma on Item A: Bingo Pass Request for Oneida Senior Center (500) by June 15, 1994. Seconded by Shirley Hill. Motion carried unanimously.

- B. Senior Center-100 (Noreen Smith/Kahoombausch)
- C. Seymour Indian Parent Group-12 (Janet Hill) (Taken care of previously)

Motion by Kathy Hughes to approve Items B.:Bingo Pass Request for the Senior Center (100) and C.: Seymour Indian Parent Group (12). Seconded by Shirley Hill. Motion carried unanimously.

3. Requests
 - A. Introduction of Donsia Strong at 11:30 A.M.-Rick Hill

Rick introduced Donsia Strong who works on Domestic Policy for the White House and is involved in several Native American Issues.

Loretta Metoxen explained council and duties.

Donsia explained that she is happy to visit the Oneida Nation and has been meeting with Oneida representatives since last year. She explained further that she was indoctrinated by Bill Gollnick, works on number of Indian Issues, and ensures that agencies are in compliance with Presidents Policies. Currently, Donsia is working on Gaming, water rights, Religious Freedom, Self-Governance/Self-Determination, and the Presidents Meeting. Donsia noted that there will be a Memorandum coming out in regards to presidents acknowledgment of the

government to government relations. Donsia is in process of addressing the issue of Historic/Non-Historic Tribes noted that this issue is in need of legislative support. Donsia is also currently developing a mechanism to follow through with pledges that the President makes as well as a developing process to ensure these issues are addressed.

Discussion on treaties which enables tribe to be eligible for funding, Pension Plan status/concerns and need for rectifying, Historic/Non-Historic Tribes, Land Claims, appointment of Judge Gunther, Self-Governance, and national border crossing.

Chairwoman Deborah J. Doxtator presented gifts of a dream catcher, white corn, and a basket to Donsia Strong.

Motion by Kathy Hughes to recess until 1:30 P.M. Seconded by Shirley Hill. Motion carried unanimously.

MEETING RECESSED: 12:07 P.M.; LORETTA METOXEN

MEETING RECONVENED: 1:30 P.M.; LORETTA METOXEN

Present: Deborah J. Doxtator-Chairwoman, Loretta Metoxen-Vice-Chairwoman, Kathy Hughes-Treasurer, Julie Barton-Secretary, Gary Jordan-Council Member, Shirley Hill-Council Member, Ernie Stevens, Jr.-Council Member

Excused: Sandra Ninham-Council Member, Russell Metoxen-Council Member

Others Present: Samantha Greendeer, Karen Cornelius, Daniel Hawk, Elaine Cornelius, Patricia Farmer, Chris Doxtator

B. Resignations from Oneida Utility Commission-David Skenandore

Kathy Hughes suggested that the LOC work with the Utilities Commission to propose amendment for township representation.

Julie Barton suggested to develop an Administrative Rule to place interim board members to fill positions so that business may continue.

Motion by Kathy Hughes to approve resignations by Cecil Skenandore and David "Sonny" King from the Utilities Commission. Seconded by Shirley Hill. Motion carried unanimously.

Motion by Kathy Hughes to assign to Russell Metoxen to find two members on an interim basis to serve on Utilities Commission utilizing billings list as representatives in the service area. Seconded by Gary Jordan. Motion carried unanimously.

Motion by Kathy Hughes to direct the Legislative Operating Committee to work in coordination with the Utilities Commission to represent township of Hobart and Oneida within thirty (30) days. Seconded by Julie Barton. Motion carried unanimously.

- C. Wisconsin Review Commission-Deborah J. Doxtator

Motion by Shirley Hill to approve recommendations that Bill Gollnick, Artley Skenandore, and Gerald L. Hill work with Environmental Resource Board to make presentation at the Wisconsin Review Commission Hearing on mining companies on Saturday, June 18, 1994. Seconded by Gary Jordan. Motion carried unanimously.

- D. Pilot Study in a Native American Tribal Health Clinic-Deborah J Doxtator

Motion by Gary Jordan to refer the Pilot Study in a Native American Tribal Health Clinic to the General Manager. Seconded by Shirley Hill . Motion carried unanimously.

- E. American Indian Language and Culture Education Board-Deborah J Doxtator (deleted)
- F. Letter to Governor Thompson-Sandra Hill Metoxen

Motion by Gary Jordan to authorize sending the letter to Governor Thompson requesting his presence at the graduation ceremony for Tribal Management. Seconded by Kathy Hughes. Motion carried unanimously.

- G. Summer Salary Scale-Shirley Hill (deleted)
- H. Request from Native American Finance-Allen Doxtator

Motion by Shirley Hill to refer the request from the Native American Finance to Treasurer Kathy Hughes and to bring back a report within two weeks. Seconded by Gary Jordan. Abstained by Kathy Hughes. Motion carried.

- I. Request form Patricia Hawpetoss Brzezinski regarding the Oneida Construction Corp (two resolutions need to be adopted)

Recommendation to assign to Gary Jordan to contact persons to fill interim board.

Kathy Hughes noted that this action would not look out for the best interest of the Tribe due to profit margin.

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Patricia Brzezinski distributed Corporate Charter of Construction Corporation draft and Article X. Payments to the Oneida Tribe.

Discussion on revisions.

Motion by Loretta Metoxen to adopt Resolution 5-25-94-C regarding the Corporate Charter of Construction Corporation. Seconded by Kathy Hughes. Motion carried unanimously.

Motion by Kathy Hughes to table the second resolution until June 15, 1994. Seconded by Shirley Hill. Motion carried unanimously.

J. Land Committee Minutes of May 12, 1994-Chris Doxtator
(Certified Survey)

Motion by Shirley Hill to adopt Resolution 5-25-94-D. Seconded by Loretta Metoxen. Motion carried unanimously.

(Residential Lease to Gary Doxtator and Vicki Hering)

Motion by Kathy Hughes to approve the Residential Lease to Gary Doxtator and Vicki Hering. Seconded by Loretta Metoxen. Motion carried unanimously.

(Lease for Social Services)

Motion by Gary Jordan to approve the Lease for Social Services. Seconded by Loretta Metoxen. Motion carried unanimously.

(Application for Harriet and Juan Alicia/Residential Lease)

Motion by Kathy Hughes to approve the Application for Harriet and Juan Alicia/Residential Lease. Seconded by Julie Barton. Motion carried unanimously.

(Application for Jodi Stevens)

Motion by Loretta Metoxen to approve the Application for Jodi Stevens. Seconded by Shirley Hill. Motion carried unanimously.

(Application for Gary Adams/Residential Lease)

Motion by Kathy Hughes to approve the Application for Gary Adams/Residential Lease. Seconded by Gary Jordan. Motion carried unanimously.

(Renew Rental for Terry Smith)

Motion by Shirley Hill to approve the Renew Rental for Terry Smith. Seconded by Kathy Hughes. Motion carried unanimously.

Turtles End street name discussion.

K. TLC Loan for Approval-Fran Bagnet

Motion by Julie Barton to approve the TLC Loan for S. & L. Webster. Seconded by Loretta Metoxen. Motion carried unanimously.

L. Request from Economic Development-Sherry King (moved to Executive Session)

M. Request for General Tribal Council meeting on June 13, 1994 regarding the Community Based Residential Facility-Wendell McLester (taken care of previously)

4. Contracts

A. FOR INFORMATION: McMahon Associates-Butch Rentmeester

B. FOR INFORMATION: J.L. Schatz-Sharon Waukau

C. FOR INFORMATION: Arrow Audio-Mike Metoxen

D. FOR INFORMATION: Arrow Audio-Mike Metoxen

E. FOR INFORMATION: Arrow Audio-Mike Metoxen

F. FOR INFORMATION: Ricky Van Shelton-Mike Metoxen

G. FOR INFORMATION: Midwest Contract Operations, Inc. -Butch Rentmeester

H. FOR APPROVAL: AIG/FAIN-Mike Lokensgard

Motion by Shirley Hill to defer the AIG/FAIN contract until June 15, 1994. Seconded by Kathy Hughes. Motion carried unanimously.

I. FOR APPROVAL: Gerald A. Estes-Sharon Waukau

Motion by Loretta Metoxen to approve the Gerald A. Estes contract. Seconded by Shirley Hill. Motion carried unanimously.

5. Travel Requests:

A. Kathy Hughes: June 16, 1994, to Madison, WI re: Council on Small Veterans and Minority Business Opportunities

Motion by Shirley Hill to approve travel request for Kathy Hughes to Madison, WI, June 16, 1994 in regards to the Council on Small Veterans and Minority Business Opportunities. Seconded by Ernie Stevens, Jr. Abstained by Kathy Hughes. Motion carried.

- B. Russell Metoxen: May 26, 1994 to Wabeno, WI re: Forest County Potawatomi Tribe Celebration of New Lodging Complex (no action taken)
- C. Julie Barton: May 26, 1994 to Wabeno, WI re: Forest County Potawatomi Tribe Celebration of New Lodging Complex

Motion by Shirley Hill to approve the request for Julie Barton to Wabeno, WI, May 26, 1994 in regards to the Forest County Potawatomi Tribe Celebration of New Lodging Complex. Seconded by Kathy Hughes. Motion carried unanimously.

- D. Loretta Metoxen: June 5, 1994 to Albuquerque, NM, June 6-7, 1994 to Washington, D.C. and June 12-18, 1994, to Washington, D.C.

Motion by Ernie Stevens, Jr. to approve the travel request for Loretta Metoxen to Albuquerque, NM, and Washington, D.C., on June 5-7, 12-18, 1994. Seconded by Gary Jordan. Abstained by Loretta Metoxen and Shirley Hill. Motion carried.

6. Vacation Requests:

- A. Artley Skenandore: May 31, 1994-8 hours, June 1, 1994-8 hours, June 2, 1994-4 hours, June 3, 1994-4 hours

Motion by Loretta Metoxen to approve Vacation Request by Artley Skenandore for May 31, 1994-8 hours, June 1, 1994-8 hours, June 2, 1994-4 hours, June 3, 1994-4 hours. Seconded by Gary Jordan. Motion carried unanimously.

VIII. Other:

IX. Executive Session:

- A. Request from Margaret Danforth (Land Claims/Homeland Tour Request)

Motion by Ernie Stevens, Jr. to approve Land Claims report. Seconded by Kathy Hughes. Abstained by Loretta Metoxen and Shirley Hill. Motion carried.

Motion by Shirley Hill to have another bus allocated for the Homeland Tour on June 13-19, 1994 and that the Treasurer find allocations/money. Seconded by Ernie Stevens, Jr. Abstained by Loretta Metoxen and Kathy Hughes. Motion carried.

November trips. Seconded by Kathy Hughes. Abstained by Loretta Metoxen and Shirley Hill. Motion carried.

B. Request from Human Resources Department (Procedural Exception)

Motion by Shirley Hill to accept request for procedural exception. Seconded by Loretta Metoxen. Abstained by Ernie Stevens, Jr. Motion carried.

C. Report from Shirley Hill

Motion by Julie Barton to approve Shirley Hill's verbal report from the Incident Review Committee. Seconded by Ernie Stevens, Jr. Abstained by Shirley Hill. Motion carried.

D. Requests from Deborah J. Doxtator/Neil Cornelius

Motion by Kathy Hughes that in response to the request on April 27, 1994 for \$250,000.00 to authorize \$30,000.00 to O.E.I. Seconded by Gary Jordan. Motion carried unanimously.

E. Requests (2) from Julie Barton: General Tribal Council Agenda for the Semi-Annual Meeting

Motion by Shirley Hill to approve agenda for the General Tribal Council Agenda of July 11, 1994, as discussed with deletion of Community Based Residential Facility. Seconded by Loretta Metoxen. Motion carried unanimously.

Motion by Shirley Hill to approve transcription of tapes from the General Tribal Council Meeting of May 23, 1994; recommendation of #3. Seconded by Ernie Stevens, Jr. Motion carried unanimously.

F. Request from Sherry King

Motion by Gary Jordan to approve NeXT as a project and requested budget amount of \$25,800.00. Seconded by Kathy Hughes. Motion carried unanimously.

Motion by Gary Jordan to approve concept of Oneida Electronics for \$9,400.00. Seconded by Loretta Metoxen. Motion carried unanimously.

Loretta Metoxen noted that with the approval of budget a prototype will be sent to the San Francisco, CA, fair with the Oneida name on the product; the Communications Department should be contacted to do a press release.

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G. Madelyn Genskow Requests:

Motion by Ernie Stevens, Jr. to refer the resolutions to the LOC for impact and to authorize Julie Barton to respond to Madelyn Genskow's Memorandum. Seconded by Kathy Hughes. Motion carried unanimously.

H Request by Attorney Gerald L. Hill:

Motion by Loretta Metoxen to refer the request by Attorney Gerald L. Hill to the Legislative Operating Committee. Seconded by Ernie Stevens, Jr. Motion carried unanimously.

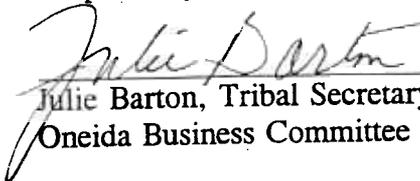
X. Recess/Adjourn

Motion by Ernie Stevens, Jr. to recess. Seconded by Kathy Hughes. Motion carried unanimously.

MEETING RECESSED: 5:07 P.M.; DEBORAH J. DOXTATOR

APPROVED AS CORRECTED ~~WRITTEN~~ 6-8-94

Respectfully Submitted,


Julie Barton, Tribal Secretary
Oneida Business Committee