



## **Oneida Business Committee**

### **Executive Session**

**9:00 a.m. Tuesday, March 8, 2016**

**Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

### **Regular Meeting**

**9:00 a.m. Wednesday, March 9, 2016**

**BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

### **Agenda**

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To get a copy of the agenda, go to: <http://oneida-nsn.gov/>

#### **I. CALL TO ORDER AND ROLL CALL**

#### **II. OPENING**

##### **A. Recognition of Amelia Cornelius for years of service to the Oneida Nation**

Sponsor: Jennifer Webster, Councilwoman

*page 12*

#### **III. ADOPT THE AGENDA**

#### **IV. OATHS OF OFFICE**

##### **A. Southeastern Oneida Tribal Services Advisory Board – Casey Houtsinger**

*page 13*

##### **B. Oneida Pow Wow Committee – William King**

*page 15*

##### **C. Oneida Nation School Board – Neset Skenandore**

*page 17*

#### **V. MINUTES**

##### **A. Approve February 24, 2016, regular meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

*page 19*

**VI. RESOLUTIONS****A. Adopt resolution titled Appointing Representative to the State of Wisconsin Special Committee on State-Tribal Relations**

page 33

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Trish King to defer the adoption of resolution titled Amending Resolution 09-24-14-H Appointing Representative to the State of Wisconsin Special Committee on State-Tribal Relations to the March 9, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried with one abstention.*

**VII. APPOINTMENTS****A. Accept recommendation and appoint Tomas Escamea to the Oneida Personnel Commission**

page 36

Sponsor: Tina Danforth, Tribal Chair

**VIII. STANDING COMMITTEES****A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

1. Approve February 17, 2016, Legislative Operating Committee meeting minutes

page 38

2. Accept Legislative Operating Committee FY '16 1<sup>st</sup> quarter report

page 42

**B. Finance Committee**

Sponsor: Tribal Treasurer Trish King, Chair

1. Approve February 29, 2016, Finance Committee meeting minutes

page 47

**C. Community Development & Planning Committee (No Requested Action)****D. Quality of Life Committee (No Requested Action)**

**IX. GENERAL TRIBAL COUNCIL**

- A. Accept legal analysis regarding Petitioner Nancy Barton: Emergency food pantry** page 54  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to accept the verbal update from Chief Counsel and Chief Finance Officer on the status of the analyses and the item be deferred for sixty (60) days, seconded by Brandon Stevens. Motion carried unanimously.*  
*EXCERPT FROM JANUARY 13, 2016: Motion by Lisa Summers to accept the legislative analysis, seconded by David Jordan. Motion carried unanimously.*  
*EXCERPT FROM DECEMBER 23, 2015: Motion by Jennifer Webster to accept the progress report as information and to defer the legal and financial analyses to the February 24, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*  
*EXCERPT FROM OCTOBER 28, 2015: Motion by David Jordan to accept the verified petition submitted by Nancy Barton: To open an Emergency Food Pantry; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Fawn Billie. Motion carried unanimously.*
- B. Accept petition submitted by Yvonne Metivier regarding per capita FY '17 through FY '21** page 65  
 Sponsor: Lisa Summers, Tribal Secretary
- C. Accept petition submitted by Michael Debraska regarding establishing a Health Care Board** page 76  
 Sponsor: Lisa Summers, Tribal Secretary
- D. Forward the Oneida Higher Education Scholarship (Law) to the General Tribal Council for consideration** page 86  
 Sponsor: Brandon Stevens, Councilman
- E. Approve meeting materials for the April 11, 2016, special General Tribal Council meeting** page 130  
 Sponsor: Lisa Summers, Tribal Secretary

**X. STANDING ITEMS**

- A. Accept update regarding Work Plan for CIP # 14-002 Cemetery Improvements** page 131  
 Sponsor: Troy Parr, Assistant Division Director/Development
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Brandon Stevens to defer the update regarding Work Plan for CIP # 14-002 Cemetery Improvements to the March 9, 2016, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously.*

**XI. UNFINISHED BUSINESS**

- A. Approve request to reschedule March 23, 2016, regular Business Committee meeting date to March 30, 2016, with Executive Session discussion to be held on March 29, 2016** page 135  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- B. Approve request to reschedule April 26, 2016, Executive Session meeting date to April 25, 2016** page 138  
 Sponsor: Kaylynn Gresham, Director/Emergency Management
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- C. Approve request to post three (3) vacancies on the Oneida Arts Board** page 142  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

**XII. TABLED BUSINESS (No Requested Action)****XIII. NEW BUSINESS**

- A. Approve activation of \$63,000 from approved FY 2016 CIP Budget for CIP # 14-002 Cemetery Improvements** page 144  
 Sponsor: Troy Parr, Assistant Division Director/Development Division
- B. Accept presentation regarding Oneida Sacred Burial Grounds per GTC Directive** page 149  
 Sponsor: Brandon Stevens, Councilman
- C. Approve activation of \$395,000 from approved FY 2016 CIP Budget for CIP # 13-002 One Stop Replacement** page 153  
 Sponsor: Troy Parr, Assistant Division Director/Development Division
- D. Approve limited waiver of sovereign immunity – Brown County-Aging & Disability Resource Center – contract # 2016-0031** page 157  
 Sponsor: Don White, Division Director/Governmental Services Division
- E. Accept Operation plan from Language Department for language implementation as information** page 174  
 Sponsor: Don White, Division Director/Governmental Services Division
- F. Approve Chair or Vice-Chair to sign SBA Form 1010 regarding Mission Support Services' Annual Report to the Small Business Administration** page 184  
 Liaison: Tehassi Hill, Councilman

- G. Approve Chair or Vice-Chair to sign SBA Form 1010 regarding Sustainment & Restoration Services' Annual Report to the Small Business Administration** *page 192*  
Liaison: Tehassi Hill, Councilman
- H. Approve Chair or Vice-Chair to sign SBA Form 1010 regarding Oneida Total Integrated Enterprises, LLC's Annual Report to the Small Business Administration** *page 200*  
Liaison: Tehassi Hill, Councilman
- I. Enter e-poll results into the record for message approval regarding the implementation of the Constitutional Amendments for the February 20, 2016 General Tribal Council meeting** *page 208*  
Sponsor: Lisa Summers, Tribal Secretary
- J. Enter e-poll results into the record for approval of request to reschedule March 23, 2016, regular Business Committee meeting date to March 30, 2016, with Executive Session discussion to be held on March 29, 2016** *page 214*  
Sponsor: Lisa Summers, Tribal Secretary
- K. Enter e-poll results into the record for memo approval regarding Direct Reports allowing staff to attend Employment Law Information meetings** *page 218*  
Sponsor: Lisa Summers, Tribal Secretary

**XIV. TRAVEL**

**A. TRAVEL REPORTS *(No Requested Action)***

**B. TRAVEL REQUESTS**

- 1. Approve travel request – Councilman Tehassi Hill – 2016 Tribal Environmental Program Management Conference – Chicago, IL – April 6-7, 2016** *page 223*

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

1. **Accept Emergency Management FY '16 1<sup>st</sup> quarter report** *(1:30 p.m. – 1:40 p.m.)* page 233  
Sponsor: Kaylynn Gresham, Director/Emergency Management Department
2. **Accept Self-Governance FY '16 1<sup>st</sup> quarter report** *(1:40 p.m. – 1:50 p.m.)* page 238  
Sponsor: Chris Johns, Coordinator/Self-Governance Department
3. **Accept Ombudsman FY '16 1<sup>st</sup> quarter report** *(1:50 p.m. – 2:00 p.m.)* page 247  
Sponsor: Dianne McLester Heim, Ombudsman

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the Ombudsman FY '16 1<sup>st</sup> quarter report to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

**B. CORPORATE REPORTS**

1. **Defer Bay Bancorporation Inc. FY '16 1<sup>st</sup> quarter report to the March 30, 2016, regular Business Committee meeting** page 254  
President: Jeff Bowman  
Liaison: Tina Danforth, Tribal Chairwoman
2. **Accept Oneida Seven Generations Corporation FY '16 1<sup>st</sup> quarter report** page 256  
Agent: Pete King III *(2:00 p.m. – 2:20 p.m.)*  
Liaison: Tina Danforth, Tribal Chairwoman
3. **Accept Oneida Golf Enterprise FY '16 1<sup>st</sup> quarter report** page 260  
Agent: Janice Skenandore Hirth *(2:20 p.m. – 2:40 p.m.)*  
Liaison: Trish King, Tribal Treasurer
4. **Accept Oneida Airport Hotel Corporation FY '16 1<sup>st</sup> quarter report** page 266  
President: Janice Skenandore Hirth *(2:40 p.m. – 3:00 p.m.)*  
Liaison: Trish King, Tribal Treasurer
5. **Accept Oneida Total Integrated Enterprise FY '16 1<sup>st</sup> quarter report** page 272  
Chair: Butch Rentmeester *(3:00 p.m. – 3:20 p.m.)*  
Liaison: Tehassi Hill, Councilman
6. **Accept Oneida Engineering Science & Construction, LLC FY '16 1<sup>st</sup> quarter report** page 292  
Chair: Jacquelyn Zalim *(3:20 p.m. – 3:40 p.m.)*  
Liaison: Tehassi Hill, Councilman

**C. BOARDS, COMMITTEES, AND COMMISSIONS**

**1. Accept Land Claims Commission FY '16 1<sup>st</sup> quarter report**

page 300

Vice-Chair: Loretta Metoxen

**(3:40 p.m. – 3:50 p.m.)**

Liaison: Brandon Stevens, Councilman

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the Land Claims Commission FY '16 1<sup>st</sup> quarter report to the March 9, 2016, regular Business Committee meeting and to request the Liaison to contact them and ask for a representative to be present, seconded by Brandon Stevens. Motion carried unanimously.*

**2. Accept Oneida Library Board FY '16 1<sup>st</sup> quarter report**

page 302

Vice-Chair: Roxanne Anderson

**(3:50 p.m. – 4:00 p.m.)**

Liaison: Fawn Billie, Councilwoman

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Fawn Billie to defer the Oneida Library Board FY '16 1<sup>st</sup> quarter report, seconded by Trish King. Motion carried unanimously. Motion by Fawn Billie to halt the Oneida Library Board stipends until the FY '16 1<sup>st</sup> quarter report is received, seconded by Lisa Summers. Motion carried unanimously.*

**XVI. EXECUTIVE SESSION****A. REPORTS**

1. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director/ Intergovernmental Affairs & Communications page 306  
  
*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
2. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel page 323  
  
*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
3. **Accept Chief Financial Officer report** – Larry Barton, Chief Financial Officer page 325  
  
*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
4. **Defer Bay Bancorporation Inc. FY '16 1<sup>st</sup> quarter report to the March 30, 2016, regular Business Committee meeting** page 332  
President: Jeff Bowman  
Liaison: Tina Danforth, Tribal Chairwoman
5. **Accept Oneida Seven Generations Corporation FY '16 1<sup>st</sup> quarter report** page 334  
Agent: Pete King III (9:00 a.m. – 10:00 a.m.)  
Liaison: Tina Danforth, Tribal Chairwoman
6. **Accept Oneida Golf Enterprise FY '16 1<sup>st</sup> quarter report** page 348  
Agent: Janice Skenandore Hirth (10:00 a.m. – 10:30 a.m.)  
Liaison: Trish King, Tribal Treasurer
7. **Accept Oneida Airport Hotel Corporation FY '16 1<sup>st</sup> quarter report** page 358  
President: Janice Skenandore Hirth (10:30 a.m. – 11:00 a.m.)  
Liaison: Trish King, Tribal Treasurer
8. **Accept Oneida Total Integrated Enterprise FY '16 1<sup>st</sup> quarter report** page 399  
Chair: Butch Rentmeester (11:00 a.m. – 11:30 a.m.)  
Liaison: Tehassi Hill, Councilman
9. **Accept Oneida Engineering Science & Construction, LLC FY '16 1<sup>st</sup> quarter report** page 407  
Chair: Jacquelyn Zalim (11:30 a.m. – 12:00 p.m.)  
Liaison: Tehassi Hill, Councilman

**B. STANDING ITEMS****1. Land Claims Strategy (No Requested Action)****2. Oneida Golf Enterprise – Ladies Professional Golf Association**

page 412

Liaison: Trish King, Tribal Treasurer

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

**C. AUDIT COMMITTEE**

Sponsor: Councilman Tehassi Hill, Chair

**1. Accept January 14, 2016, Audit Committee meeting minutes**

page 416

**D. UNFINISHED BUSINESS****1. Accept update regarding Native Diversification Network–Procurement Technical Assistance Center donation request and delete from agenda**

page 419

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

*EXCERPT FROM DECEMBER 23, 2015: Motion by Jennifer Webster to defer this item to the February 24, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 25, 2015: (1) Motion by Lisa Summers to accept the request for support and to defer item to the Finance Committee to review the request; to identify funding source; and to bring back a final recommendation for the December 23, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to defer this item to a four (4) member Business Committee team to work with the presenters on other opportunities NDN-PTAC may be able to provide for the Tribe, seconded by Jennifer Webster. Motion carried unanimously.*

**2. Defer update regarding complaint # 2015-DR11-01**

page 422

Sponsor: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

*EXCERPT FROM DECEMBER 9, 2015: Motion by Lisa Summers to accept complaint # 2015-DR11-01 and to defer item to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Jennifer Webster. Motion carried unanimously.*

*EXCERPT FROM DECEMBER 9, 2015: Motion by Lisa Summers to accept complaint # 2015-DR11-01 and to defer item to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Jennifer Webster. Motion carried unanimously.*

- 3. Defer update regarding complaint # 2015-DR11-02** page 424  
 Sponsor: Tina Danforth, Tribal Chairwoman
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- EXCERPT FROM DECEMBER 9, 2015: Motion by Lisa Summers to accept complaint # 2015-DR11-02 and to defer item to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Fawn Billie. Motion carried unanimously.*
- 4. Defer update regarding complaint # 2015-DR14-01** page 426  
 Sponsor: Tina Danforth, Tribal Chairwoman
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- EXCERPT FROM DECEMBER 9, 2015: Motion by David Jordan to defer complaint # 2015-DR14-01 to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Lisa Summers. Motion carried unanimously.*
- 5. Approve next steps and timeline for filling Assistant Development Division Director position** page 428  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- 6. Authorize release of executive session documents to the Land Claims Commission** page 433  
 Sponsor: Jennifer Webster, Councilwoman
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- 7. Approve two (2) actions for the special project regarding economic development** page 439  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*
- 8. Approve three (3) actions regarding Sovereign Finance – Economic Development Training Proposal** page 441  
 Sponsor: Trish King, Tribal Treasurer
- EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

**E. NEW BUSINESS**

1. **Approve forty-two (42) new enrollments and two (2) relinquishments** *page 458*  
Sponsor: Brandon Stevens, Councilman
2. **Adopt resolution titled Regarding Pardon of Judith Saldana** *page 465*  
Sponsor: Lisa Summers, Tribal Secretary
3. **Adopt resolution titled Regarding Pardon of Tammy VanDenBloomer** *page 468*  
Sponsor: Lisa Summers, Tribal Secretary
4. **Approve attorney contract # 2016-0108** *page 471*  
Liaison: Lisa Summers, Tribal Secretary
5. **Review Oneida Investment Report** *page 483*  
Sponsor: Larry Barton, Chief Financial Officer
6. **Accept updated legal opinion regarding F. Cornelius petition and move to open session** *page 486*  
Sponsor: JoAnne House, Chief Counsel
7. **Enter e-poll results into the record for regarding approval of next steps and timeline for filling Assistant Development Division Director position** *page 501*  
Sponsor: Lisa Summers, Tribal Secretary
8. **Discussion regarding concern 2016-DR13-01** *(scheduled for 1:30 p.m.) page 511*  
Sponsor: Lisa Summers, Tribal Secretary
9. **Enter e-poll results into the record for regarding approval of two (2) actions for the special project regarding economic development** *page 517*  
Sponsor: Lisa Summers, Tribal Secretary
10. **Accept community complaint # 2016-CC-01 as information and forward to the appropriate area for follow up** *page 521*  
Sponsor: Lisa Summers, Tribal Secretary

**XVII. ADJOURN**

Posted on the Tribe's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 1:30 p.m., on Saturday, March 5, 2016, pursuant to the Open Records and Open Meetings Law, section 7.17-1. For additional information, please call the Business Committee Support Office at (920) 869-4364.

The packet of the open session materials for this meeting is available to Tribal members by going on to the Members-Only section of the Tribe's official website at: [www.oneida-nsn.gov/MembersOnly](http://www.oneida-nsn.gov/MembersOnly)

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

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Casey Houtsinger to the SEOTS Board

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting was in the December 17, 2015 issue of the Kalihwisaks for (1) vacancy on the SEOTS Board for a (2) year term with the deadline of January 15, 2016. There were (2) applicants for the (1) vacancy on the SEOTS Board. The appointment was made on the February 10, 2016 BC Agenda. At the February 24, 2016 meeting Casey Houtsinger wasn't present.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to William King to the Oneida Pow Wow Committee

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Kathleen M. Metoxen, Executive Tribal Clerk

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting was in the December 17, 2015 issue of the Kalihwisaks for (1) vacancy on the Oneida Pow Wow Committee for a (3) year term with the deadline of January 15, 2016. There were (3) applicants for the (2) vacancies on the Oneida Pow Wow Committee. The appointment was made on the February 10, 2016 BC Agenda. At the February 24, 2016 meeting William King wasn't present.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   3   /   9   /  16 

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Neset Skenandore to the Oneida School Board.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Kathleen M. Metoxen, Executive Tribal Clerk

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Is being filled from the elections. Neset Skenandore wasn't present at the February 24, 2016 meeting.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve February 24, 2016, regular meeting minutes

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

**DRAFT****Oneida Business Committee****Executive Session****9:00 a.m. Tuesday, February 23, 2016****Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Regular Meeting****9:00 a.m. Wednesday, February 24, 2016****BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center****Minutes – DRAFT****EXECUTIVE SESSION****Present:** Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Brandon Stevens;**Not Present:** Council members: Tehassi Hill, David Jordan, Jennifer Webster;**Arrived at:** ;**Others present:** Jo Anne House, Larry Barton, Janice Hirth Skenandore, Josh Doxtator;**REGULAR MEETING****Present:** Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Brandon Stevens;**Not Present:** Vice-Chairwoman Melinda J. Danforth, Councilman Tehassi Hill, Councilman David Jordan, and Councilwoman Jennifer Webster;**Arrived at:** ;**Others present:** Jo Anne House, Heather Heuer, Brad Graham, Bill Graham, Nancy Barton, Steve Webster, Don White, Geraldine Danforth, Bruce Danforth, Lora Skenandore, Mitch Metoxen, Susan White, Rhiannon Metoxen, Danelle Wilson, Kathy Metoxen, Debbie Danforth, Kaylynn Gresham, Rebecca Webster, Linda Dallas, Nic Reynolds, Susan House, Susan White, Chris Johnson, Madelyn Genskow, Apache Danforth, Paula King Dessart, Margaret Danforth, Bobbi Webster, Pat Pelky, Nathan King, Debbie Melchert, Norbert Hill Jr., Cathy Metoxen, Leyne Orosco, Larry Barton, Doug McIntyre, Krystal John, Mike Debraska, Michelle Mays, Gina Buenostro, Paul Witek, Dawn Moon-Kopetsky, Cheryl Stevens, Jeff Metoxen, Laura Manthe, Janice Hirth Skenandore, Sharon Mousseau, Lisa Liggins, Sandra Reveles, Bill Vervoort, Rena Metoxen, Linda Jenkins, Ken House, Wanita Decorah, Rose Melchert, Taylor Peters, Neal Cornelius, Judi Skenandore, Floyd Hill, Amanda Thayer, Susan Torres, Marsha Danforth, Simon White, Sherrole Benton, Maureen Perkins, Jerry Cornelius, Alicia Tisch, Diana Hernandez, Emerson Reed Jr., Nathan Smith, Dylan Benton, Shanna Torres;**I. CALL TO ORDER AND ROLL CALL** by Chairwoman Tina Danforth at 9:01 a.m.

For the record:

Vice-Chairwoman Melinda J. Danforth is providing the welcome at the Wisconsin Wetlands Association Science Conference this morning at the Radisson. Councilman Tehassi Hill and Councilwoman Jennifer Webster are away on approved travel to the National Congress of American Indians Executive Winter Session in Washington D.C. Councilman David Jordan is on vacation.

**DRAFT**

**II. OPENING** by Tribal Member Leander Danforth

- A. Recognition of Sr. Staff Attorney Rebecca Webster on publication of article titled “This Land Can Sustain Us: Cooperative Land Use Planning on the Oneida Reservation” in peer-reviewed journal Planning Theory & Practice**  
Sponsor: Jo Anne House, Chief Counsel
- B. Recognition of Assistant Development Division Director Bruce Danforth’s retirement**  
Sponsor: Trish King, Tribal Treasurer

**III. ADOPT THE AGENDA (00:25:25)**

Motion by Lisa Summers to adopt the agenda as presented, seconded by Trish King. Motion carried unanimously:

Ayes:	Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
Not Present:	Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**IV. OATHS OF OFFICE** administered by Secretary Lisa Summers **(00:19:50)**

- A. Oneida Nation Veterans Affairs Committee** – James Martin, Floyd Hill, Kenneth House Sr.
- B. Southeastern Oneida Tribal Services Advisory Board** – Casey Houtsinger *(Not Present)*
- C. Oneida Library Board** – Dylan Benton
- D. Oneida Pow Wow Committee** – Heather Heuer, William King *(Not Present)*
- E. Oneida Personnel Commission** – Bradley Graham
- F. Oneida Nation School Board** – Neset Skenandore *(Not Present)*, Shanna Torres

**V. MINUTES (00:43:00)**

- A. Approve February 10, 2016, regular meeting minutes**  
Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the February 10, 2016, regular meeting minutes, seconded by Trish King. Motion carried unanimously:

Ayes:	Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
Not Present:	Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT**

**VI. RESOLUTIONS (00:43:29)**

**A. Adopt resolution titled Authorizing and Submitting a Grant Application to the State of Wisconsin/Department of Natural Resources for the 2016 Summer Tribal Youth Program Grant**

Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety Division

Motion by Lisa Summers to adopt resolution 02-24-16-A Authorizing and Submitting a Grant Application to the State of Wisconsin/Department of Natural Resources for the 2016 Summer Tribal Youth Program Grant, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**B. Adopt resolution titled Administrative Procedures Act Adoption**

Sponsor: Brandon Stevens, Councilman

Motion by Lisa Summers to adopt resolution 02-24-16-B Administrative Procedures Act Adoption, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**C. Adopt resolution titled Administrative Rulemaking Law Adoption**

Sponsor: Brandon Stevens, Councilman

Motion by Lisa Summers to adopt resolution 02-24-16-C Administrative Rulemaking Law Adoption, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**D. Adopt resolution titled Amending Resolution 09-24-14-H Appointing Representative to the State of Wisconsin Special Committee on State-Tribal Relations**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Trish King to defer the adoption of resolution titled Amending Resolution 09-24-14-H Appointing Representative to the State of Wisconsin Special Committee on State-Tribal Relations to the March 9, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Trish King, Lisa Summers  
Abstained: Brandon Stevens  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**VII. APPOINTMENTS (No Requested Action)**

**DRAFT****VIII. STANDING COMMITTEES (1:43:00)****A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

**1. Accept February 3, 2016, Legislative Operating Committee meeting minutes**

Motion by Lisa Summers to accept the February 3, 2016, Legislative Operating Committee meeting minutes, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

Motion by Lisa Summers to recess at 11:09 a.m. until 11:19 a.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

*Meeting called to order by Chairwoman Tina Danforth at 11:17 a.m.*

**B. Finance Committee**

Sponsor: Tribal Treasurer Trish King, Chair

**1. Approve February 15, 2016, Finance Committee meeting minutes**

Motion by Fawn Billie to approve the February 15, 2016, Finance Committee meeting minutes, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**C. Community Development & Planning Committee *(No Requested Action)*****D. Quality of Life Committee**

Sponsor: Councilwoman Fawn Billie, Chair

**1. Accept December 10, 2015, Quality of Life Committee meeting minutes**

Motion by Trish King to accept the December 10, 2015, Quality of Life Committee meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**IX. GENERAL TRIBAL COUNCIL (2:29:05)****A. Determine available General Tribal Council meeting date to address Petitioner Madelyn Genskow: three resolutions****1) Oneida Business Committee Accountability****2) Repeal Judiciary Law****3) Open Records and Open Meetings Law**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to schedule Petitioner Madelyn Genskow: three resolutions to a Special General Tribal Council meeting on Monday, June 13, 2016, at 6:00 p.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT****B. Accept financial analysis and determine available General Tribal Council meeting date to address Petitioner John E. Powless Jr.: Per capita payments**

Sponsor: Lisa Summers, Tribal Secretary

EXCEPRT FROM JANUARY 27, 2016: Motion by Jennifer Webster to defer the financial analysis for two (2) weeks, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM JANUARY 13, 2016: Motion by David Jordan to accept the legal analysis and to note the financial analysis is due by the January 27, 2016, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM DECEMBER 23, 2015: Motion by Lisa Summers to defer the legal and financial analyses to the January 27, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: Motion by Jennifer Webster to provide an additional sixty (60) days for the legal analysis of Petitioner John E. Powless: Per capita payments, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM AUGUST 17, 2015: Motion by David Jordan to accept the legislative analysis for the regarding per capita payments submitted by petitioner John E. Powless Jr., seconded by Trish King. Motion carried unanimously.

EXCERPT FROM AUGUST 12, 2015: Motion by Lisa Summers to adjourn at 2:06 p.m. and to direct the Tribal Secretary to coordinate Business Committee special meeting date for the remainder of this agenda, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JUNE 24, 2015: Motion by David Jordan to acknowledge receipt of the verified petition submitted by John E. Powless, Jr.; to send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for the legal, financial, legislative and administrative analyses to be completed; to direct the Law, Finance and Legislative Reference Offices to submit the analyses to the Tribal Secretary's office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's office within thirty (30) days, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Lisa Summers to accept the financial analysis and to schedule Petitioner John E. Powless Jr.: Per capita payments to a Special General Tribal Council meeting on Monday, June 13, 2016, at 6:00 p.m., seconded by Fawn Billie. Motion withdrawn.

Motion by Brandon Stevens to schedule Petitioner John E. Powless Jr.: Per capita payments to a Special General Tribal Council meeting on Monday, May 23, 2016, at 6:00 p.m., seconded by Fawn Billie. Motion carried with one opposed:

Ayes:	Fawn Billie, Trish King, Brandon Stevens
Opposed:	Lisa Summers
Not Present:	Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster
For the record:	Secretary Lisa Summers stated the reasons for my opposition are as stated earlier. It's more of the logistics and coordination.
For the record:	Councilman Brandon Stevens stated this is why the General Tribal Council Meetings Law is important and how we really process the petitions in a manner that's reflective of what the General Tribal Council wants, in the order and fashion that they want it as well. Right now, we have some outstanding ones that might jump in front of the other. There's not a finite process right now and General Tribal Council Meetings Law would help that.

Motion by Lisa Summers to accept the financial analysis, seconded by Trish King. Motion carried unanimously:

Ayes:	Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
Not Present:	Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT**

Motion by Lisa Summers to recess at 12:05 p.m. until 1:30 p.m., seconded by Fawn Billie. Motion carried unanimously:

- Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
- Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

*Meeting called to order by Chairwoman Tina Danforth at 1:34 p.m.*

*Vice-Chairwoman Melinda J. Danforth, Councilman Tehassi Hill, Councilman David Jordan, and Councilwoman Jennifer Webster not present.*

**C. Request update on anticipated completion date regarding Petitioner Nancy Barton: Emergency food pantry (5:21:25)**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM JANUARY 13, 2016: Motion by Lisa Summers to accept the legislative analysis, seconded by David Jordan. Motion carried unanimously.*

*EXCERPT FROM DECEMBER 23, 2015: Motion by Jennifer Webster to accept the progress report as information and to defer the legal and financial analyses to the February 24, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

*EXCERPT FROM OCTOBER 28, 2015: Motion by David Jordan to accept the verified petition submitted by Nancy Barton: To open an Emergency Food Pantry; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary’s Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary’s Office within thirty (30) days, seconded by Fawn Billie. Motion carried unanimously.*

Motion by Lisa Summers to accept the verbal update from Chief Counsel and Chief Finance Officer on the status of the analyses and the item be deferred for sixty (60) days, seconded by Brandon Stevens. Motion carried unanimously:

- Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
- Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

Motion by Lisa Summers to recess at 3:55 p.m. until 4:00 p.m., seconded by Brandon Stevens. Motion carried unanimously:

- Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
- Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

*Meeting called to order by Chairwoman Tina Danforth at 4:04 p.m.*

**X. STANDING ITEMS (5:46:00)**

**A. Accept update regarding Work Plan for CIP # 14-002 Cemetery Improvements**

Sponsor: Troy Parr, Assistant Division Director/Development

Motion by Brandon Stevens to defer the update regarding Work Plan for CIP # 14-002 Cemetery Improvements to the March 9, 2016, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously:

- Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
- Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT**

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**XI. UNFINISHED BUSINESS (No Requested Action)****XII. TABLED BUSINESS (No Requested Action)****XIII. NEW BUSINESS**

- A. Approve request to reschedule March 23, 2016, regular Business Committee meeting date to March 30, 2016, with Executive Session discussion to be held on March 29, 2016**  
Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

- B. Approve request to reschedule April 26, 2016, Executive Session meeting date to April 25, 2016**  
Sponsor: Kaylynn Gresham, Director/Emergency Management

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

- C. Approve request to post three (3) vacancies on the Oneida Arts Board**  
Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

- D. Acknowledge receipt of decision from the Interior Board of Indian Appeals regarding Docket No. IBIA 15-097 Madelyn Genskow v. Midwest Regional Director, Bureau of Indian Affairs (5:41:40)**  
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to acknowledge the receipt of decision from the Interior Board of Indian Appeals regarding Docket No. IBIA 15-097 Madelyn Genskow v. Midwest Regional Director, Bureau of Indian Affairs, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT**

Motion by Lisa Summers to defer this item to the constitutional amendment team in order to start implementation and that this item become a standing item on the Business Committee agenda for reports beginning with the second regular Business Committee meeting in March, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**XIV. TRAVEL****A. TRAVEL REPORTS (No Requested Action)****B. TRAVEL REQUESTS**

**1. Approve travel request – Four (4) Oneida Color Guard Veterans – 26<sup>th</sup> Annual Washington University Pow Wow – St. Louis, MO – April 8-10, 2016 (5:38:25)**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the travel request– Four (4) Oneida Color Guard Veterans – 26<sup>th</sup> Annual Washington University Pow Wow – St. Louis, MO – April 8-10, 2016, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**2. Approve travel request – Five (5) Oneida Color Guard Veterans – National Indian Gaming Association (NIGA) Annual Tradeshow and Convention – Phoenix, AZ – March 13-17, 2016**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the travel request – Five (5) Oneida Color Guard Veterans – National Indian Gaming Association (NIGA) Annual Tradeshow and Convention – Phoenix, AZ – March 13-17, 2016, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**3. Approve travel request – Secretary Lisa Summers, Councilwoman Fawn Billie, and three (3) Business Committee Staff: Jessica Wallenfang, Lisa Liggins, and Nicolas Reynolds – Public Law 280 Training – Baraboo, WI – March 8-10, 2016 (5:30:30)**

Motion by Brandon Stevens to approve the procedural exception to the Travel & Expense Policy – Secretary Lisa Summers, Councilwoman Fawn Billie, and three (3) Business Committee Staff: Jessica Wallenfang, Lisa Liggins, and Nicolas Reynolds – Public Law 280 Training – Baraboo, WI – March 8-10, 2016, seconded by Trish King. Motion carried with two abstentions:

Ayes: Trish King, Brandon Stevens  
 Abstained: Fawn Billie, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT****XV. REPORTS (3:06:00)** *(This section of the agenda is scheduled to begin at 1:30 p.m.)***A. OPERATIONAL REPORTS****1. Accept Internal Services Division FY '16 1<sup>st</sup> quarter report**

Sponsor: Joanie Buckley, Division Director/Internal Services Division

Motion by Lisa Summers to accept the Internal Services Division '16 1<sup>st</sup> quarter report, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**2. Accept Ombudsman FY '16 1<sup>st</sup> quarter report**

Sponsor: Dianne McLester Heim, Ombudsman

Motion by Lisa Summers to defer the Ombudsman FY '16 1<sup>st</sup> quarter report to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**B. CORPORATE REPORTS (No Requested Action)****C. BOARDS, COMMITTEES, AND COMMISSIONS****1. Accept Oneida Police Commission FY '16 1<sup>st</sup> quarter report**

Chair: Bernie John Stevens

Liaison: Lisa Summers, Tribal Secretary

*EXCERPT FROM FEBRUARY 10, 2016: (1) Motion by David Jordan to defer the Oneida Police Commission FY '16 1<sup>st</sup> quarter report to the February 24, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by David Jordan to suspend Oneida Police Commission stipends until the FY '16 1<sup>st</sup> quarter report is submitted, seconded by Fawn Billie. Motion carried unanimously.*

*EXCERPT FROM JANUARY 27, 2016: Motion by Jennifer Webster to defer the Oneida Police Commission FY '16 1<sup>st</sup> quarter report to the February 10, 2016, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously.*

Motion by Fawn Billie to accept the Oneida Police Commission FY '16 1<sup>st</sup> quarter report, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

Motion by Fawn Billie to request the Liaison to follow-up with the Police Commission with the inquiries for the next report, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT****2. Accept Land Claims Commission FY '16 1<sup>st</sup> quarter report**

Vice-Chair: Loretta Metoxen  
Liaison: Brandon Stevens, Councilman

Motion by Lisa Summers to defer the Land Claims Commission FY '16 1<sup>st</sup> quarter report to the March 9, 2016, regular Business Committee meeting and to request the Liaison to contact them and ask for a representative to be present, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**3. Accept Environmental Resources Board FY '16 1<sup>st</sup> quarter report**

Chair: Marlene Garvey  
Liaison: Tehassi Hill, Councilman

Motion by Lisa Summers to accept the Environmental Resources Board FY '16 1<sup>st</sup> quarter report, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**4. Accept Oneida Nation School Board FY '16 1<sup>st</sup> quarter report**

Chair: Debra Danforth  
Liaison: Fawn Billie, Councilwoman

Motion by Fawn Billie to accept the Oneida Nation School Board FY '16 1<sup>st</sup> quarter report, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**5. Accept Oneida Library Board FY '16 1<sup>st</sup> quarter report (*No Report Submitted*)**

Vice-Chair: Roxanne Anderson  
Liaison: Fawn Billie, Councilwoman

Motion by Fawn Billie to defer the Oneida Library Board FY '16 1<sup>st</sup> quarter report, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

Motion by Fawn Billie to halt the Oneida Library Board stipends until the FY '16 1<sup>st</sup> quarter report is received, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**XVI. EXECUTIVE SESSION****A. REPORTS****1. Accept Intergovernmental Affairs & Communications report – Nathan King, Director/ Intergovernmental Affairs & Communications**

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT****2. Accept Chief Counsel report – Jo Anne House, Chief Counsel**

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**3. Accept Chief Financial Officer report – Larry Barton, Chief Financial Officer**

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**B. STANDING ITEMS****1. Land Claims Strategy (*No Requested Action*)****2. Oneida Golf Enterprise – Ladies Professional Golf Association**

Liaison: Trish King, Tribal Treasurer

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**C. AUDIT COMMITTEE (*No Requested Action*)****D. UNFINISHED BUSINESS****1. Accept update regarding Native Diversification Network–Procurement Technical Assistance Center donation request and delete from agenda**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM DECEMBER 23, 2015: Motion by Jennifer Webster to defer this item to the February 24, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.*

*EXCERPT FROM NOVEMBER 25, 2015: (1) Motion by Lisa Summers to accept the request for support and to defer item to the Finance Committee to review the request; to identify funding source; and to bring back a final recommendation for the December 23, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to defer this item to a four (4) member Business Committee team to work with the presenters on other opportunities NDN-PTAC may be able to provide for the Tribe, seconded by Jennifer Webster. Motion carried unanimously.*

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
 Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT**

**2. Defer update regarding complaint # 2015-DR11-01**

Sponsor: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 9, 2015: Motion by Lisa Summers to accept complaint # 2015-DR11-01 and to defer item to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Jennifer Webster. Motion carried unanimously.*

*EXCERPT FROM DECEMBER 9, 2015: Motion by Lisa Summers to accept complaint # 2015-DR11-01 and to defer item to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Jennifer Webster. Motion carried unanimously.*

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**3. Defer update regarding complaint # 2015-DR11-02**

Sponsor: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 9, 2015: Motion by Lisa Summers to accept complaint # 2015-DR11-02 and to defer item to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Fawn Billie. Motion carried unanimously.*

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**4. Review update regarding complaint # 2015-DR14-01**

Sponsor: Tina Danforth, Tribal Chairwoman

*EXCERPT FROM DECEMBER 9, 2015: Motion by David Jordan to defer complaint # 2015-DR14-01 to Chairwoman Tina Danforth, Councilman David Jordan, and Councilman Brandon Stevens for follow-up, seconded by Lisa Summers. Motion carried unanimously.*

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**E. NEW BUSINESS**

**1. Approve next steps and timeline for filling Assistant Development Division Director position**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**DRAFT**

**2. Authorize release of executive session documents to the Land Claims Commission**

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**3. Approve two (2) actions for the special project regarding economic development**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**4. Approve three (3) actions regarding Sovereign Finance – Economic Development Training Proposal**

Sponsor: Trish King, Tribal Treasurer

Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

**XVII. ADJOURN**

Motion by Brandon Stevens to adjourn at 4:28 p.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers  
Not Present: Melinda J. Danforth, Tehassi Hill, David Jordan, Jennifer Webster

Minutes prepared by Heather Heuer, Information Management Specialist  
Minutes approved as presented/corrected on \_\_\_\_\_.

\_\_\_\_\_  
Lisa Summers, Secretary  
ONEIDA BUSINESS COMMITTEE

### Oneida Business Committee Agenda Request

EXCERPT FROM FEBRUARY 24, 2016: Motion by Trish King to defer the adoption of resolution titled Amending Resolution 09-24-14-H Appointing Representative to the State of Wisconsin Special Committee on State-Tribal Relations to the March 9, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried with one abstention.

1. Meeting Date Requested: ~~2~~ / ~~24~~ / ~~16~~ 03 / 09 / 16

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution entitled Appointing Representative to the State of WI Special Committee on State-Tribal Relations

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Lisa Liggins, Executive Assistant to Tribal Secretary  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Legislature of the State of Wisconsin has created the Special Committee on State-Tribal Relations in accordance with Wis. Stat. 13.83(3) and the committee is made up of Tribal leaders and members of the Wisconsin Legislature.

BC Resolution 09-24-14-H appointed Melinda J. Danforth, Vice Chairwoman, to sit on the Special Committee on State-Tribal Relations and she'd like to transfer her seat on this special committee to Lisa Summers, Tribal Secretary.

Lisa Summers is agreeable with this change and Intergovernmental Affairs and Communications has also been made aware.

**\*\*NEW FOR 3/9/16 BC MEETING\*\***

Per the BC's discussion at the last meeting and after consultation with Chief Counsel, the title of the resolution has been changed and an additional resolve has been added indicating this resolution supersedes resolution # BC-09-24-14-H.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Tribe of Indians of Wisconsin



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



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 made possible.

## BC Resolution # \_\_\_\_\_

### Appointing Representative to the State of Wisconsin Special Committee on State-Tribal Relations

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution; and
- WHEREAS,** the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council; and
- WHEREAS,** the Legislature of the State of Wisconsin has created the Special Committee on State-Tribal Relations in accordance with Wis. Stat. 13.83(3); and
- WHEREAS,** the committee is made up of Tribal leaders and members of the Wisconsin Legislature; and
- WHEREAS,** the Special Committee on State-Tribal Relations studies issues related to American Indians and the American Indian tribes and bands in this state and develop specific recommendations and legislative proposals relating to these issues, *Wis. Stat. 13.83(3)(a)*; and
- WHEREAS,** Resolution # BC-09-24-14-H appointed Melinda J. Danforth, Vice Chairwoman, to sit on this special committee;
- WHEREAS,** the Vice Chairwoman wishes to transfer her seat on this special committee to Lisa Summers, Secretary;

**NOW THEREFORE BE IT RESOLVED** that Resolution # BC-09-24-14-H is superseded by this resolution.

**BE IT FURTHER RESOLVED** that the Oneida Business Committee ratifies the appointment of Lisa Summers, Secretary, to sit on the Special Committee on State-Tribal Relations.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

**2. General Information:**

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

BC to approve Personnel Commission recommendation.

\*\*note: posting closed on 2/8/2016.

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

# Oneida Tribe of Indians of Wisconsin BUSINESS COMMITTEE



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



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



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 made possible.

**TO:** Oneida Business Committee  
**FROM:** Chairwoman Tina Danforth *CD*  
**DATE:** February 25, 2016  
**RE:** Oneida Personnel Commission

\*\*\*\*\*

There were 3 applicants for 1 vacancy on the Personnel Commission. The applicants were Sylvia Cornelius, Marjorie E. Stevens and Tomas G. Escamea.

The candidates are qualified to serve. In accordance with Article VI, Section 6-2 (c) of the Commission Policy Governing Boards, Committees and Commissions, I recommend Tomas Escamea to be appointed to serve on the Personnel Commission.

Thank You.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the February 17, 2016 LOC Meeting Minutes

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: \_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The purpose of this request is to ask the OBC to accept the attached February 17, 2016 LOC meeting minutes. In accordance with the LOC Bylaws, all minutes shall be submitted to the Tribal Secretary's Office within 30 calendar days after approval by the LOC [See LOC Bylaws, 4-2(a)].

Action Requested:

Accept the LOC meeting minutes of February 17, 2016.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidation.org](mailto:BC_Agenda_Requests@oneidation.org)

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

P.O. Box 365  
 Oneida, WI 54155  
 (920) 869-4376  
 (800) 236-2214  
<http://oneida-nsn.gov/LOC>



## Committee Members

Brandon Stevens, Chairperson  
 Tehassi Hill, Vice Chairperson  
 Fawn Billie, Councilmember  
 David P. Jordan, Councilmember  
 Jennifer Webster, Councilmember

## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
 February 17, 2016 9:00 a.m.

**Present:** Brandon Stevens, Fawn Billie, Tehassi Hill and Jennifer Webster.

**Excused:** David P. Jordan.

**Others Present:** Taniquelle Thurner, Krystal John, Douglass McIntyre, Maureen Perkins, Rae Skenandore, Michelle Mays, Nancy Barton, Cathy Metoxen, Mike Debraska, Bonnie Pigman, Danelle Wilson, and Mary Cornelissen.

### I. Call to Order and Approval of the Agenda

Brandon Stevens called the February 17, 2016 Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Tehassi Hill to approve the agenda; seconded by Fawn Billie. Motion carried unanimously.

### II. Minutes to be approved

#### 1. February 3, 2016 LOC Meeting Minutes

Motion by Tehassi Hill to approve the February 3, 2016 LOC meeting minutes; seconded by Fawn Billie. Motion carried unanimously.

### III. Current Business

#### 1. Administrative Procedures Act Amendments (01:02-04:24)

Motion by Tehassi Hill to forward the Administrative Procedures Act Amendments to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

#### 2. Cemetery Law Amendments (04:34-38:48)

Motion by Jennifer Webster to accept the legislative analysis for the Cemetery Law Amendments and defer to the sponsor pending the results of the hydrogeology study; seconded by Fawn Billie. Motion carried unanimously.

#### 3. Fitness For Duty Policy (38:50-54:35)

Motion by Jennifer Webster to forward the Fitness for Duty Policy to the Legislative Reference Office for a legislative analysis and to the Finance Department for a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.

**4. Marriage Law Amendments (54:41-55:14)**

Motion by Fawn Billie to approve the public meeting packet for the Marriage Law Amendments and to forward to a public meeting date of March 17, 2016; seconded by Jennifer Webster. Motion carried unanimously.

**5. Removal Law Amendments (55:37-56:06)**

Motion by Tehassi Hill to accept the Removal Law Amendments draft and forward to the Legislative Reference Office for an updated legislative analysis and to the Finance Department for a fiscal impact statement; seconded by Fawn Billie. Motion carried unanimously.

**6. Violence Against Women Act (56:12-01:13:23)**

Motion by Jennifer Webster to accept the memorandum on the Violence Against Women Act; to leave the Violence Against Women Act on the Active Files List and to direct the Legislative Reference Office to research alternative options that could be implemented; seconded by Tehassi Hill. Motion carried unanimously.

**7. Administrative Rulemaking Law (01:13:25-01:35:11)**

Motion by Jennifer Webster to forward the Administrative Rulemaking Law to the Oneida Business Committee for consideration noting that any substantial changes in the Fiscal Impact Statement would be sent to an e-poll; seconded by Fawn Billie. Motion carried unanimously.

**IV. New Submissions****V. Additions****VI. Administrative Updates****VII. Executive Session****VIII. Recess/Adjourn**

Motion by Fawn Billie to adjourn the February 17, 2016 Legislative Operating Committee meeting at 10:36 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   3   /   9   /  16 

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the LOC quarterly report.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: \_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Per the quarterly reporting schedule developed by the Tribal Secretary's Office, the LOC is submitting to the OBC a quarterly report for the period of October 2015 to December 2015.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>



## Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

## Quarterly Report Legislative Operating Committee October - December 2015

### 1. Purpose and Mission

The purpose and mission of the Legislative Operating Committee (LOC) is to enhance the policymaking capability of the Oneida Business Committee (OBC) and the General Tribal Council (GTC) by drafting laws and policies and reviewing past and current laws, policies and regulations of the Oneida Tribe.

A legislative analysis is completed for proposed laws, policies, regulations, bylaws and amendments. Public meetings are facilitated by the LOC in accordance with the Legislative Procedures Act (LPA). A Resolution and Statement of Effect are prepared for all legislation that is presented for final adoption which is submitted to the OBC and/or GTC for approval.

### 2. Members

The LOC is comprised of the five council members of the OBC: Brandon Stevens (Chair), Tehassi Hill (Vice-Chair), Jennifer Webster, Fawn Billie, and David P. Jordan.

### 3. Contact Information

The LOC office is located on the second floor in the Norbert Hill Center. For more information, please contact the Legislative Reference Office (LRO) at (920) 869-4376 or e-mail LOC at [oneidanation.org](mailto:oneidanation.org).

### 4. Meetings

The LOC holds regular meetings on the first and third Wednesday of every month. The meetings begin at 9:00 a.m., and are held in the Norbert Hill Center - Second Floor, Business Committee Conference Room.

### 5. Prioritization

The LOC continuously reviews the proposals on our Active Files List (AFL). Priorities are identified based on GTC Directive, OBC Directive and by LOC agreement/consensus.

### 6. Summary

During this reporting period (October, November, and December 2015), the LOC:

- Added 9 legislative items to the Active Files List (AFL) and completed processing one legislative item; bringing the total number of legislative items on the AFL to 56, as of January 1, 2016.

- Added one administrative item (a GTC petition) to the Active Files List and forwarded a statement of effect for this item to the OBC; bringing the total number of legislative analyses/statements of effect prepared for GTC petitions this term to 15.
- Held five Public Meetings.

### Legislative Items Added to the Active Files List

Of the 9 legislative items added to the AFL during the reporting period, five are proposals that would create new Tribal laws; three would amend existing Tribal laws, and one would amend the bylaws for a Tribal entity:

1. **New Law: Probate Law.** This proposed law would set out a process for administering the estate of a deceased person, including resolving all claims and distributing the deceased person's property. Currently, the Real Property Law contains various provisions related to probate, but this Law would comprehensively address the topic. *Added to the Active Files List on 10/7/15.*
2. **New Law: Mortgage and Foreclosure Law.** This proposed law set out a process for how the Tribe administers mortgages and foreclosures. This law is being developed because the Land Commission's hearing responsibilities are being transferred to the Judiciary. *Added to the Active Files List on 10/7/15.*
3. **New Law: Landlord-Tenant Law.** This is a proposal for a new law to establish the roles and responsibilities of the Landlord and Tenant. This law is being developed because the Land Commission's hearing authority is being transferred to the Judiciary. *Added to the Active Files List on 10/7/15.*
4. **New Law: Research Protection Act.** This is a proposal for a new law that is intended to assist Oneida with consultation and research from Tribal members. The goal is to use intellectual brain power of Oneida college graduates who are willing to serve as a Tribal resource, ensuring future Tribal growth and prosperity. *Added to the Active Files List on 10/21/15.*
5. **New Law: Severance Law.** This proposal provides a process for the Tribe's offering of severance agreements to employees when it is determined that the financial conditions of the Tribe warrant a need to reduce the workforce. *Added to the Active Files List on 10/21/15.*
6. **Amendments: Marriage Law.** Proposed amendments were requested to provide for a way to waive the standard waiting period between applying for a license and solemnizing the marriage, provide for an administrative fee for amendments to an application after it has been submitted and to provide for a process to adopt a fee schedule. *Added to the Active Files List on 11/4/15.*
7. **Amendments: Vendor Licensing Law.** Amendments were requested because the SEOTS staff ran into issues when trying to obtain a new vendor. Additional changes are also being processed to update and streamline the law. *Added to the Active Files List on 11/18/15.*
8. **Amendments: Real Property Law.** The proposed amendments would, among other things, transfer all Land Commission hearing responsibilities to the Judiciary. Various sections of the Law would also be removed and separate laws would be created to address those topics. *Added to the Active Files List on 10/7/15.*
9. **Amendments: Land Commission Bylaws.** These amendments would remove the hearing authority from the Land Commission and transfer it to the Judiciary. *Added to the Active Files List on 10/7/15.*

### Legislative Items Completed

One legislative item was completed during this reporting period and removed from the Active Files List – A new **Furlough Policy** was adopted by the OBC on November 10, 2015.

### **Emergency Actions**

There are currently no laws or policies in effect on an emergency basis.

### **Added/Processed Administrative Items**

**GTC Petitions.** During this quarter, one new GTC petition was deferred to the LOC for legislative analysis - on November 4, 2015, the LOC added **Petition: Food Pantry** to the Active Files List, and on January 6, 2016, the LOC forwarded the prepared statement of effect for this item to the OBC.

### **Public Meetings**

The LOC held five Public Meetings during the reporting period:

- 10/29/15 – Higher Education Scholarship Policy
- 10/29/15 – Community Support Fund Policy Amendments
- 10/29/15 – Removal Law Amendments
- 10/29/15 – Public Use of Tribal Land Law Amendments
- 10/1/15 – Oneida Flag Policy

**Person responsible for this report and contact information:** Brandon Stevens, Legislative Operating Committee Chair. Phone: (920) 869-4378.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Denise Vigue, Executive Assistant /Finance Administration  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



# ONEIDA FINANCE COMMITTEE

February 29, 2016 – 10:00 A.M.

Business Committee Executive Conference Room

## REGULAR MEETING MINUTES

### Members Present:

Patricia King, Treasurer/FC Chair  
 Jenny Webster, BC Council Member  
 Chad Fuss, Gaming AGM/FC Alternate

Larry Barton, CFO/FC Vice-Chair  
 Patrick Stensloff, Purchasing Director  
 Wesley Martin, Jr., Community Elder Member

**Excused:** David Jordan, BC Council Member

**Others Present:** Nicole Rommel, Dawn Moon-Kopetsky, Barb Ernst, Maria Danforth, Char Kizior, and Denise Vigue, FC recording secretary

**I. Call to Order:** The meeting was called to order by the FC Chair at 10:10 A.M.

### II. Approval of Agenda: FEBRUARY 29, 2016

Motion by Wesley Martin, Jr. to approve the Finance Committee agenda for Feb. 29, 2016 with the addition of the FC meeting stipend to be discussed at the end of the meeting. Seconded by Larry Barton. Motion carried unanimously.

### III. Approval of Minutes: FEBRUARY 15, 2016 (approved via FC E-Poll on 2/16/16)

Motion by Jennifer Webster to ratify the FC E-Poll action of Feb. 16, 2015 approving the Finance Committee meeting minutes of Feb. 15, 2015. Seconded by Patrick Stensloff. Motion carried unanimously.

### IV. Tabled Business: No Tabled Business

### V. Capital Expenditures:

- MiCamp Solutions, LLC  
 Chad Fuss, Gaming Admin (for Gaming MIS)

Chad Fuss explained the request is for Hardware and Professional Services in updating the Point of Sales System at the food/beverage venues at Gaming and the Radisson; the hardware is the new reader machines for new credit cards that contain chips, the hardware also includes mobile devices servers can take to tables for payment. There was extensive discussion over requirements such as certification, declination letters and other associated backup that needs to be included in future requests; other questions related to the charge back and transaction fees, other gaming capital expenditure items, and biometrics in future technology were discussed.

Motion by Wesley Martin, Jr. to approve the Capital Expenditure request up to \$92,508.87 with MiCamp Solutions, LLC for Hardware and Professional Services regarding the Point of Sales System upgrade to the food/beverage venues at Gaming and the Radisson. Seconded by Jennifer Webster. Patrick Stensloff abstained. Motion carried.

### VI. New Business:

- Home DePot – PO Increase  
 Nicole Rommel, DOLM

Nicole Rommel was present to discuss this Purchase Order increase and provided handouts to the FC as backup documentation; the increase is for the costs associated with construction materials such as roofing, appliances, and carbon monoxide detectors for the rental and Dream Homes identified on the handouts; funds are from the current repairs and maintenance line and are within the FY16 budget. There were questions regarding tracking of cost for each unit, ROI, and date to rent or purchase; there was also discussion about communicating vacancies out to the public, and persons responsible for requisition creation, pick up of items, and receiving of items.

Motion by Wesley Martin, Jr. to approve the Purchase Order increase of \$80,000.00 for Home De Pot for home materials related costs of improvements for the rental and Dream Homes. Seconded by Chad Fuss. Motion carried unanimously.

**VII. Executive Session:** No items submitted

**VIII. Community Fund:**

1. YMCA Camp U-Nah-Li-Yah fees for son

Motion by Wesley Martin, Jr. to approve this and the following request from the Community Fund for the YMCA Camp U-Nah-Li-Yah registration fees for the son and daughter of the requestor in the amount of \$300.00 per child. Seconded by Larry Barton. Motion carried unanimously.

2. YMCA Camp U-Nah-Li-Yah fees for daughter

- See action in CF #1.

3. Rosemary Hill Beading Classes (BW)

Motion by Larry Barton to approved this and the following request from the Community Fund for the Rosemary Hill Beading classes registrations fees in the amount of \$300.00 each and for request #5 in the amount of \$225.00 for one beading class registration fee. Seconded by Chad Fuss. Motion carried unanimously.

4. Rosemary Hill Beading Classes (SG)

- See action in CF #3.

5. Rosemary Hill Beading Class (DH)

- See action in CF #3.

6. Green Bay Metro Hoops fees for daughter

Motion by Larry Barton to approve from the Community Fund the Green Bay Metro Hoops fees for the daughter of the requestor in the amount of \$300.00. Seconded by Patrick Stensloff.

7. American Cancer Society-Relay-for-Life

Motion by Wesley Martin, Jr. to approve from the Community Fund Twenty (20) Cases of Coca-Cola product to be used at the Oneida Relay-for-Life Fundraising Event. Seconded by Chad Fuss. Jennifer Webster abstained. Motion carried.

8. March of Dimes- Pancake Fundraiser

Motion by Wesley Martin, Jr. to approve from the Community Fund Five Cases of Coca-Cola product to be used at the Oneida Pancake Fundraising Event. Seconded by Jennifer Webster. Motion carried unanimously.

9. WI Blizzard Basketball fees for son

Motion by Larry Barton to approve from the Community Fund the Wisconsin Blizzard Basketball registration fees for the son of the requestor in the amount of \$300.00. Seconded by Jennifer Webster. Motion carried unanimously.

10. D-1 Boot Camp Class fees

Motion by Wesley Martin, Jr. to approve from the Community Fund the D-1 Boot Camp Class fees for the requestor in the amount of \$300.00. Seconded by Jennifer Webster. Chad Fuss abstained. Motion carried.

11. Synergy Sports Performance class fees for son

Motion by Larry Barton to approve from the Community Fund \$269.00 for Synergy Sports Performance class fees for son of requestor. Seconded by Patrick Stensloff. Motion carried unanimously.

12. Green Bay Elite Cheer fees for daughter

Motion by Larry Barton to approve this and the following request from the Community Fund the Green Bay Elite Cheer fees for the two daughters of the requestor in the amount of \$300.00 each. Seconded by Chad Fuss. Motion carried unanimously.

13. Green Bay Elite Cheer fees for daughter

- See action in CF #12.

14. D-1 Boot Camp Class fees

Motion by Wesley Martin, Jr. to approve from the Community Fund the D-1 Boot Camp Class fees for the requestor in the amount of \$300.00. Seconded by Jennifer Webster. Motion carried unanimously.

15. Oneida Teen Health Career Fair

Motion by Larry Barton to approve from the Community Fund Six Cases of Coca-Cola product to be used at the Oneida Teen Health Career Fair. Seconded by Jennifer Webster. Motion carried unanimously.

16. **ADD ON:** Chili Fundraiser for youth trip to Washington, D.C.

Motion by Wesley Martin Jr. to approve from the Community Fund Nine Cases of Coca-Cola product to be used at the fundraiser for the youth trip to Washington, D.C. Seconded by Patrick Stensloff. Motion carried unanimously.

**IX. Follow Up: NONE****X. FYI and /or Thank You:**

1. Thank You: Rawhide, Inc.-Donation  
John Solberg, Executive Director

Motion by Jennifer Webster to accept as FYI the thank you for the donation from Rawhide, Inc. Seconded by Patrick Stensloff. Motion carried unanimously.

2. FYI: IGT (5) participation games

David Emerson, Gaming Slots Director

Motion by Wesley Martin, Jr. to accept as FYI the IGT (5) participation games information from Gaming Slots Department. Seconded by Larry Barton. Motion carried unanimously.

3. ADD ON: Meeting Stipend Discussion

There was a discussion of the Policy for Boards, Committees, and Commission relating to the stipend for community members that are appointed by the Business Committee to sit on these committees. Specifically discussed was the possibility of utilizing preparation time at home by community members as part of the time associated with meetings; some Finance Committee meetings were less than the stipulated one hour requirement, but pre-meeting preparation time is not addressed. At this time there is no specific language in the Policy regarding preparation time outside of the meetings and the FC By-Laws also mirror the language of the Policy; in order to make changes a process for policy development that will affect all these entities needs to be established and is being worked on within the overall development related to the Four Directions. Further discussion regarding the role of the Finance Committee and possible changes was also discussed.

**XI. Adjourn:** Motion by Jennifer Webster to adjourn. Seconded by Wesley Martin, Jr. Motion carried unanimously. The meeting ended at 11:15 A.M. The next Finance Committee meeting is scheduled for Monday, March 14, 2016 at 10:00 A.M. in the BC Executive Conference Room.

Minutes taken and transcribed by:  
Denise Vigue, Executive Assistant in Finance  
& Finance Committee Recording Secretary

*Finance Committee- E-Poll Minutes Approval Date:* February 29, 2016

*Oneida Business Committee- FC Minutes- Approval Date:* \_\_\_\_\_

# Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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

Phone: (920) 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 made possible.

## MEMORANDUM

**TO:** Finance Committee  
**CC:** Business Committee  
**FR:** Denise Vigue, Executive Assistant  
**DT:** February 29, 2016  
**RE:** E-Poll Results of: FC Meeting Minutes of February 29, 2016

An E-Poll vote of the Finance Committee was conducted to approve the February 29, 2016 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

### E-POLL RESULTS:

There was a Majority 5 YES votes from Larry Barton, Patrick Stensloff, Chad Fuss, Wesley Martin, Jr. and Jennifer Webster to approve the Feb. 29, 2016 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of **March 9, 2016** for approval and the next Finance Committee agenda of **March 14, 2016** to ratify this E-Poll action.

Yawλko

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\* Per the Finance Committee By-Laws Article III-Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum & 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the legal analysis, noting the financial analysis is due at the May 11, 2016, regular OBC meeting.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

**ONEIDA NATION**  
*Office of the Tribal Secretary*

**Location:**  
N7210 Seminary Road  
Oneida, WI 54155  
  
Phone: (920)869-2214



**Mailing Address:**  
P.O. Box 365  
Oneida, WI 54155-0365  
  
Fax: (920)869-4040

# Memo

To: Oneida Business Committee  
From: Lisa Summers, Tribal Secretary *LS*  
Date: March 1, 2016  
Re: Petitioner Nancy Barton: To open an Emergency Food Pantry

The purpose of this memorandum is to notify the Oneida Business Committee (OBC) the legal analysis for the above referenced petition has been submitted for acceptance.

**Background**

The above referenced petition was submitted to the Tribal Secretary’s Office on October 7, 2015, and verified by the Enrollment Department. The petition was submitted to the OBC agenda for the October 28, 2015, meeting.

**Status**

<i>Analysis</i>	<i>Original Due Date</i>	<i>Extension # and New Due Date</i>	<i>Date Accepted by the OBC</i>
Legislative	Jan. 13, 2016	n/a	January 13, 2016
Legal	Jan. 13, 2016	1. Feb. 24, 2016 2. May 11, 2016	
Financial	Jan. 13, 2016	1. Feb. 24, 2016 2. May 11, 2016	

The legal analysis has been submitted for acceptance. Based on the last action of the OBC, the financial analysis is due for acceptance at the May 11, 2016, regular Business Committee meeting.

**Requested OBC Action**

1. Accept the legal analysis, noting the financial analysis is due at the May 11, 2016 regular OBC meeting.

cc: GTC Petitions 2015

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 CHIEF COUNSEL  
 JAMES R. BITTORF  
 DEPUTY CHIEF COUNSEL  
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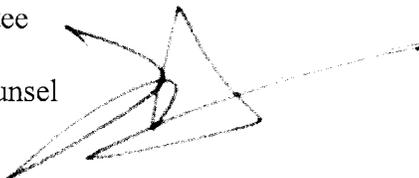
### MEMORANDUM

**TO:** Oneida Business Committee

**FROM:** Jo Anne House, Chief Counsel

**DATE:** February 23, 2016

**SUBJECT:** Petition – Barton – Food Pantry



You have requested a legal review regarding a petition submitted by Nancy Barton. The petition contains an attached list of items related to the development of a food pantry. The Enrollment Department has verified a sufficient number of signatures on the petition.

To draft this opinion, I have reviewed prior actions of the General Tribal Council, Tribal law, policies and procedures, and various other resources. This opinion is broken into sections to address the issues raised in the petition – hunger/food insecurity, food pantry programs, Oneida Food Pantry/OPEN, Oneida Food Card, and food pantry operational costs.

### Background

#### *Hunger or Food Insecurity*

The U.S. Department of Agriculture, paired with other survey activities such as the Census, surveys families on hunger.<sup>1</sup> The USDA defines hunger as “food insecurity.” A food secure household has “consistent, dependable access to enough food for active, healthy living[.]” *p. 1*. This may consist of supplemental food programs such as SNAP (Supplemental Nutritional Assistance Program), WIC program (Women Infants and Children), school lunch programs, and food pantries and food-kitchens. The USDA identifies that “...households were classified as having...food insecurity if they experienced the condition at any time during the previous 12 months.” *P. 10*. This means that, “...on any given day [food insecurity] is far below the corresponding annual prevalence.” *P. 10*.

Food insecurity increased significantly between 2007 and 2008 and has been tapering off slowly since that time. Although the year to year change is not significant, overall there has been a decrease. Food insecurity occurred in 14.3% of the U.S. households, with 5.6% of the households as being very low food secure. However, as identified above, the USDA has identified that “when households experience very low food insecurity...the resulting instances of

<sup>1</sup> The latest study “Household Food Security in the United States in 2014” is located at [www.ers.usda.gov/publications/err-economic-research-report/err194.aspx](http://www.ers.usda.gov/publications/err-economic-research-report/err194.aspx).

reduced food intake and disrupted eating patterns are usually occasional or episodic but are not usually chronic.” P. 11.

The report identifies that those living in the South are more likely to experience food insecurity, those living in the West least likely, and those living in the Northeast and Midwest are equally likely. Further, you are least likely to experience food insecurity if you live in an unincorporated city. Finally, females with children and no spouse are about 35% of food insecure households, and single females are about 15% of households without children who experience food insecurity.

As identified above, the United States experiences about 14.3% food insecure households, with 5.6% of those who are very low food security households. However, Wisconsin specific rates are 11.4% and 4.9%.<sup>2</sup> Statistics for the Brown and Outagamie County area averages are lower with 9-10% food insecure households.<sup>3</sup> Brown County population, from 2010 information, is identified as 2.4% Native American, 11.6% age 65 and older, and 25% age 18 and under. However, not every Native American living in Brown County is food insecure; it is actually some percentage less than 2.4% of 11.2% of the Brown County population. Further, the food insecurity rate is based on households, whereas the population is based on individuals, who may be residing the same household. This is further discussed below.

Food insecurity is based on a survey which individuals self-identify whether the household has sufficient food on any given day of the year. However, to identify what is spent on food to calculate food security and/or food service levels in nutrition programs, the USDA utilizes the Thrifty Food Plan developed by the Center for Nutrition Policy, an office with the USDA. The Thrifty Food Plan identifies a healthy diet, an average nutritional need of an individual and of a family, based on costs of food types. The Thrifty Food Plan is used to set rates for programs like food stamps and WIC, a sample of those rates on monthly spending are set forth in the following table.<sup>4</sup> In addition, the USDA also reports on three other plans – Low-Cost Plan, Moderate-Cost Plan and Liberal Plan. Each of the plans is based on home-preparation of meals and snacks.

**Monthly Average Food Expenditures**

	<b>Thrifty Food Plan</b>	<b>Low-Cost Plan</b>	<b>Moderate-Cost Plan</b>	<b>Liberal Plan</b>
Male age 19-50	\$187.00	\$241.70	\$302.90	\$373.20
Female age 19-50	\$165.20	\$209.50	\$259.10	\$330.10
Family of 4, children ages 7 & 10	\$648.80	\$851.90	\$1062.20	\$1290.10

<sup>2</sup> See USDA website for database information. Note, as the information becomes more specific to state and county, the margin of error for the statistics becomes greater. Meaning, the percentages could be more or less than that reported by 1 or 2 percent.

<sup>3</sup> See information based on legislative districts presented by Feeding Wisconsin at [http://www.feedingwi.org/data\\_research/food\\_insecurity\\_rates.php](http://www.feedingwi.org/data_research/food_insecurity_rates.php). This is a larger area than Brown County, but would tend to cover the entire Reservation.

<sup>4</sup> “Official USDA Food Plans: Cost of Food at Home at Four Levels, U.S. Average, December 2015,” located at [www.cnpp.usda.gov](http://www.cnpp.usda.gov).

A USDA study identified that low income families, when faced with additional allocations of food or food stamps, will generally not increase overall spending on food.<sup>5</sup> Instead, existing funds will be reallocated to other needs. In other words, an additional \$10 in food stamps does not result in an additional \$10 in food. Further, food budgets were first allocated to meat, eggs, cereals and bakery products. Expenditures for fruits and vegetables increased only if the overall income of the household rose above 130% of the poverty line.

### ***Food Pantry – Best Practices***

In 2008 the Ward Family Foundation, Inc. conducted a survey of food pantries in the United States to identify best practices.<sup>6</sup> This study was consistent with the 2007 publication “How to Run a Food Pantry” by Jeff Thomas and a recent publication by Wisconsin Community Action Program.<sup>7</sup> The study found the following were best practices for food pantries. *Pp. 11-12.*

- The total annual budget averaged about \$0.25 per pound of food (total annual budget divided by the pounds of food distributed per year)
- Served over 40 pounds of food per person per month
- The total annual budget averaged about \$500 per person served (total annual budget divided by the number of people served per year)
- Adequate equipment to fully accommodate the needs of clients (refrigerators, freezers, shelving)
- Provide 5 of 7 broad categories of food (fresh fruits and vegetables, meats, frozen entrees, and dairy products)
- Policy of trying to reduce long-term dependence on the pantry by a client, but serve everyone
- Maintains a database of client information and allows for follow-up with client
- Repeat or regular clients are less than 30% of total clients
- Rarely has to turn away clients because of lack of food
- Provides other services to clients (counseling to obtain food stamps, medical assistance, healthy nutrition, job training)
- Engages independent pantry to evaluate services

### ***Food Distribution/Donations***

Food pantries distribute primarily canned goods, breads and other grains, meats and dairy products. USDA identifies that 37% of the food pantries deliver on average, between 30 and 40 pounds per household.<sup>8</sup> This is about two or three large grocery bags. Paul’s Pantry of Green Bay reported in 2011 that it delivered an average of 93 pounds per household and has an operating cost of \$0.16 per pound.<sup>9</sup>

<sup>5</sup> “How Low-Income Households Allocated Their Food Budget Relative to the Cost of the Thrifty Food Plan,” August 2006, located at [http://www.ers.usda.gov/media/861653/err20\\_002.pdf](http://www.ers.usda.gov/media/861653/err20_002.pdf).

<sup>6</sup> “Food Pantry Programs: Analysis of Strategies and Operating Practices”, July 2008, located at <http://www.wardfamilyfoundation.org/fpp.shtml>. There was no other financial information located for this study. Paul’s Pantry is a large food pantry and there is no indication regarding the size of the households receiving assistance which could account for the large difference between the USDA average of 30-40 pounds per household and Paul’s Pantry average of 93 pounds per household.

<sup>7</sup> The Thomas report can be found at [http://www.foodbankrockies.org/wp-content/uploads/Food\\_Pantry\\_Guide\\_1stEd.pdf](http://www.foodbankrockies.org/wp-content/uploads/Food_Pantry_Guide_1stEd.pdf). The WISCAP report can be found at [www.wiscap.org](http://www.wiscap.org).

<sup>8</sup> “The Emergency Food Assistance System – Findings From the Provider Survey,” Vol. II, Chapter 3, located at <http://www.ers.usda.gov/media/1787869/fanrr16-2fm.pdf>.

<sup>9</sup> See financial report located at <http://www.paulspantry.org/media/2033/pantry05EX.pdf>.

Food is obtained from a variety of sources.<sup>10</sup> Food pantries typically use four sources. Food banks, where they may obtain large quantities of free food and may purchase some staples at discounted cost.<sup>11</sup> Food drives and food donations from individuals through group efforts such as schools and unions. Food rescue occurs when local groceries and manufacturers donate food that is still edible, but past a peak freshness date.<sup>12</sup> Finally, food pantries purchase food directly from retailers.

A recent study indicated that a food pantry can purchase greater quantities, better quality and a consistent type of food through financial donations than any other method; even if such purchases are made through a local grocery.<sup>13</sup> However, the best use of financial donations is purchasing through food banks. The recommendation is to "...acquire at least ¾ of their food through their local food bank, with the remainder coming from either small scale-food rescue or the targeted purchasing (either directly or through food drives) of specific items frequently requested by clients which the food bank does not regularly offer." P. 6.

### ***Distribution***

Food pantries operating under best practices will be open fewer hours, but most of those hours will be during times their general clientele are able to access the service. Further, lower operational costs generally mean that the food distributed will be canned foods and foods not requiring refrigeration or freezers.

A food pantry has three general options for distributing food – pre-selected packages, pre-ordering, or shopping cart. In addition, food pantries can also give gift cards directly to the clients. Although studies show that pre-selected packages or standard bags of food generally have greater waste by the client, it is easier for the food pantry to deliver and offers the best use of limited resources.<sup>14</sup> Half of the food pantries reporting in the Ward Family Foundation study utilized this method.<sup>15</sup> About a quarter of the food pantries in the study utilized a combined method of standard goods and allowed the family to choose from those goods that were more plentiful, such as breads. This mixed model tends to avoid some of the waste that may occur in pre-selected packaging, and also allows the family to choose some products it likes. There are even fewer pantries that allow a shopping cart method. Although this allows the client to choose only foods they will eat and reduces waste, it does pose problems in stocking available foods, even if families are limited to a specific quantity of types of foods.

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<sup>10</sup> See "WISCAP'S Guide to Resources for Wisconsin Food Pantries" located at [www.wiscap.org](http://www.wiscap.org). This report contains information regarding food drives as well as food resources in Wisconsin.

<sup>11</sup> A food bank is an organization with a specific tax recognition that provides incentives for producers and retailers to donate food. Food banks are able to utilize their large representation of multiple food pantries and food kitchens to obtain larger and more consistent donations and allow a greater return on cash donations through bulk purchasing.

<sup>12</sup> Food labeling is a freshness date, not necessary a date by which the food is no longer edible. For example, "sell by" dates refer to the last date a product should be sold allowing a reasonable shelf life in the home, "best if used by" dates refer to the date after which the contents are not at their highest quality, and "expiration" dates refer to the last day an item should be used because it is likely to lose flavor quality. *See footnote 6 for citation.*

<sup>13</sup> See Thomas report.

<sup>14</sup> See Thomas report.

<sup>15</sup> "Food Pantry Programs: Analysis of Strategies and Operating Practices", July 2008, located at <http://www.wardfamilyfoundation.org/fpp.shtml>.

***Staffing***

Most food pantry guides recommend identifying a strong volunteer base prior to opening a food pantry.<sup>16</sup> The recommendation is a core group of 4-15 people volunteering to plan and operate the food pantry. A USDA study suggests that at least 93% of the staffing at a food pantry is through volunteers.<sup>17</sup> Additional volunteers are needed for the multiple activities of the food pantry such as collecting, accepting and stocking food, cleaning, inventory, and maintenance of the facilities, interviewing clients and identifying trending and client needs (such as elderly, infant, young family, individual, etc.). Volunteer staffing keeps expenses of the food pantry low and allows funding to be spent on food.

***Client Information***

Food pantries utilizing best practices maintain a database regarding client information. This information is used to identify numbers and types of clients, and allows the food pantry to predict food needs as identified above. Almost every food pantry will ask for the client's name, address and size of the family/household. Other questions asked by about half of the food pantries include level of income, receipt of federal assistance, reason why food assistance is needed (lay-off, reduction in income, etc.), and a picture identification.

Food pantry operating guides suggest that clients should be served promptly, and if they have waiting time be provided with a comfortable place to sit. Best practices suggest that intake occur at a table setting rather than across a desk, and be limited to only necessary information that is required by funding sources or to assist in projecting food pantry needs.

***Provide Resources to Client***

Food pantry operation guides generally suggest creating partnerships to refer clients to state and federal assistance programs. Whether this is the food pantry volunteer assisting with making contacts with those programs or by having materials to provide to the client. For example, the WISCAP guide provides a list of available programs and resources, the service provided and contact information as a reference tool for food pantries. Brown County, working with the University of Wisconsin-Extension, Nutrition Education Program, has developed the "Community Resource Handbook for Brown County."<sup>18</sup>

***Oneida Food Pantry***

The Oneida food pantry was called the Oneida Pantry Emergency Network or OPEN. It began in early 2000 and arose out of information from the Oneida Food Distribution program. The information regarding the food pantry is derived from a March 2010 review and report, as well as Area Manager report from December 2010. It is recommended that the March 2010 report be placed on the Member's Only portion of the Tribe's website for review by members. In the

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<sup>16</sup> See, for example, "Organizing and Operating a Food Pantry", <http://www.msfoodnet.org/wp-content/uploads/2014/08/Oraganize-and-Operate-a-Food-Pantry.pdf>.

<sup>17</sup> "The Emergency Food Assistance System – Findings From the Provider Survey," Vol. II, Chapter 3, located at <http://www.ers.usda.gov/media/1787869/fanrr16-2fm.pdf>.

<sup>18</sup> The latest version of this handbook can be found at [http://www.co.brown.wi.us/i\\_brown/d/uw\\_extension/wnep/2015\\_crh\\_for\\_website.pdf](http://www.co.brown.wi.us/i_brown/d/uw_extension/wnep/2015_crh_for_website.pdf).

alternative, it is available through an Open Records and Open Meetings Law request to the Tribal Secretary's Office. Unless otherwise indicated, the information in this section is derived from this report.

The food pantry utilized Tribal employees to operate. Those employment costs were paid by the Tribe. In its original position associated with Food Distribution, employees from that program utilized their time to operate the food pantry. When the food pantry was moved to the Social Services Building, the Center for Self Sufficiency manager operated the food pantry. The remainder of services was provided by volunteers from the community.

The food pantry received a financial donation and grants to conduct operations. The Miller Brewing Company donated \$5000 in 2001 to purchase fresh meat and fruits to supplement the food pantry resources. The First Nations Development Institute awarded \$25,000 from its Native American Hunger Fund; \$2000 was utilized for administrative purposes and the remainder was intended to begin developing an endowment fund.<sup>19</sup> Finally, in 2009, the USDA awarded a \$3,045 grant.

The food pantry obtained resources through donations. In some circumstances this involved donations of "day old" food from local companies like SueAnn's Bagels, and damaged or day-old food from local groceries. These donations required pick-up by volunteers to be delivered to the food pantry, review for quality and sorting, and ultimately shelving and storage. Initially, the food pantry utilized the same or adjacent space to the Food Distribution program. This included use of Food Distribution program resources such as storage such as shelving and refrigeration.

The food pantry transitioned in 2008 from the Food Distribution program facilities to the Social Services Building. This was a result of an external USDA audit, an internal audit, and a review of the food pantry program assessment. The relocation of the food pantry was beneficial to the program as it allowed personnel to be in a better position to recommend other Tribal, local, state and federal programs that could be of assistance to the household. However, the food pantry began having difficulties in locating volunteers to operate the program.<sup>20</sup> Tribal employees of the Food Distribution program were no longer available to donate tribal employment related hours which may have affected the "volunteer" time.

The operational analysis conducted in 2010 looked at alternatives to the existing pantry program and offered five different options. A summary of that information is presented below.

Structure	Annual Funding Options	Total Cost
Non-profit business entity under IRS 501(c)(3)	Charitable donations and funding drives	\$50,000
Tribal program – Center for Self-Sufficiency – Social Services Building	Tribal contribution, charitable donations, potential grants	\$158,291
Tribal program – Center for Self-Sufficiency – Tower Foods Building	Tribal contribution, charitable donations, potential grants	\$279,063

<sup>19</sup> The 2010 report identified that the grantor authorized the remainder of the funds from the endowment to be reallocated as long as it was related to the provision of food.

<sup>20</sup> Although, the 2010 report identified that the food pantry was able to reduce the overall hours of operation and shift the hours of operation to better meet the needs of the clients.

Gift Card – Center for Self-Sufficiency	Tribal contribution	\$131,535
Dissolve food pantry	None	\$0

There were three years of information regarding the clients presented in the 2010 report. From 2006 to 2008, the number of participants fell from 2,748 to 1,716 participants. The food pantry, anticipating additional financial stresses in 2008, increased the qualifying income levels. The report identifies that the number of participants increased from three new households in January to 24 new households in August.

However, the current information identifies that the trend of reduction in the number of participants continued with the transition to gift cards. This change involved 1,749 families in 2011 to 1079 families in 2015. It appears that the expected increase anticipated in 2008 did not occur.

The Social Services Area attempted to transition the food pantry from a tribal program to a private organization. Letters were presented in the Kaliwhisaks calling for volunteers and interested persons as well as sent to local charitable organizations and churches. There was no interest in maintaining the operations of a food pantry on a volunteer basis. The food pantry program was dissolved and the Oneida Food Card program was developed. This change was made to reduce administrative costs, storage and equipment costs, and food collection and handling costs.

In addition, there are approximately 20 existing food pantry resources in the Brown County area. Food pantries in Outagamie County are not as easily identified. It is possible that another food pantry is not needed in the area and the Oneida Food Card program meets that missing gap in needs that the commodities services and local food pantries are unable to fill.

### ***Oneida Food Card***

The Oneida Food Card program is operated in accordance with a Standard Operating Procedure. To be eligible to receive a food card, there must be at least one adult in the household who is a member, residence in Brown or Outagamie County within the last 30 days, provide verification of all household income, and verification of application for and eligibility/ineligibility for the Wisconsin FoodShare Program of the USDA Commodities Program. The food card program utilizes the Federal Poverty Level as a guideline for eligibility and accepts applicants who are up to 200% of the poverty level of the household.

A household of one to three persons receives a \$25 gift card and a household of four or more persons receives a gift card of \$50. The gift card is from Festival Foods. A recipient may not use the card for alcohol or tobacco products, chips, candy, ice cream, soda, coffee, tea, energy drinks, sweet rolls/donuts, juice boxes, paper products, or pet food/supplies. Recipients must provide a receipt regarding the use of the card and misuse of the card could result in a written warning up to termination from the program for as long as twelve months.

In the first quarter of FY2016, the Oneida Food Card program served 313 families made up of 1,145 people, two-thirds of which lived on the Reservation and in Brown County. Of the 313 families, 83 were enrolled in the Food Distribution Program and 186 were enrolled in the

Wisconsin FoodShare Program. The Center for Self Sufficiency handed out \$10,500 in gift cards in the first quarter, and \$17,500 up to the date of this legal opinion. This is consistent with the trending expected in this fiscal year. The program is budgeted at \$54,282. The program below shows the Oneida Food Card client base and expenditures from 2011 to 2015.

<b>Fiscal Year</b>	<b># Families</b>	<b>\$ Expended</b>
2011	1749	\$50,980
2012	1323	\$34,295
2013	1400	\$42,740
2014	1440	\$43,530
2015	1079	\$31,795

In 2015, the elder population in the food card program was about 9% of the total participants, and in 2014, the elder population was about 13%. These small numbers may be in part due to the elder services programs.

The study conducted in 2010 identified that a significant increase in participants in the food card program occurred during the summer months. This may be due in part as a result of no school lunch programs being available.

The Center for Self Sufficiency has identified that most clients appear to prefer the food card program. However, the personnel are considering implementing a survey of clients to determine if there are improvements that can be made to the program.

### ***Food Pantry Operational Costs***

The petition requests allocation of funding for different types of resources. A brief review of the request and utilizing on-line searches, the following are estimated costs.

- Forklifts range from seated trucks that can lift pallets up to limited heights to pallet movers. Purchasing.com has published a research paper to assist in identifying the appropriate type of equipment, “Forklift Purchasing Guide.” Based on this research, it appears that what would be appropriate is an “order picker” which assists in pulling items from shelves. The price range of this type of equipment ranging from manual to electronic is \$5,000 to \$10,000.
- Commercial refrigerators range from built-in units to stand-alone units. A commercial refrigerator is a higher quality than a residential unit; they are generally simpler and easier to clean. Presuming that this is not a built-in unit, the range of costs for a commercial refrigerator of 49 cubic feet or greater is \$3000 to \$5000.
- Commercial freezers are similar to commercial refrigerators. The cost of a 49 cubic feet or greater is \$2000 to \$4000
- Commercial vans would be purchased through the Tribe’s Fleet Management Department. This type of cargo van would range from \$23,000 to \$50,000 and would depend greatly on the purchasing value of the Tribe and negotiations of the department.

In addition to the above, a food pantry will need shelving for food storage, computers and filing for administrative needs to manage client information, inventory information and to identify future needs planning.

Finally, the cost of rent regarding the food pantry has not been calculated. As identified in other petition analysis which proposed use of the Tower Foods Building, this facility is owned and operated by the Oneida Seven Generations Corporation.<sup>21</sup> Regardless, the cost of the building used for this program has not been identified – whether that is rent for a building or internal costs associated with maintenance, repair, cleaning, and similar costs.

The information above is a brief overview of potential costs. Members are encouraged to review the financial analysis regarding other operational costs not included in this brief overview.

### **Conclusion**

The petition requests the General Tribal Council to direct that a food pantry be opened by the Oneida Tribe. The information above identifies best practices for food pantries as well as resources used by food pantries to obtain supplies. There is also a short summary of the Oneida Food Pantry and the Oneida Food Card programs.

This action is within the authority of the General Tribal Council. Depending in the implementation date, it is subject to a two-thirds vote if it affects FY2016 or a simple majority if it is to be implemented in FY2017. Further, it is possible that some parts of the petition may be unavailable; for example, there could be a commercial lessor of the Tower Foods building. It would be more appropriate, if this were to be considered, to simply direct that a food pantry be developed rather than go into the specifics. For example, there may be no need for a commercial van or forklift.

Further, it is not known if there is overall dissatisfaction with the current food card program or whether a food pantry is sustainable. The information above suggests that the food pantry program is not sustainable on a volunteer basis and that significant contacts would need to be made to begin developing the food resources needed by a food pantry. It is recommended that the Governmental Services Division continue to monitor and study the existing program to determine if changes are needed and whether a food pantry is needed or should be developed.

If you have further questions, please contact me.

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<sup>21</sup> The General Tribal Council directive to dissolve the Oneida Seven Generations Corporation is delayed in light of litigation that affected the ability to transfer assets of the corporation. There remains the issue of financing related to the building and infrastructure for which the building has been utilized as collateral. As a result, management of the building remains with the Oneida Seven Generations Corporation.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: General Tribal Council

Accept as Information only

Action - please describe:

**1)** To acknowledge receipt of the petition submitted by Yvonne Metivier **2)** Send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for legal, financial, legislative and administrative analyses to be completed **3)** Direct the Law, Finance and Legislative Offices to submit the analyses to the Tribal Secretary within 60 days and that a progress report is submitted in 45 days **4)** Direct the Direct Report Offices to submit the appropriate analyses to the Tribal Secretary within 30 days.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. redacted, verified petition

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor/Submitter: Submitted by: April Skenandore, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

This serves as a request for the Oneida Business Committee (OBC) to formally acknowledge receipt of a verified petition, and to send this petition to the Law, Finance, Legislative Reference and Direct Report Office for analyses.

On February 19, 2016, the Tribal Secretary's office received a petition which requests General Tribal Council to direct the Business Committee to pay \$2,000 per capita beginning budget year 2017, 2018, 2019, 2020 and 2021.

The petition was submitted to the Enrollment Department for verification, Article III, Section 4 of Oneida's Constitution requirement for requesting a Special General Tribal Council (GTC) meeting were met. The Enrollment Department completed and submitted the required verification.

The next step is for the OBC to acknowledge receipt of the verified petition and then send the petition to the Law, Finance, Legislative Reference and Direct Report Offices for all appropriate analyses to be completed.

Once the analyses are complete, they will be submitted to the OBC agenda for acceptance. The final step will be for the OBC to determine an available GTC meeting date where the identified petition issues can be addressed.

Requested OBC Action:

1. Accept the verified petition submitted by Yvonne Metivier.
2. Send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for the legal, financial, legislative and administrative analyses to be completed.
3. Direct the Law, Finance and Legislative Reference Offices to submit the analyses to the Tribal Secretary's office within 60 days, and that a progress report be submitted in 45 days.
4. Direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's office within 30 days.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

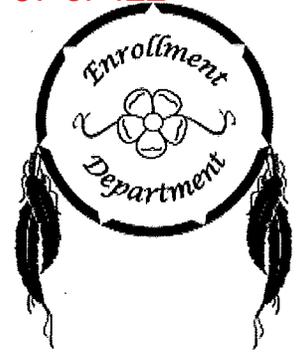
3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



Oneida Tribe of Indians of Wisconsin  
Enrollment Department  
**Lati'shanalo·loks**  
(They Gather the Names)

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920) 869-6200 \* 1-800-571-9902 FAX: (920) 869-2995  
[www.oneidanation.org/enrollment](http://www.oneidanation.org/enrollment)



TO: Oneida Tribal Secretary  
FROM: Cheryl Skolaski, Enrollment Director  
DATE: February 22, 2016  
SUBJECT: GTC Petition Verification Results

On 2/22/2016 the Oneida Enrollment Department received a petition authored by Yvonne Metivier regarding Per Capita from 2017 to 2021.

Results:

- 70 Number of Printed Names on petition
- 69 Number of Printed Names verified as Enrolled Tribal Members
- 0 Number of Tribal Members that did not meet the age criteria for voting in accordance with the Oneida Constitution.
- 1 Number of Names that could not be verified
- 0 Number of Names that were submitted more than once
- 0 Number of Tribal Members invalidated due to Incompetency  
(See Attached Legal Opinion dated 9/4/2014)

Verified by:

	Enrollment Director	2/22/2016
Signature and Title		Date

***This was resubmitted for verification because two individuals were deemed ineligible because they were under 21 on 2/19/2016 but the IBIA decision on 2/17/2016 determined eligible voters are 18+. Corrected verification to reflect this change.***

If there are any questions please contact the Enrollment Department.



Printed Name	Address	D.O.B.	Enrollment #	Signature
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

Total this sheet  
 (15) Verified

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Shabucki DATE: 2/19/2016

NAME OF PETITIONER: Gwonne Metwin ENROLLMENT NUMBER: 10914

ADDRESS: \_\_\_\_\_  
 (STREET/P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: \_\_\_\_\_

RECEIVED BY THE OFFICE  
 OF TRIBAL SECRETARY  
 ONEIDA BUSINESS COMMITTEE

FEB 19 2016

ONEIDA TRIBE OF  
 INDIANS OF WISCONSIN

INITIALS [Signature]

PETITION FORM

3

NAME OF PETITIONER: YVONNE METIVIER Yvonne Metivier

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita beginning Budget year 2017 and 2018, 2019, 2020, and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: \_\_\_\_\_

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			7802 ✓	
			10252 ✓	
			4024 ✓	
			15871 ✓	
			12629 ✓	
			15337 ✓	
			289 ✓	
			12469 ✓	
			11308 ✓	
			1138 ✓	
			10722 ✓	
			12427 ✓	
			12482 ✓	
			15021 ✓	
			14617 ✓	
			<del>7100</del> ✓	

15 Ver...  
cp

4

Printed Name	Address	D.O.B.	Enrollment #	Signature
[REDACTED]			5640 ✓	[REDACTED]
			14521 ✓	
			11508 ✓	
			14612 ✓	
			12715 ✓	
			11503 ✓	
			X	
			7379 ✓	
			17062 ✓	
			12924 ✓	

L#  
STED  
OK

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Shalaski

DATE: 2/19/2016

NAME OF PETITIONER: Gronne Detwiler

ENROLLMENT NUMBER: 10914

ADDRESS: \_\_\_\_\_  
(STREET/P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: \_\_\_\_\_

TOTAL THIS SHEET 24

3 Not Verified  
2 Not 21  
1 Not DOB or Roll #

Correction: 1 Not Verified  
2 Not Verified  
1 Not DOB or Roll #

Cheryl Shalaski  
2/22/2016

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

FEB 19 2016

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN

INITIALS [Signature]

PETITION FORM

NAME OF PETITIONER: YVONNE METIVIER Yvonne Metivier

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita beginning Budget year 2017 and 2018, 2019, 2020, and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: \_\_\_\_\_

RECEIVED BY THE OFFICE

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			9632 ✓	
			1299 ✓	
			1301 ✓	
			9633 ✓	
			13563 ✓	
			1294 ✓	
			11786 ✓	
			10248 ✓	
			18565 ✓	
			110190 ✓	
			171126 ✓	
			10455 ✓	
			10914 ✓	
15.				

(13) Verified  
CJP

10

Printed Name	Address	D.O.B.	Enrollment #	Signature
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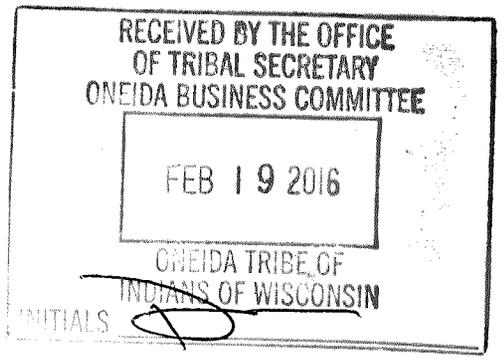
TOTAL THIS SHEET (13)

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Skolashi DATE: 2/19/2016

NAME OF PETITIONER: Yvonne Metivier ENROLLMENT NUMBER: 10914

ADDRESS: (STREET/ P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER:



PETITION FORM

(4)  
 NAME OF PETITIONER: YVONNE METIVIER Yvonne Metivier

PURPOSE: GTC directs OBC to pay \$2,000.00 per capita beginning Budget year 2017 and 2018, 2019, 2020, and 2021.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: \_\_\_\_\_

POST OFFICE COMMITTEE  
 TRIBAL SECRETARY

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			1910 ✓	
			1914 ✓	
			36035 ✓	
			5292 ✓	
			2040 ✓	
			11028 ✓	
			7326 ✓	
			8950 ✓	
			1968 ✓	
			4227 ✓	
			3625 ✓	
			2072 ✓	
			10543 ✓	
			3040 ✓	
			8230 ✓	

(15) Verified  
 cp

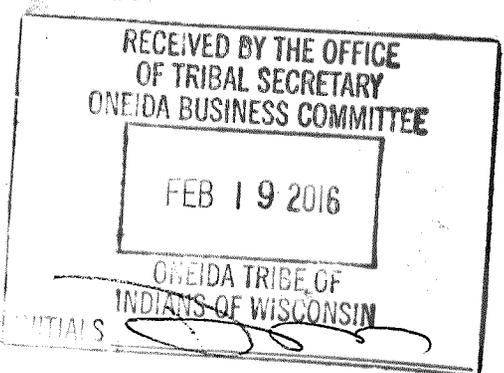
Printed Name	Address	DOB	Enrollment #	Signature
[Redacted]	[Redacted]	[Redacted]	7330 ✓ 3644 ✓	[Redacted]
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20.				
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23.				
24.				
25.				

② Verified  
ajp

TOTAL THIS STATE  
IT

ENROLLMENT NUMBERS VERIFIED BY: Cheryl Malaski DATE: 2/19/2016  
 NAME OF PETITIONER: Gronne Metwien ENROLLMENT NUMBER: 10914  
 ADDRESS: \_\_\_\_\_  
 (STREET/ P.O. BOX) (CITY) (STATE) (ZIP)

PHONE NUMBER: \_\_\_\_\_



### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: General Tribal Council

Accept as Information only

Action - please describe:

1) To acknowledge receipt of the petition submitted by Michael Debraska 2) Send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for legal, financial, legislative and administrative analyses to be completed 3) Direct the Law, Finance and Legislative Offices to submit the analyses to the Tribal Secretary within 60 days and that a progress report is submitted in 45 days 4) Direct the Direct Report Offices to submit the appropriate analyses to the Tribal Secretary within 30 days.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. redacted, verified petition 3. [Empty text box]  
2. [Empty text box] 4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor/Submitter: Submitted by: April Skenandore, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

On February 19, 2011, the Tribal Secretary's office received a petition which requests General Tribal Council to direct the Business Committee to 1) Health Care Board to be created to oversee the Oneida Health Care Center and its staff, along with the AJRCCC 2) GTC Select and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that this Health Care Board reports only to GTC to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission 3) To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin 4) All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin 5) GTC determine and limit, if necessary, the descendancy lineage to receive care and their medical bills being paid 6) GTC select and hire an Administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff 7) No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition 8) Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

The petition was submitted to the Enrollment Department for verification, Article III, Section 4 of Oneida's Constitution requirement for requesting a Special General Tribal Council (GTC) meeting were met. The Enrollment Department completed and submitted the required verification.

The next step is for the OBC to acknowledge receipt of the verified petition and then send the petition to the Law, Finance, Legislative Reference and Direct Report Offices for all appropriate analyses to be completed.

Once the analyses are complete, they will be submitted to the OBC agenda for acceptance. The final step will be for the OBC to determine an available GTC meeting date where the identified petition issues can be addressed.

#### Requested OBC Action:

1. Accept the verified petition submitted by Michael Debraska.
2. Send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for the legal, financial, legislative and administrative analyses to be completed.
3. Direct the Law, Finance and Legislative Reference Offices to submit the analyses to the Tribal Secretary's office within 60 days, and that a progress report be submitted in 45 days.
4. Direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's office within 30 days.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org



Oneida Tribe of Indians of Wisconsin  
Enrollment Department  
**Lati'shanalo'loks**  
(They Gather the Names)

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920) 869-6200 \* 1-800-571-9902 FAX: (920) 869-2995

[www.oneidation.org/enrollment](http://www.oneidation.org/enrollment)



TO: Oneida Tribal Secretary  
FROM: Cheryl Skolaski, Enrollment Director  
DATE: February 29, 2016  
SUBJECT: GTC Petition Verification Results

On 2/22/2016 the Oneida Enrollment Department received a petition authored by Michael DeBraska regarding the Oneida Health Center/AJRCCC.

Results:

- 61 Number of Printed Names on petition
- 60 Number of Printed Names verified as Enrolled Tribal Members
- 0 Number of Tribal Members that did not meet the age criteria for voting in accordance with the Oneida Constitution.
- 1 Number of Printed Names that could not be verified
- 0 Number of Printed Names that were submitted more than once
- 0 Number of Tribal Members invalidated due to Incompetency  
(See Attached Legal Opinion dated 9/4/2014)

Verified by:

	Enrollment Director	2/22/2016
Signature and Title		Date

If there are any questions please contact the Enrollment Department.

# PETITION

Petitioner's Name: Michael Debraska

Date Submitted: \_\_\_\_\_

*6/6/16  
Signatures  
verified  
Not Verified  
Unable to read  
name - No  
Page 1 of 2  
1/22/2016*

We, the undersigned of fifty (50) or more qualified voters, do hereby request the Chairwoman of the Oneida Tribe of Indians of Wisconsin to call for a Special General Tribal Council (GTC) meeting to be held on a Saturday only to allow for greater membership participation with this petition being the only thing on the agenda, within sixty (60) days of receipt of this petition, to discuss the following:

1. A Health Care Board be created to oversee the Oneida Health Care Center and its staff, along with the Anna John Residential Community Care Center (AJRCCC); and
2. GTC select and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that this Health Care Board reports only to General Tribal Council to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission; and
3. To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin; and
4. All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin; and
5. GTC determine and limit, if necessary, the descendency lineage to receive care and their medical bills being paid; and
6. GTC select and hire an administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff; and
7. No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition; and
8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

**RECEIVED**

FEB 22 2016

Oneida Enrollment Dept.

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

FEB 22 2016

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN

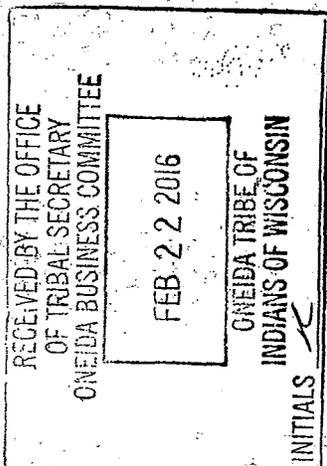
INITIALS *K*

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

- The tribe currently has approximately 2,700 descendant's that currently do or could receive treatment at our Health Center
- These descendant's can go out 5 generations and BEYOND. It could go beyond 5 generations but, as I understand it, the tribe only tracks to 5 generations out. It go out 6 or more.
- As a result of so many descendant's receiving treatment, our own enrolled members are being denied services on many levels—such as the ability to



- make timely and reasonable medical appointments without waiting for months
- medical bill(s) going unpaid and our own people's credit ratings being ruined. This has a trickle down effect of not being able to get a home or new car or paying much higher interest rates if they can.
- the Health Center/tribe having to create a NO SHOW POLICY due to individuals not showing for their scheduled appointments. INSERT BRANDON's FACEBOOK POST HERE.

Based upon this, Madame Chairwoman, I now hold in my hand a petition to be submitted to the Secretary Lisa Summers with GTC as my witness. The reason I am doing it this way is, I and other GTC members DO NOT want this petition getting held up in a bureaucratic limbo like the 3&5K petition submitted by Dr. John Powless and others that have taken a year or more to be heard.

Therefore:-----

I make a motion to have this petition I hold in my hands that I am now submitting to the Secretary and a complete copy be made for me, that a SPECIAL GTC meeting be called and held within 60 days, on a Saturday only, with this item being the only thing on the agenda to be heard, with or without the fiscal and legal analysis' if they are or aren't done, as this issues affects the entire enrolled population of Oneida and involves the health, safety, and welfare of our tribe.

①

Printed Name:	Address:	DOB:	Roll #:	Signature:
			15947 ✓	
			18626 ✓	
			3899 ✓	
			3898 ✓	
			1208 ✓	
			289 ✓	
			47 ✓	
			68 ✓	
			3709 ✓	
			9705 ✓	
			2223 ✓	
			<del>126</del> 1358 ✓	
			8429 ✓	
			3911 ✓	
			10738 ✓	

⑮ Verified  
Op

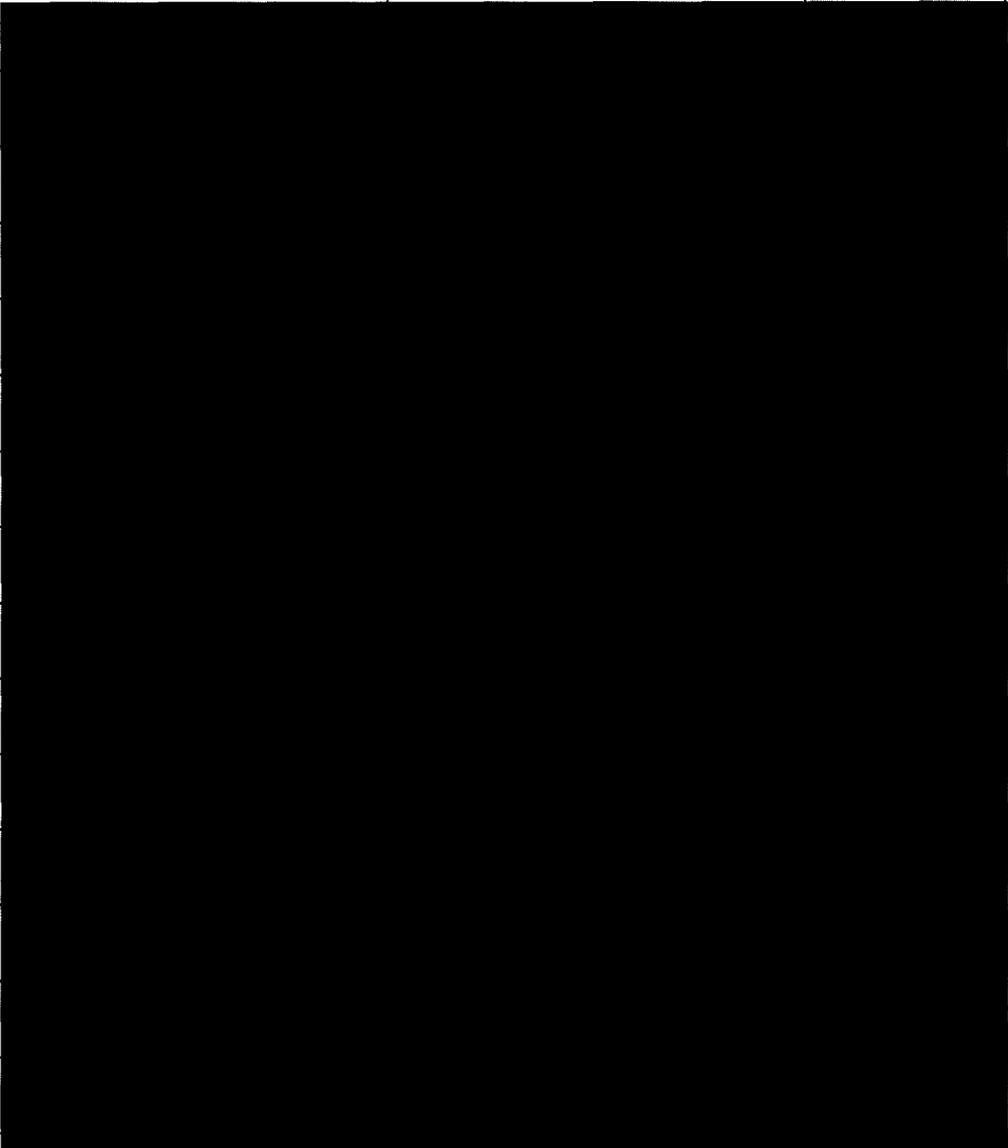
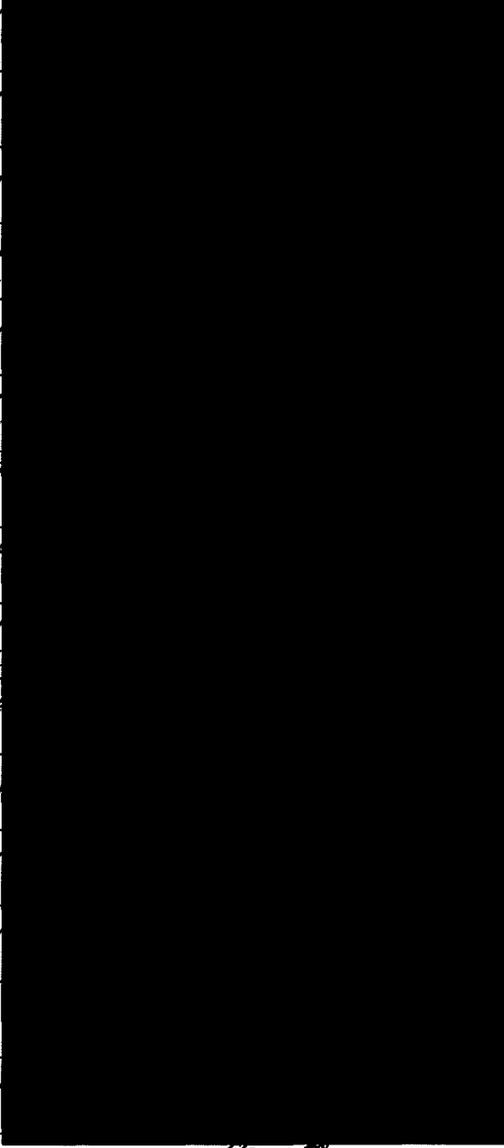
RECEIVED

FEB 22 2016

Oneida Enrollment Dept.



3

Printed Name:	Address:	DOB:	Roll #:	Signature:
			0516V	
			3920V	
			9251V	
			247V	
			3926V	
			13047V	
			2114V	
			2072V	
			7000V	
			11174V	
			14868V	
			949V	
			3322V	
			8/12/43	
3533V				

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

15 Verified  
CJP

4

Printed Name:	Address:	DOB:	Roll #:	Signature:
			2089 ✓	
			2098 ✓	
			5536 ✓	
			213 ✓	
			1307 ✓	
			2936 ✓	
			7791 ✓	
			2938 ✓	
			10270 ✓	
			309 ✓	
			7802 ✓	
			1253 ✓	
			6084 ✓	
			3884 ✓	
			2630 ✓	

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

15 Verified  
CJP

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Printed Name:	Address:	DOB:	Roll #:	Signature:
			7905 v	
			5604 v	
			1077 v	
			1912 v	
			713 v	
			701 v	
			6370 v	
			10914 v	
			7233 v	
			7220 v	
			5540 v	
			4929 v	
			11946 v	
			3372 v	
			3374 v	



Not able to read name or signature + No DOB

TOTAL VERIFIED: 60  
VERIFIED BY: Cheryl Skolaski  
2/22/2016  
cp

RECEIVED

FEB 22 2016

Oneida Enrollment Dept.

14 Verified  
cp

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Forward the attached Oneida Higher Education Scholarship (Law) and supporting documents to the Oneida General Tribal Council for consideration.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

\_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

P.O. Box 365  
 Oneida, WI 54155  
 (920) 869-4376  
 (800) 236-2214  
<http://oneida-nsn.gov/LOC>



## Committee Members

Brandon Stevens, Chairperson  
 Tehassi Hill, Vice Chairperson  
 Fawn Billie, Councilmember  
 David P. Jordan, Councilmember  
 Jennifer Webster, Councilmember

## Memorandum

**To:** Oneida Business Committee  
**From:** Brandon Stevens, LOC Chairperson   
**Date:** March 9, 2016  
**Re:** Oneida Higher Education Scholarship Law

Please find the following attached backup documentation for your consideration of the new Oneida Higher Education Scholarship Law:

1. Resolution: Oneida Higher Education Scholarship (Law)
2. Statement of Effect: Oneida Higher Education Scholarship (Law)
3. Oneida Higher Education Scholarship (Law) Legislative Analysis
4. Oneida Higher Education Scholarship (Law)
5. Oneida Higher Education Scholarship Law Fiscal Impact Statement
6. Oneida Higher Education Student Handbook DRAFT – FYI ONLY – to be adopted by the Oneida Higher Education Office pursuant to the Administrative Rulemaking (Law) following GTC adoption of the Oneida Higher Education Scholarship Law

### Overview

This Resolution adopts a new Oneida Higher Education Scholarship Law. This Law:

- Identifies the duties and responsibilities of the Oneida Higher Education Office (OHE);
- Lists the eligibility and requirement factors for being awarded a Scholarship;
- Sets the length of funding limits;
- Identifies the tiered funding systems with maximum funding caps;
- Provides a mechanism and terms under which OHE may provide an exception to the requirements contained in the Law and the student handbook;
- Outlines when appeals are available and provides a general appeal procedure;
- Delegates rulemaking authority to OHE to create a student handbook to implement the Law in greater detail, provided that the handbook must comply with this Law and the GTC resolutions.

In accordance with the Legislative Procedures Act, a public meeting was held regarding these amendments on October 29, 2015 and the comments received during that process were considered by the LOC at work meetings held on November 23, 2015 and December 1, 2015.

### Requested Action

Forward the Resolution: Oneida Higher Education Scholarship (Law) to the Oneida General Tribal Council for consideration.

**GTC Resolution \_\_\_\_\_**

*Oneida Higher Education Scholarship (Law)*

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**WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

**WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Nation Constitution by the Oneida General Tribal Council (GTC); and

**WHEREAS,** the Oneida Business Committee directed the Legislative Operating Committee to develop a Higher Education Scholarship (Law) that would codify the General Tribal Council Resolutions into a law and provide a consistent methodology for awarding higher education scholarships so that the Nation is able to provide educational opportunities to Tribal members and award scholarships in a consistent and fiscally responsible manner; and

**WHEREAS,** the Oneida Higher Education Scholarship (Law) includes the requirements found in GTC Resolutions related to eligibility, student participation requirements and the tiered funding system, including maximum funding caps and length of eligibility; and

**WHEREAS,** the Law includes an exception provision which allows the Oneida Higher Education Office to waive select clearly identified requirements of the Law under narrow grounds and on a case-by-case basis in accordance with a standard operating procedure that the Oneida Higher Education Office shall develop prior to issuing any exceptions; and

**WHEREAS,** the Law provides the grounds under which a student may appeal a decision made by the Oneida Higher Education Office, which levels of appeal are available, and which parties are responsible for considering each level of appeal; and

**WHEREAS,** the Law delegates the authority to the Oneida Higher Education Office to develop a Higher Education Student Handbook to provide additional rules related to the implementation of this Law pursuant to the process contained in the Administrative Rulemaking Law; and

**WHEREAS,** a public meeting on this Law was held on October 29, 2015 in accordance with the Legislative Procedures Act.

**NOW THEREFORE BE IT RESOLVED,** that the attached Oneida Higher Education Scholarship (Law) is hereby adopted.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Krystal L. John, Staff Attorney  
Douglass A. McIntyre, Staff Attorney  
Taniquele J. Thurner, Legislative Analyst  
Maureen Perkins, LTE Legislative Analyst



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**Statement of Effect**

*Resolution: Oneida Higher Education Scholarship (Law)*

**Summary**

This Resolution adopts the Oneida Higher Education Scholarship (Law). This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which include awarding scholarships, developing and maintaining rules and regulations to carry out this Law pursuant to the Administrative Rulemaking Law and developing and maintaining a system of internal controls for the Higher Education Office [See 401.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship [See 401.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 401.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Higher Education Student Handbook sets out the exception process [See 401.7-2 & 401.7-3].
- Allows an applicant to appeal a scholarship decision only if he/she can show the Higher Education Office failed to abide by this Law and/or the Higher Education Student Handbook [See 401.9-1].
- Provides the grounds under which an applicant may appeal a decision made by the Higher Education Office, the levels of appeal available, and identifies which parties are responsible for hearing each level of appeal [401.9-2].

*Submitted by Krystal L. John, Staff Attorney, Legislative Reference Office*

***Analysis from Legislative Reference Office***

The Oneida Business Committee directed the Legislative Operating Committee to develop a Higher Education Scholarship Law that would formalize the General Tribal Council (GTC) Resolutions and provide a consistent methodology for awarding higher education scholarships in a consistent and fiscally responsible manner.

This Law incorporates the requirements found in GTC Resolutions that relate to eligibility, student participation requirements and the tiered funding system, including the maximum funding caps and length of eligibility.

Although not directed by GTC, this Law provides an exception procedure and formalizes an appeals process for applicants dissatisfied with decisions made by the Oneida Higher Education Office.

The Oneida Higher Education has been issuing exceptions to students under certain circumstances, however, because the GTC has not provided direction on how to offer exceptions, this Law identifies what exceptions are available and the general process by which the Higher Education Office may consider issuing an exception. Under the Law, an applicant may request an exception to the good standing requirement [see 401.5-1(b)], the requirement that the scholarship be for a degree in a higher funding tier than a previously earned degree [see 401.5-(e)], the requirement to complete a FAFSA form [see 401.5-2(a)], and/or the maximum lengths of funding [see 401.6-1]. In addition, this Law requires the Higher Education Office to develop a standard operation procedure prior to issuing any exceptions pursuant to the Law.

This Law formalizes an appeal process and requires the Higher Education Office to develop additional rules to govern the process.

Once this Law is adopted by the General Tribal Council, the Oneida Higher Education Office may implement the attached draft Oneida Higher Education Student Handbook pursuant to the Administrative Rulemaking Law.

#### ***Conclusion***

Adoption of this Resolution would not conflict with the Nation's law.



## Oneida Higher Education Scholarship

- 18       ▪ Allows an applicant to appeal a scholarship decision only if he/she can show the Higher  
19 Education Office failed to abide by this Law and/or the Higher Education Student Handbook  
20 *[See 401.9-1]*.
- 21       ▪ If an applicant appeals a scholarship decision, the Higher Education Office Review Panel,  
22 made of two Higher Education advisors and either the Higher Education Office manager or  
23 the area manager, will review the appeal and make a decision. If the applicant is dissatisfied  
24 with the review panel's decision, he/she can appeal to the division director. The division  
25 director's decision is final *[401.9-2]*.

26  
27

### **Miscellaneous**

28       A public meeting was held on October 29, 2015, in accordance with the Legislative  
29 Procedures Act. Please refer to the fiscal impact statement for any financial impact.

**Chapter 401**

**Oneida Higher Education Scholarship**

*Onayote'a·ká· Thuwatilihunyaní'tha'kó· Ohwísta?*

people of the Standing Stone, the great place where they teach them the traditions, money

401.1. Purpose and Policy	401.6. Higher Education Scholarship
401.2. Adoption, Amendment, Repeal	401.7. Exceptions
401.3. Definitions	401.8. Enforcement
401.4. Higher Education Office	401.9. Appeals
401.5. Eligibility and Requirements	



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**401.1. Purpose and Policy**

401.1-1. *Purpose.* The purpose of this Law is:

- (a) To implement a scholarship program that is compliant with the following resolutions GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.
- (b) To specify the funding requirements and procedural controls for awarding scholarships.

401.1-2. *Policy.* It is the policy of this Law to have a consistent methodology for awarding higher education scholarships so that the Nation is able to provide educational opportunities to tribal members and award scholarships in a consistent and fiscally responsible manner.

**401.2. Adoption, Amendment, Repeal**

401.2-1. This Law was adopted by the Oneida General Tribal Council by resolution \_\_\_\_\_.

401.2-2. This Law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

401.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

401.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law control.

401.2-5. This Law is adopted under authority of the Constitution of the Oneida Nation.

**401.3. Definitions**

401.3-1. This section governs the definitions of words and phrases used within this Law. All words not defined herein are to be used in their ordinary and everyday sense.

- (a) “Accredited vocational program, college or university” means either any United States educational institution officially accredited by an agency recognized by the United States Department of Education or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.
- (b) “Appeal” means a request for review of a scholarship decision made by the Higher Education Office or Higher Education Office Review Panel for which the requestor must demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.
- (c) “Area Manager” means the supervisor of Education & Training or anyone with the responsibility of overseeing the Higher Education Office.
- (d) “Division Director” means the division director of Governmental Services or anyone with the responsibility of overseeing the area manager of the Higher Education Office.

41 (e) “Exception” means a request that the Higher Education Office make a discretionary  
42 decision to exempt an applicant from a requirement(s) for which there is an available ex-  
43 emption under Section 401.7-2.

44 (f) “Financial Needs Analysis” is a form which reports a school’s cost of attendance and  
45 eligible financial aid awards, which is sent by the Higher Education Office directly to the  
46 school’s financial aid office for completion.

47 (g) “Free Application for Federal Student Aid” is an application which determines eligi-  
48 bility for any financial resources such as state and federal funding.

49 (h) “GPA” means grade point average which is a measure of a student’s academic  
50 achievement arrived at by dividing the total grade points received by the total grade  
51 points attempted.

52 (i) “Higher Education Office Review Panel” is a three (3) party review panel, which is to  
53 include two higher education advisors, and either the Higher Education Office’s manager  
54 or the area manager.

55 (j) “Higher Education Student Handbook” is the source of the rules and regulations for  
56 carrying out this Law as further described in Section 401.4-1(b).

57 (k) “Official Transcript” means an official report of a student’s grades sent either directly  
58 from the educational institution and certified as official or from the National Student  
59 Clearinghouse.

60 (l) “Scholarship” means monetary funds awarded to an applicant through the Oneida  
61 Higher Education Program.

62 (m) “Tribal Member” means an enrolled member of the Oneida Nation.

#### 63 64 **401.4. Higher Education Office**

65 401.4-1. The Higher Education Office shall carry out the intent and purposes of this Law and  
66 enforce the provisions of this Law. The Higher Education Office shall:

67 (a) Award scholarships in accordance with this Law.

68 (b) Develop and maintain rules and regulations designed to carry out this Law pursuant  
69 to the Administrative Rulemaking Law. Such rules and regulations must be made availa-  
70 ble in the Higher Education Student Handbook.

71 (1) At a minimum, the rules and regulations relating to the eligibility require-  
72 ments, funding caps, enforcement and appeals must comply with this Law and the  
73 following Resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-  
74 10-24-01-K, BC-07-24-02-A, and GTC-01-30-10-A.

75 (c) Develop and maintain a system of internal controls for the Higher Education Office.

#### 76 77 **401.5. Eligibility and Requirements**

78 401.5-1. *Eligibility.* In order to be eligible for a scholarship award, applicants must:

79 (a) Be a tribal member.

80 (b) Be in Good Standing where good standing means the applicant has:

81 (1) met the Oneida GPA requirements set forth in the Higher Education Student  
82 Handbook;

83 (2) completed the total number of credits within the semester/term for which the  
84 scholarship was provided based on an official transcript; and

85 (3) met the standards of the financial aid academic good standing.

86 (c) Be accepted to an accredited vocational program, college or university.

87 (d) Be seeking the scholarship for semesters/terms which have not already ended or been  
88 completed.

89 (e) Be seeking the scholarship for a degree that is categorized in a funding tier that is  
90 higher than the funding tier of a previously earned degree, based on the funding tiers un-  
91 der Section 401.6-2.

92 (1) An applicant seeking a degree that is in the same funding tier or lower as an-  
93 other degree simultaneously being pursued, within the funding period allowed for  
94 the degree at the higher funding tier, remains eligible and is not prohibited by this  
95 Section.

96 401.5-2. *Requirements.* In order for a scholarship to be awarded:

97 (a) Applicants must file the Free Application for Federal Student Aid, unless the appli-  
98 cant will be taking less than six (6) credits or will be attending a Canadian educational in-  
99 stitution permitted to grant degrees pursuant to Canadian provincial government that pro-  
100 vides Oneida specific culture and/or language based programs.

101 (b) Applicants shall ensure that a complete student file is submitted to the Higher Educa-  
102 tion Office based on the requirements of the Higher Education Student Handbook.

#### 104 **401.6. Higher Education Scholarship**

105 401.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must  
106 provide comprehensive definitions of the achievements eligible for funding and the methodology  
107 for calculating funding periods, the following are the maximum Scholarship funding periods for  
108 eligible applicants:

109 (a) Two and one-half (2 1/2) years for a vocational program completion/associate de-  
110 gree/certificate program completion/similar program.

111 (b) Five (5) years for an undergraduate degree.

112 (c) Three (3) years for a graduate degree.

113 (d) Five (5) years for a doctoral degree.

114 401.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish  
115 maximum funding caps for the following funding tiers:

116 (a) Vocational program, associate degree, certificate program or similar program.

117 (b) Undergraduate degree.

118 (c) Graduate degree.

119 (d) Doctoral degree.

120 401.6-3. *Award.* The amount of the scholarship award is based upon:

121 (a) The amount of funding caps for each tier under Section 401.6-2, which must be con-  
122 tained in the Higher Education Student Handbook.

123 (b) The financial needs analysis.

#### 125 **401.7. Exceptions**

126 401.7-1. *Exception Policy.* Exceptions may be offered under narrow grounds only for applicants  
127 facing extenuating circumstances whom are able to demonstrate that based on the totality of the  
128 circumstances the applicant will likely succeed in achieving the accomplishment sought either  
129 within the exception period and/or despite the extenuating circumstances that have made pursu-  
130 ing an exception necessary.

131 (a) Within six (6) months of the adoption this Law, the Higher Education Office shall  
132 develop a standard operating procedure for evaluating requests for exceptions; no excep-  
133 tions may be granted pursuant to this Law until the said standard operating procedure has  
134 been developed.

135 401.7-2. *Available Exceptions.* In its discretion, the Higher Education Office may make excep-  
136 tions to eligibility, requirements and length of funding on case-by-case basis as provided below:

137 (a) In regards to eligibility, exceptions may be made relating to the requirements con-  
138 tained in subsections 401.5-1(b) and (e).

139 (b) In regards to requirements, exceptions may be made relating to the requirement con-  
140 tained in subsection 401.5-2(a).

141 (c) Exceptions may also be made relating to the length of funding periods contained in  
142 section 401.6-1.

143 (d) Exceptions may not be made for requirements contained in this Law that are not ex-  
144 plicitly noted in this section.

145 401.7-3. *Exception Process.* Applicants requesting an exception shall follow the process set  
146 forth in the Higher Education Student Handbook.

147 (a) *Granting an Exception.* The Higher Education Review Panel shall consider requests  
148 for available exceptions under Section 401.7-2 based on the exception policy identified  
149 under Section 401.7-1. A decision by the Higher Education Office Review Panel regard-  
150 ing an exception must be approved by a majority of the said panel.

151 (b) *Requesting Reconsideration of an Exception Decision.* If an applicant disagrees with  
152 the Higher Education Office Review Panel's denial of an available exception under Sec-  
153 tion 401.7-2, the applicant may file a request for reconsideration of the exception with the  
154 division director; the decision of the division director regarding the exception is final.

155

#### 156 **401.8. Enforcement**

157 401.8-1. *Accountability.* The Higher Education Office may place any applicant who violates this  
158 Law or fails to comply with the Higher Education Student Handbook on probation or suspension  
159 in accordance with the procedures contained in the Higher Education Student Handbook.

160

#### 161 **401.9. Appeals**

162 401.9-1. *Appeal Process and Requirements.* An applicant may appeal a scholarship decision  
163 made by the Higher Education Office, but only to extent that the applicant is able to demonstrate  
164 that the Higher Education Office has failed to abide by the provisions of this Law and/or the ap-  
165 proved Higher Education Student Handbook.

166 401.9-2. *Levels of Review.* The following levels of review are available to an applicant seeking  
167 an appeal of a scholarship decision made by the Higher Education Office:

168 (a) The first level of review is through the Higher Education Office Review Panel. A  
169 decision by the Higher Education Office Review Panel regarding an appeal must be ap-  
170 proved by a majority of the said panel.

171 (b) If an applicant disagrees with the Higher Education Office Review Panel's decision  
172 regarding an appeal, the applicant may appeal at the second level of review to the divi-  
173 sion director; the decision of the division director regarding the appeal is final.

174 *End.*

175

176

177 Pursuant to resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, and  
178 GTC-01-30-10-A.

# ONEIDA TRIBE OF INDIANS Page 97 of 422 OF WISCONSIN



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



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 made possible.

ONEIDA FINANCE OFFICE  
Office: (920) 869-4325 • Toll Free: 1-800-236-2214  
FAX # (920) 869-4024

## MEMORANDUM

DATE: January 6, 2016  
FROM: Rae Skenandore, Project Manger  
TO: Larry Barton, Chief Financial Officer  
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer  
RE: **Financial Impact of Higher Education Scholarship Law**

### **I. Background**

The purpose of the law is to implement General Tribal Council (GTC) and Oneida Business Committee (OBC) resolutions regarding the higher education scholarship program and to specify the funding requirements and procedures for awarding scholarships. This is a new law meant to codify the rules of the Higher Education Department. A Public hearing was held on October 21, 2015.

### **II. Executive Summary of Findings**

The law simply puts a formalized structure to the existing requirements from applicable resolutions. The handbook is being updated to comply with the law. No new personnel will be needed and there are no other startup costs. The law cannot be implemented until the handbook is also approved and appropriate standard operating procedures are developed. The law can be implemented within 10 days of approval.

### **III. Financial Impact**

No fiscal impact.

### **III. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.

# Oneida Higher Education Projections

January 2016

Melissa Nuthals  
Statistician

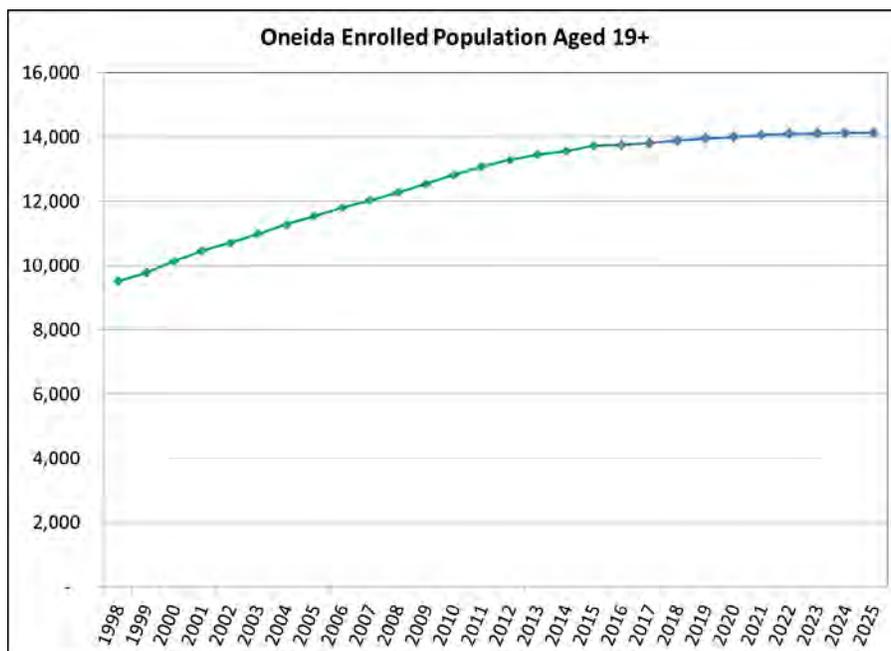
## Oneida Higher Education Projections January 2016

### I. Introduction

The Oneida Higher Education Department supports Oneida enrolled students in the pursuit of continuing education. The program began in 1974. The Oneida Higher Education Department began tracking students through their database in 1997 after the GTC Resolution 8-12-96-A was adopted.

The cost for the Higher Education funds totaled \$3.7 million in 1998 and grew to \$10.8 million in the 2015 academic year. The academic year runs from August 1 through July 31. Based on this large change in cost, it is necessary to project the future costs of the program so that Oneida can prepare accordingly.

The projections are based on historical Oneida Higher Education and Oneida Enrollment data trended forward. A straight linear trend could not be used based on the past totals, because it does not account for the aging Oneida enrolled population. The Oneida enrolled population aged 19+ in 1998 was 10,486 members and in the 2013 academic year it was 13,643. It is expected to grow to over 14,000 in the 2025 academic year. The aging Oneida enrolled population aged 19+ is shown in the chart below.

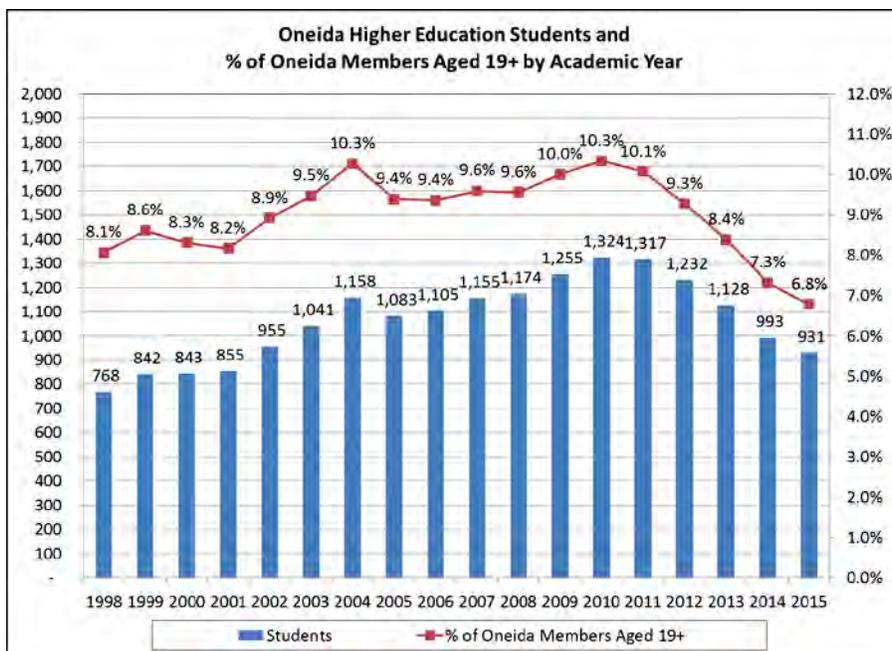


In 2015, 40.5% of Oneida enrolled members aged 19 utilized the higher education funds. According to the United States Bureau of Labor Statistics, 68.4% of 2014 high school graduates in the United States were enrolled in college in October 2014.

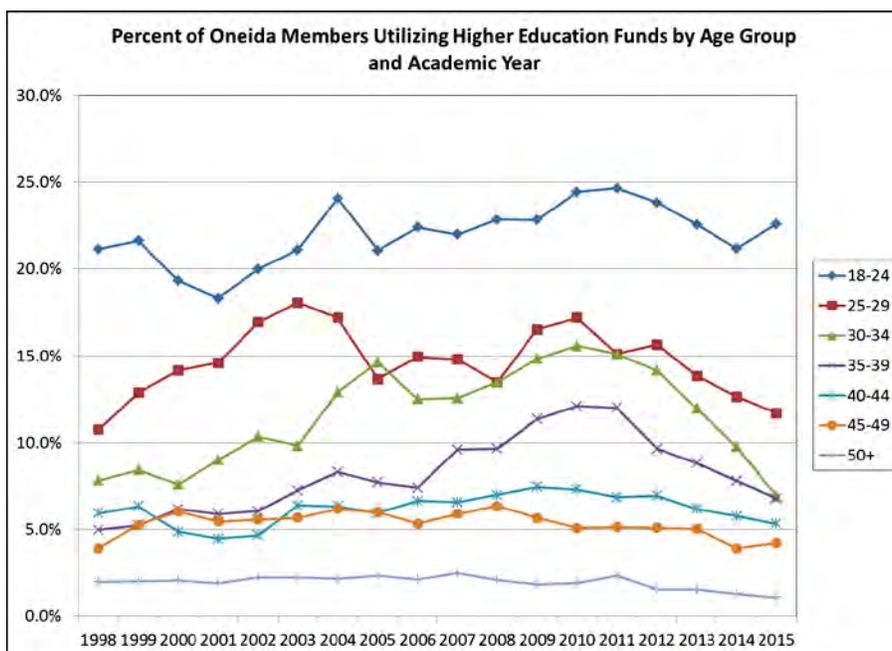
As of the 2015 academic school year, 36% of all enrolled Oneida members aged 19+ have utilized Oneida Higher Education funding since the 1998 academic school year.

## II. Utilization

Participation in the Oneida Higher Education program peaked in the 2010 school year with 1,324 students. Since then, participation has steadily dropped. The past student enrollment in the program per year is depicted in the chart below.

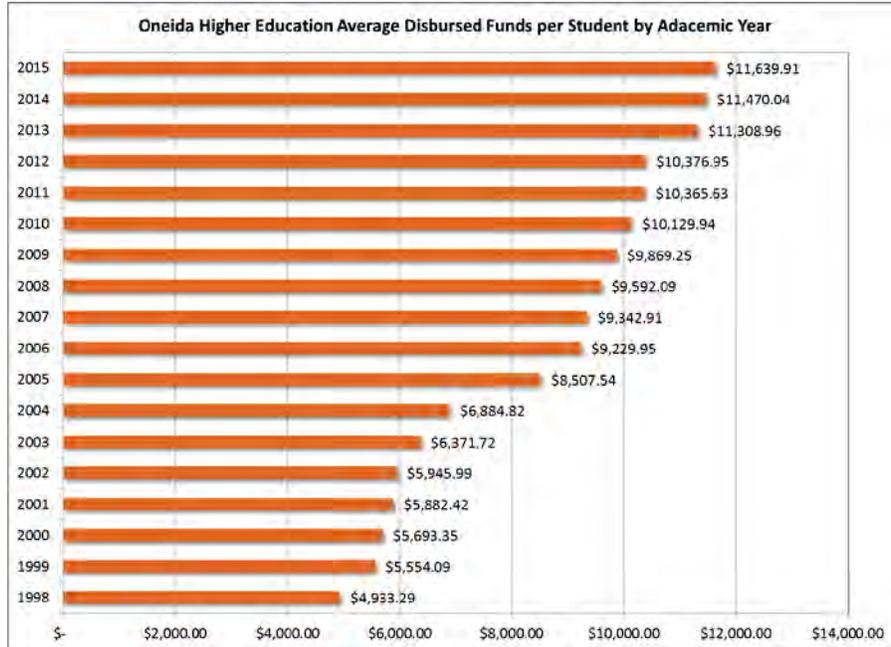


As the age group of members increased, the rate of utilization of Oneida Higher Education funds decreased. The rate of members aged 18-24 who utilized the Oneida Higher Education funding was 21.9% in 2015 and had stayed between 18% and 25% since 1998. The following chart shows the percentage of Oneida members who received Oneida Higher Education funding by age group.

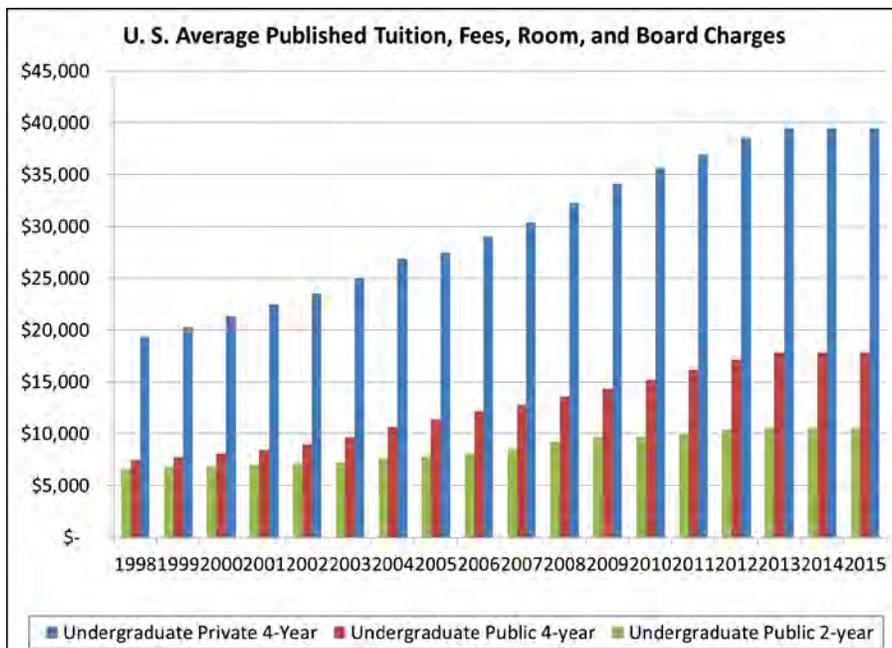


### III. Cost

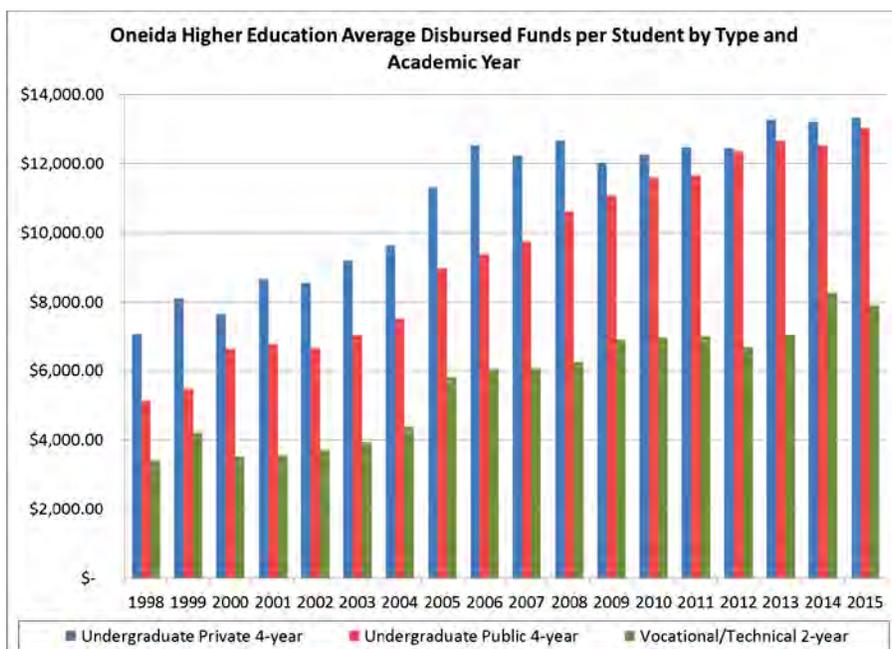
Not only has the number of students utilizing the higher education funds gone up, but so has the average disbursed funds per student. The average disbursed funds have more than doubled from 1998 to 2015. The average disbursed funds per student for each year is depicted in the following chart.



The average published tuition, fees, room, and board (TFRB) charges have also increased over time throughout the United States. The average cost for an undergraduate Private 4-year institution has the most noticeable change as it approached \$40,000 in 2013. The average cost for an undergraduate Public 4-year institution was close to \$18,000 in 2013 and a Public 2-year institution was over \$10,000. The following chart shows the average change in cost from the “Trends in Higher Education Series” at [www.collegeboard.com](http://www.collegeboard.com).

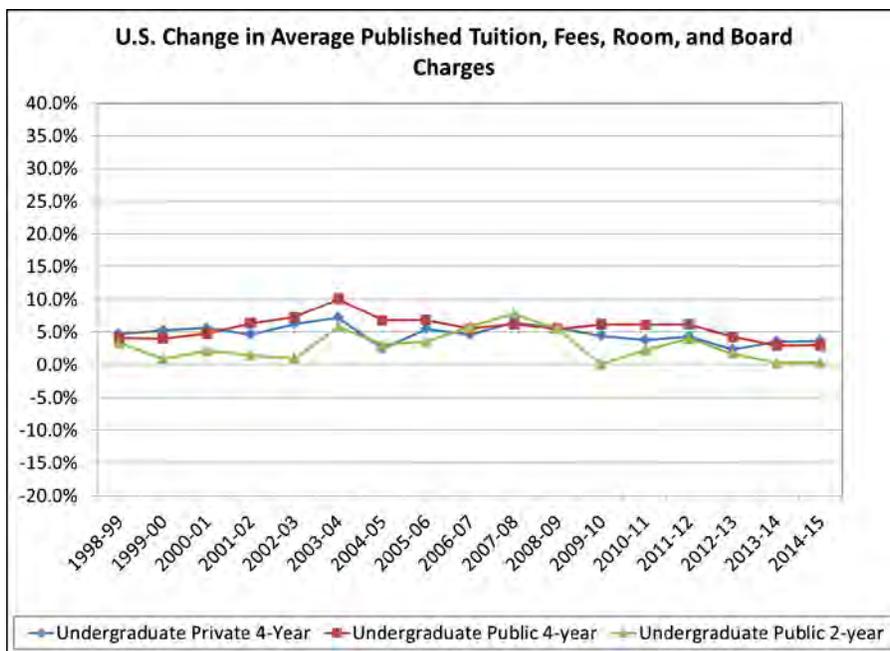


The U.S. costs can be compared to the average disbursed funds per student utilizing the Oneida Higher Education funds. In 2013, the average disbursed funds for undergraduate Private 4-year institutions were just over \$13,000, and just under \$13,000 for undergraduate Public 4-year institutions. The average disbursed funds in 2013 for vocational/technical 2-year institutions were just over \$7,000. These average disbursed funds are shown in the chart below.

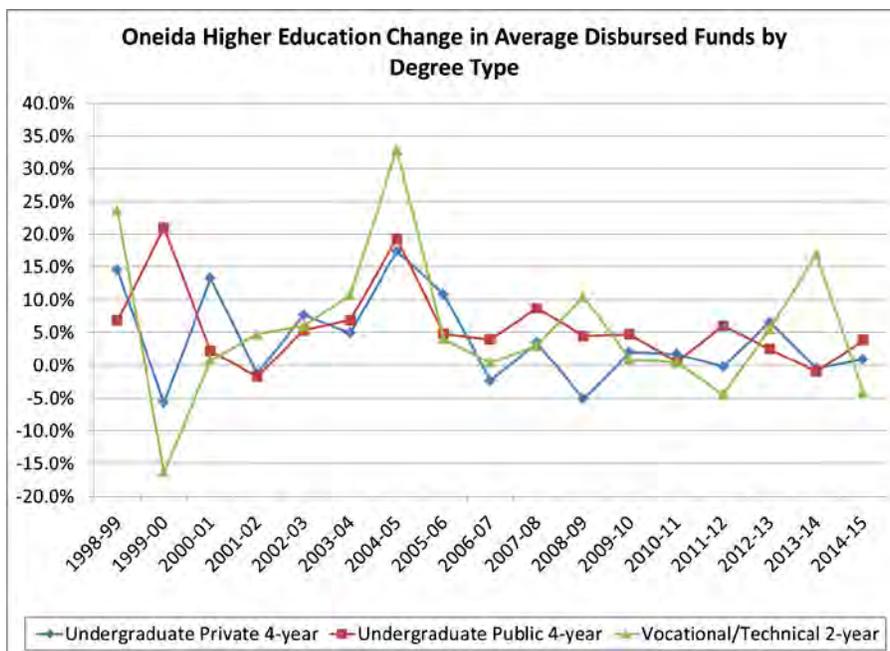


#### IV. Change in Average Tuition, Fees, Room, and Board Charges

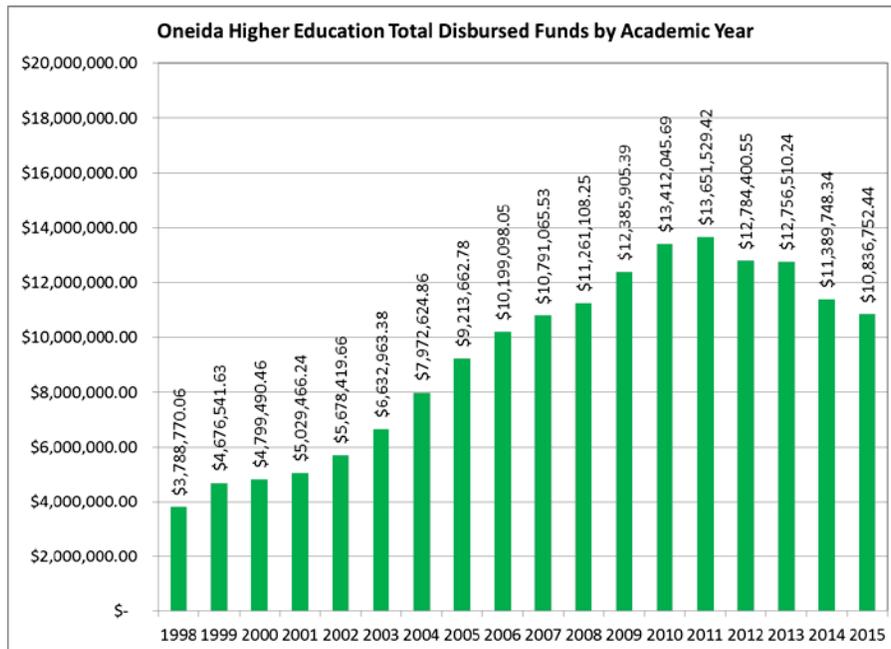
The U.S.'s average cost is higher for all types of institutions with a substantial difference between the average costs of private 4-year institutions. Since there is such a difference in the cost, a comparison of the rate changes may be more beneficial.



Oneida's change in disbursed Higher Education funds was between 2.5% and 6.6% for each type of institution. The U.S. change in cost from 2014 to 2015 was between -5% and 5% for each type of institution.

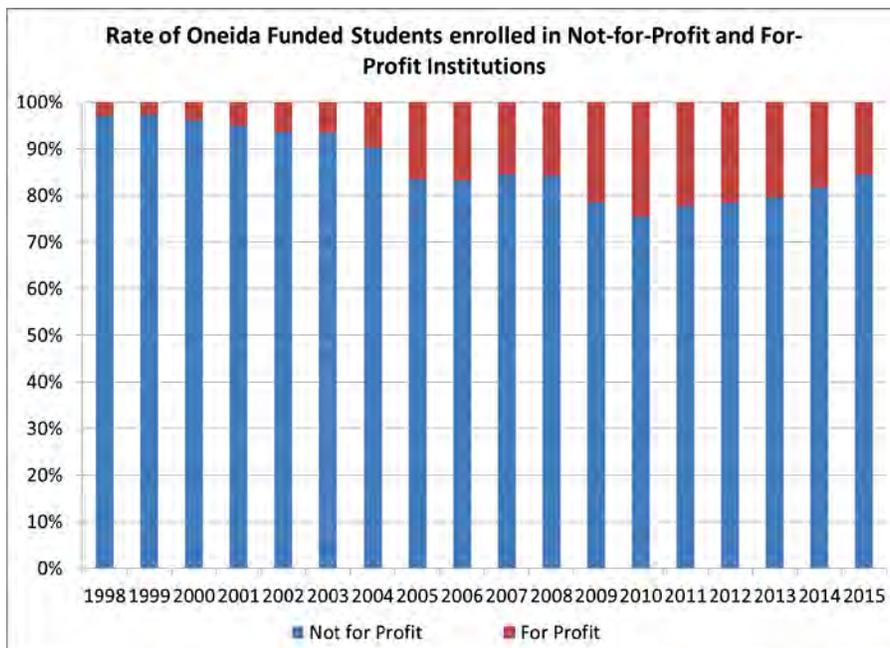


The total disbursed funds from Oneida Higher Education continued to climb until the 2011 academic year, but then dropped in the following years. The overall disbursed funds per year for the Higher Education Department are shown in the chart below.

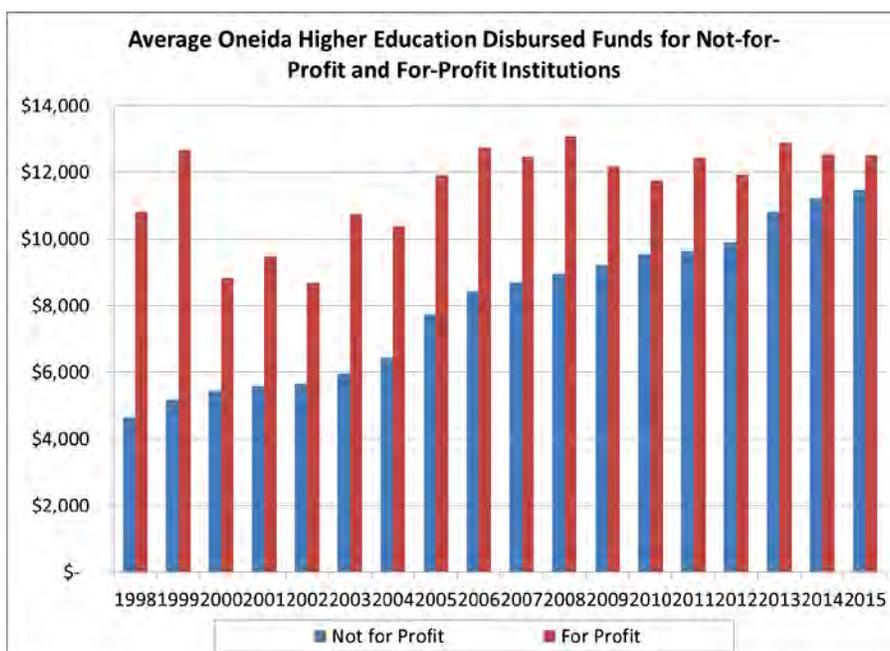


## V. Type of Institutions

In addition to Private and Public institutions, private institutions can also be separated into for-profit and not-for-profit. The rate of Oneida students who have enrolled in for-profit institutions has increased significantly from 1998 to 2015. The following chart details the rate of Oneida students at not-for-profit and for-profit institutions.

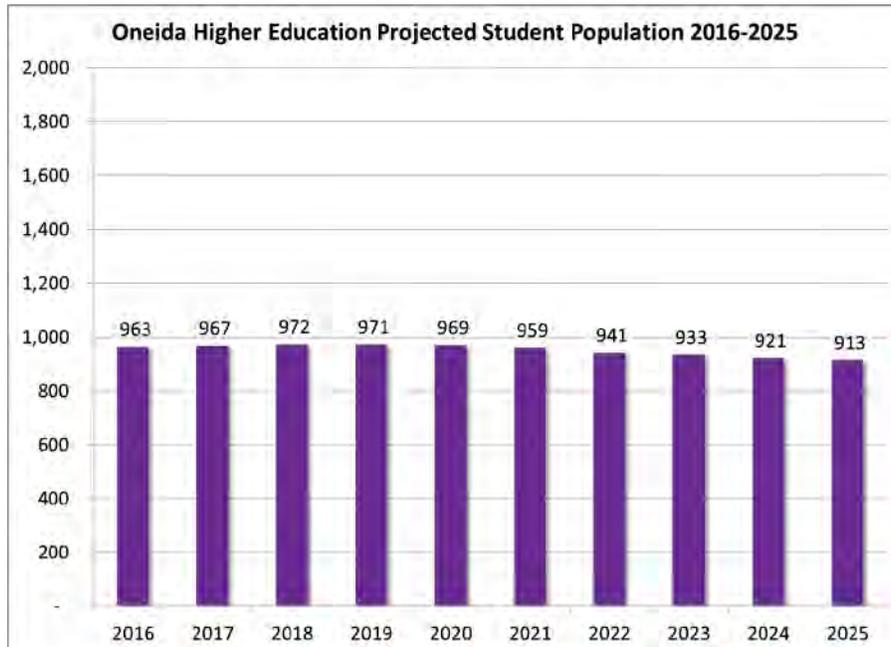


The Oneida Higher Education average disbursed funds for not-for-profit institutions has gradually increased from 1998 to 2013, starting at \$4,638 and growing to \$11,476. The averaged disbursed funds paid to for-profit institutions has varied, but has always been over \$8,400 and was \$12,521 in the 2015 academic year. The chart below shows the difference in disbursed funds to not-for-profit and for-profit institutions.

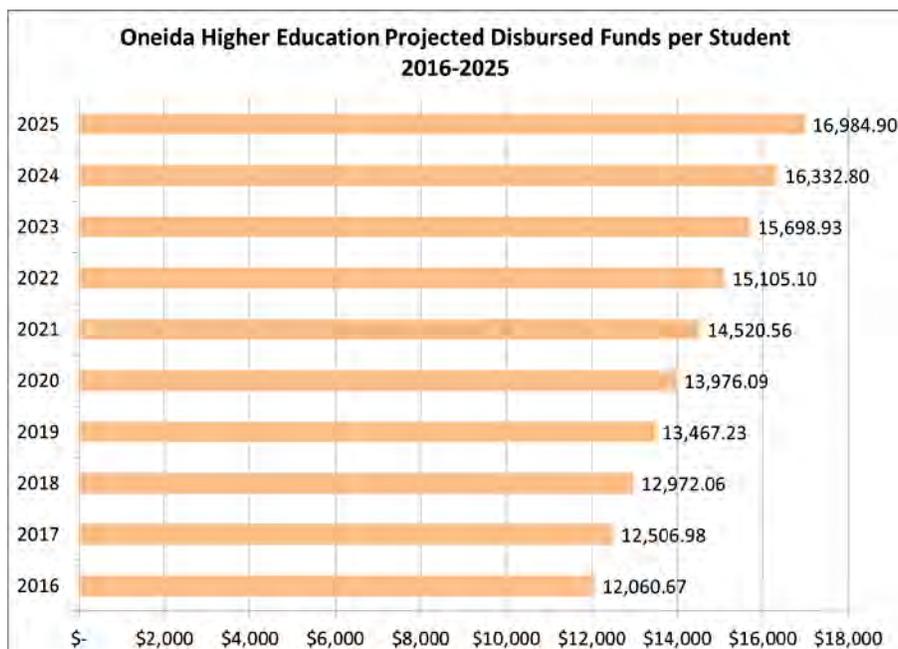


## VI. Projected Utilization

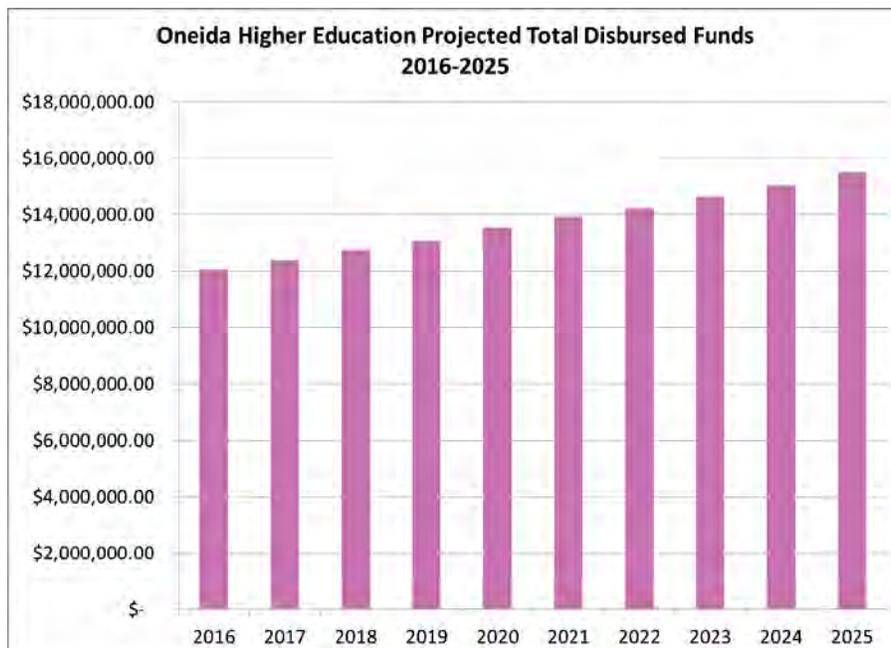
As was shown on the first page, the number of tribal members eligible for funds will only slightly increase. The percentage of the enrolled population that utilizes the Higher Education funds was expected to slightly increase, but that has not occurred. The rate has dropped down to under 7% of the eligible population. The rate of high school graduates attending college has not made up for the reduction due to the aging population. This has resulted in lower projections from previous reports. The projected utilization is shown in the chart below.



The average disbursed funds from Oneida Higher Education are expected to continue to grow each year. The average disbursed funds per student are shown in the following chart.



The average disbursed funds per student are expected to increase. The trend is quite linear, but will eventually level off due to the maximum funding amount of \$20,000 for undergraduate students, \$25,000 for graduate/professional students, and \$30,000 for doctoral students. These projections are based on that factor. The overall growth in the total cost for Oneida Higher Education is shown in the chart below.



The total projected costs per year for the Higher Education Department is listed below in the table. Note that the average cost per year met the \$25,000 limit for Graduate/Professional degrees from 2020 forward and \$30,000 limit for Doctoral degrees from 2023 forward. These limits were established with the GTC resolution 1-30-10-A.

<b>Projected Total Higher Education Costs</b>	
2016	\$ 12,041,977.16
2017	\$ 12,379,678.46
2018	\$ 12,758,354.46
2019	\$ 13,079,450.32
2020	\$ 13,536,428.61
2021	\$ 13,927,043.11
2022	\$ 14,216,671.44
2023	\$ 14,651,977.52
2024	\$ 15,035,880.23
2025	\$ 15,508,578.68

The Oneida Higher Education costs are projected to grow over the next 10 years. It is necessary for the organization to prepare for this increase in cost.



# Higher Education Student Handbook



*Oneida Tribe  
of Indians of Wisconsin*



# Oneida Higher Education Scholarship

## **Office Hours**

Monday through Friday

8:00 a.m. – 4:30 p.m.

## **Telephone**

920-869-4033

1-800-236-2214 ext. 4033

## **Fax**

920-869-4039

## **Office Email**

[highered@oneidation.org](mailto:highered@oneidation.org)

## **Web Page**

[www.oneida-nsn.gov/highered](http://www.oneida-nsn.gov/highered)

## **Mailing Address**

Oneida Higher Education Office

P O Box 365

Oneida, WI 54155

## **Location**

Norbert Hill Center (North wing)

N7210 Seminary Rd

Oneida WI 54155



The Oneida Higher Education Applications and forms can be found on our web page,

[www.oneida-nsn.gov/highered](http://www.oneida-nsn.gov/highered)

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**Article 1: INTRODUCTION**

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The Oneida Higher Education Office acts as a financial aid office, processing the Oneida Higher Education Scholarship and assisting applicants in completing the Free Application for Federal Student Aid (FAFSA).

The Scholarship is determined by a combination of the applicant's FAFSA, the Financial Needs Analysis and the Oneida Higher Education Scholarship funding guidelines. The Scholarship is not intended to replace annual income or meet total personal or household expenses.

Applicants are advised not to start school/classes until they receive the Oneida Higher Education Scholarship Award Letter. Applicants who choose to start prior to the receipt of the Oneida award letter are responsible for any incurred costs.

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**Article 2: DEFINITIONS**

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2. This Article provides the definitions of words and phrases used within this Handbook. All words not defined in this Article must be used in their ordinary and everyday sense.
- (a) “Accredited vocational program, college or university” means either any United States educational institution officially accredited by an agency recognized by the United States Department of Education or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.
  - (b) “Financial Needs Analysis” is a form that reports a school’s cost of attendance and eligible Financial Aid awards and is sent by the Higher Education Office directly to the school’s financial aid office for completion.
  - (c) “GPA” means grade point average which is a measure of a student’s academic achievement arrived at by dividing the total grade points received by the total grade points attempted.
  - (d) “Tiered Funding” defined as progression within professions
  - (e) “Higher Education Office Review Panel” is a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager.
  - (f) “Official Transcript” Official Transcript means an official report of a student’s grades sent directly from the educational institution via mail, and certified as official or from the educational institution’s e-script vendor.

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**Article 3: STUDENT RESPONSIBILITIES**

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3. Persons participating in the Oneida Higher Education Scholarship program are responsible for the following:
- (a) All costs incurred prior to attending school, which may include, but are not limited to: Admission fees, housing deposits, transportation to the school, and other related fees.
  - (b) Abiding by and complying with the eligibility and requirement provisions contained in the Oneida Higher Education Scholarship (Law) and this Handbook.
  - (c) Following up with the Higher Education Office and the school's financial aid office as necessary to ensure all required documents are completed and/or received.
  - (d) If attending more than one institution during the same academic term, submitting a copy of an approved consortium agreement.
  - (e) Upon graduation, submitting a copy of the diploma earned and requesting a final Official Transcript to be sent to the Higher Education Office.
  - (f) Notifying the Higher Education Office of any applicable changes, including, but not limited to, a change of school, mailing address, phone number, email address, degree program, the number of college credits, or financial aid.

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**Article 4: APPLICATION REQUIREMENTS**

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4-1. In order to meet the requirements for a Scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid (FAFSA), unless the applicant will be taking less than six (6) credits or will be attending a Canadian education institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language programs. The FAFSA must be completed annually and may be done at [www.fafsa.gov](http://www.fafsa.gov).

(b) Applicants shall ensure that a complete student file is submitted to the Higher Education Office. A complete student file consists of the following:

(1) A copy of the college/university acceptance/admission letter for all applicants that are a new students, re-entering students (returning to school after taking one (1) or more years off) or transfer students;

(2) An [Oneida Higher Education Application](#) and the [Participation Acknowledgment and Agreement](#) (which must be submitted each academic year);

(3) An [Oneida Higher Education Academic Plan](#), (which must be submitted for each term of funding);

(4) An Official Transcript, (which must be provided to the Higher Education Office at the close of each term of funding); and

(A) Official Transcript means an official report of a student's grades sent directly from the educational institution via mail, and certified as official or from the educational institution's e-script vendor.

(B) Applicants are responsible for any applicable Official Transcript fees.

(5) A Financial Need Analysis, which is a form that reports a school's cost of attendance and eligible Financial Aid awards and is sent by the Higher Education Office directly to the school's financial aid office for completion.

4-2. To ensure fastest possible distribution of scholarship funds, applicants should submit their Oneida Higher Education Application by the following priority dates:

- (a) For the Fall Term – By April 15<sup>th</sup>
- (b) For the Spring Term – By October 1<sup>st</sup>
- (c) For the Summer Term – By May 1<sup>st</sup>

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**Article 5: SCHOLARSHIP ELIGIBILITY**

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5. In order to be eligible for a Scholarship Award, applicants must:

(a) Be an enrolled Oneida Tribal Member.

(b) Be accepted into an Accredited vocational program, college or university, meaning either any United States educational institution officially accredited by an agency recognized by the United States Department of Education or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs..

(c) Be in good standing, according to [Article 10: GRADING REQUIREMENTS – GOOD STANDING](#).

(d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.

(e) Be seeking the Scholarship for a degree that is higher than the funding tier of a previously earned degree based on the funding tiers under Article 7: LENGTH OF FUNDING ELIGIBILITY of this Handbook or Section 401.6-2 of the Oneida Higher Education Scholarship (Law).

(1) An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier is eligible.

(2) For example scenarios explaining the requirements of Article 5(e), please see

(3) Addendum 01: EXAMPLES OF THE ARTICLE 5(e) REQUIREMENT.

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**Article 6: INELIGIBILITY FACTORS**

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6-1. The Scholarship is not available under the following circumstances:

- (a) For courses required to update/maintain a license.
- (b) For post-degree certificates, workshops, seminars, conferences, or continuing education credits/units.
- (c) For post-secondary required pre-requisite credited classes.
- (d) For post-graduate preparation and admission exams (e.g. GRE, LSAT, MCAT, GMAT).
- (e) For post-secondary preparatory programs/courses.

**6-2.** Oneida Trust Scholarship. The Oneida Trust Scholarship may be available to cover the costs associated with the ineligible factors contained in Article 6-1(d)-(f). For more information on the Oneida Trust Scholarship, please see

**Addendum 02: ONEIDA TRUST SCHOLARSHIP.**

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### Article 7: LENGTH OF FUNDING ELIGIBILITY

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7. Scholarship awards are subject to the following length of funding and maximum funding requirements:

Tier Level	Achievement Sought	Length of Eligibility*	Maximum Funding**
1 <sup>st</sup>	Vocational Degree/Associate Degree/Certificate	2.5 years	\$20,000
2 <sup>nd</sup>	Undergraduate Degree	5 years	\$20,000
3 <sup>rd</sup>	Graduate Degree	3 years	\$25,000
4 <sup>th</sup>	Doctoral Degree	5 years	\$30,000

\*Terms for which applicants are funded for less than six (6) credits may not be counted against the length of funding requirements.

\*\*Maximum funding caps are per academic school year.

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### Article 8: FUNDING PROCESS

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- 8-1. Funding is based on an August 1<sup>st</sup> - July 31<sup>st</sup> academic school year.
- 8-2. To be considered for the Oneida Higher Education Scholarship applicants **must have a complete student file prior to the end of the term for which funding is sought.** The Higher Education Office shall review an applicant's file and begin the award process upon its receipt of a complete student file.
- 8-3. Upon award, the Higher Education Office shall send award letters listing the Scholarship amount(s) to the applicant and the applicant's school's financial aid office.
- 8-4. The Higher Education Office shall send Scholarship funds directly to the school for disbursement. Applicants must abide by the school's policies regarding the release of financial aid funds to students.

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**Article 9: SCHOLARSHIP AWARD DETERMINATION**

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9. Scholarship award determinations are based on the following:

(a)

Student Status	Credits Per Term (Estimated)	Scholarship Funding
<b>Full-Time:</b> Vocational/Undergraduate Graduate/Post-graduate	12 credits 9 credits	Tuition/fees, required books and room/board.*
Student Status	Credits Per Term (Estimated)	Scholarship Funding
<b>Part-Time:</b> Vocational/Undergraduate Graduate/Post-graduate	6-11 credits 6-8 credits	Tuition/fees and required books.*
<b>Less than Part-time</b>	1-5 credits	Tuition/fees and required books.
<b>Cosmetology</b>	Required hours per student contract	Tuition/fees and required books/supplies.*

\*The costs of attendance will be based on the applicant's individual financial need as determined by the FAFSA and the Financial Needs Analysis.

(b) Funding for study abroad that is a requirement to graduate will be coordinated with the school's financial aid office to include the cost of tuition, room & board and transportation. Personal and miscellaneous expenses are the applicant's responsibility. Funding for non-required study abroad college credit(s) will consist of tuition/fees and required books.

(c) Applicants taking classes 100% on-line are eligible for tuition/fees and required books based on the applicant's individual financial need as determined by the FAFSA and the Financial Needs Analysis. Other cost of attendance items will be based on the standard online budget developed by the Higher Education Office.

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**Article 10: GRADING REQUIREMENTS – GOOD STANDING**

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10. In order to meet the grading requirements and be in good standing as required by Article 5(c) students must:

(a) Meet the following Oneida GPA requirements:

Degree	Academic Requirements*
Vocational/Associate/Certificate	2.0 GPA
Undergraduate	2.0 GPA
Graduate	3.0 GPA
Doctorate	3.0 GPA
Cosmetology (Technical Diploma)	(Monthly requirement) Attendance = min. 90% Written = min. 80% Skills/Practical = min. 80%

\* Academic Requirements based on a 4.0 grading scale.

(1) Courses that do not have associated grades or GPAs, for example when an applicant receives an incomplete, withdrawal or unsatisfactory for a course, the Higher Education Office will consider the course to have been failed.

(2) Term GPAs must always be calculated based on the actual number of credits funded.

- (b) Complete the total number of credits within the semester/term for which the Scholarship was provided based on an Official Transcript, which is an official report of a student's grades sent either directly from the educational institution, via mail, e-mail and certified as official or from the educational institution's e-script vendor.
- (c) Meet the standards of the applicant's school's financial aid academic good standing requirements, including GPA. Doctoral students will be considered to have met the requirements of this Article 10(a) so long as they have met the school's financial aid academic good standing requirements, including GPA.

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**Article 11: PROBATION AND SUSPENSION GUIDELINES**

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11-1. *Probation Status.* Applicants on probation remain eligible to receive a Scholarship award for the following term.

(a) While on probation:

(1) Applicants are strongly encouraged to meet with their school's advisors to develop a plan for academic success;

(2) Applicants must complete all the credits for which they receive the Scholarship, and must meet the academic requirements for good standing provided in Article 10; and

(3) At the close of the term for which an applicant is on probation, the applicant must request an Official Transcript be sent to the Higher Education Office to determine future funding status.

(b) The Higher Education Office shall place all applicants that fail to meet the probation requirements on suspension status.

11-2. *Suspension Status.* Applicants on suspension are not eligible to receive a Scholarship award.

(a) In order to have eligibility for the Higher Education Scholarship program reinstated, an applicant on suspension must:

(1) Make-up the number of credits that was incomplete during the funded term of academic suspension at the same academic level at an accredited post-secondary Institution and must meet the academic requirements for good standing provided in Article 10; or

(2) Repay the amount of the Scholarship for those incomplete credits that were funded during the term for which they were placed on suspension. Applicants who withdraw from school or do not earn any credits must repay the entire amount of the Scholarship.

11-3. The Higher Education Office shall place applicants on probation/suspension in accordance with the following, provided an applicant may be placed on probation/suspension for any single reason or any combination of the reasons:

	<b>PROBATION</b>	<b>SUSPENSION</b>
<b>Failure to Meet GPA Requirements</b>	An undergraduate/technical applicant earning a GPA between 1.0 and 1.9.	An undergraduate/technical applicant earning a GPA below 1.0.
	A graduate applicant earning a GPA between 2.0 and 2.9.	A graduate applicant earning a GPA below 2.0.
	A doctoral applicant earning a GPA between 2.0 and 2.9. *	A doctoral applicant earning a GPA below 2.0.*
	A cosmetology applicant with a monthly Official Transcript does not meet any one (1) of the academic requirements: (attendance 90%, written 80%, practical 80%).	A cosmetology applicant with a monthly Official Transcript does not meet any two (2) of the academic requirements: (attendance 90%, written 80%, practical 80%).
<b>Failure to Complete All Funded Credits</b>	An applicant who does not complete all of the credits for which he or she was funded.	An applicant who does not complete at least half of the credits for which they were funded.
<b>Other</b>	--	Failure to meet the requirements of probation.

\* Doctoral students will be considered to have met the requirements of Article 10(a) so long as they have met the school's financial aid academic good standing requirements, including GPA.

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**Article 12: APPEAL PROCESS**

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12-1. An applicant may appeal a Scholarship decision made by the Higher Education Office, but only to the extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provision of the Oneida Higher Education Scholarship (Law) and/or this Handbook.

(a) An applicant may appeal a Scholarship decision made by the Higher Education Office by completing the appeal form available with the Higher Education Office and submitting it along with any required supporting documentation to the Higher Education Office, provided that, in order for the appeal to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office's Scholarship decision.

(b) Upon receipt of an appeal the Higher Education Office Review Panel (a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager) shall review the merits of the appeal and, within (10) business days from the date the appeal was received, shall issue the applicant a written determination.

12-2. The applicant may file an appeal of the determination made by the Higher Education Office Review Panel to the Division Director.

(a) An applicant may appeal a determination made by the Higher Education Office Review Panel by completing the appeal form available with the Higher Education Office and submitting it along with any required supporting documentation to the Higher Education Office, provided that, in order for the second-level appeal to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office Review Panel's written determination.

(b) Upon receipt of a second-level appeal, the Higher Education Office shall forward the appeal to the Division Director.

(c) Upon receipt of an appeal, the Division Director shall ensure the proper appeal process was followed, review the merits of the appeal and, within (10) business days from the date the appeal was received, issue the applicant a written determination with a copy provided to the Higher Education Office. Should the Division Director receive an appeal that did not follow the appeal process; the Division Director shall advise the applicant to follow the appeal process as outlined.

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**Article 13: EXCEPTION PROCESS**

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13-1. Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant will likely succeed in achieving the accomplishment sought either within the exception period and/or despite the extenuating circumstances that have made pursuing an exception necessary. The Higher Education Office may only grant the available exceptions provided in Section 401.7-2 of the Oneida Higher Education Scholarship (Law).

(a) The available exceptions are as follows:

(1) In regards to eligibility:

(A) The requirements to be in good standing as provided in Section 401.5-1(b) of the Law and Article 5(c) of this Handbook; and

(B) The requirement that the Scholarship be for a degree that is categorized in a funding tier that is higher than the funding of a previously earned degree as provided in Section 401.5-1(e) of the Law and Article 5(e) of this Handbook.

(2) In regards to application requirements, the requirement that a FAFSA be filed as provided in Section 401.5-2(a) of the Law and Article 4-1(a) of this Handbook.

(3) Length of funding as provided in Section 401.6-1 of the Law and Article 7: LENGTH OF FUNDING ELIGIBILITY of this Handbook.

13-2. An applicant may only request an exception as provided in Article 13-1.

(a) An applicant may request an exception to a Scholarship decision made by the Higher Education Office by completing the exception form available with the Higher Education Office and submitting it along with any required supporting documentation to include a written explanation of the extenuating circumstances that serve as the basis for requesting the exception to the Higher Education Office, provided that, in order for the exception to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office's Scholarship decision.

(b) Upon receipt of an exception the Higher Education Office Review Panel (a three (3) party review panel, which is to include two Higher Education Advisors, and either the Higher Education Office Manager or the Area Manager) shall review the merits of the exception and, within (10) business days from the date the exception was received, shall issue the applicant a written determination.

13-3 An applicant may file a request for reconsideration of an exception to the decision made by the Higher Education Office Review Panel to the Division Director by completing the exception form available with the Higher Education Office, noting that the request is for a reconsideration and submitting it along with any required supporting documentation to the Higher Education Office, provided that, in order for a request for reconsideration of an exception to be considered, it must be filed within ten (10) business days of the date of the Higher Education Office Review Panel's written determination.

(a) Upon receipt of the request for reconsideration of an exception, the Higher Education Office shall forward the exception to the Division Director.

(b) Upon receipt of a request for reconsideration of the exception, the Division Director shall ensure the proper exception process was followed, review the merits of the exception and, within (10) business days from the date the request for reconsideration of the exception was received, issue the applicant a written determination with a copy provided to the Higher Education Office. Should the Division Director receive a request for reconsideration of an exception that did not follow the exception process; the Division Director shall advise the applicant to follow the exception process as outlined.

## OTHER INFORMATION

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### FERPA – CONSENT TO RELEASE STUDENT INFORMATION

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College students are allowed to determine who will receive information about them. While parents (or spouses) understandably have an interest in a student's academic progress, they are not automatically granted access; students must complete the Family Educational Rights and Privacy Act "[FERPA](#)" form in order for another individual to access their Oneida Higher Education records. This requirement is in compliance with the Privacy Act of 1974 (Public Law 93-579), the FERPA, which protects the privacy of students' educational records. The Act requires students to provide consent before their records may be accessed by third parties.

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### FUNDING COLLEGE CREDIT FOR PRIOR LEARNING/EXPERIENCE

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Applicants may have the opportunity to earn academic credit for college level knowledge and competency outside the classroom, for which credit has not already been earned. These types of credit opportunities are coordinated through the applicant's individual school.

Applicants may apply for tuition reimbursement; applicants must submit their original receipts and documentation of their successful credit approval. Such applications are subject to the requirements contained in Article 5 and must be submitted to the Higher Education Office in the same academic school year as the credits were awarded by the school.

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### STUDENT LOAN DEFAULT OPTIONS

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Applicants who are in student loan default may have options available to be reconsidered for federal financial aid and should contact the loan lender to discuss the potential availability of such options. For additional information regarding student loan issues, including, but not limited to loan repayment, consolidation, default and disputes, please go to [www.ed.gov](http://www.ed.gov).

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Adopted:

BC-\_\_\_\_\_

References:

Oneida Higher Education Scholarship (Law)

Trust Scholarship Policy and Procedure (Amended-BC 12-11-13E)

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**Addendum 01: EXAMPLES OF THE ARTICLE 5(e) REQUIREMENT**


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This Addendum 01 contains examples of potential scenarios where a student is seeking multiple degrees and the eligibility results based on the requirement in Article 5(e) that applicants must be seeking the Scholarship for a degree that is categorized in a funding tier that is higher than the funding tier of a previously earned degree based on the following funding tiers:

<b>Tier Level</b>	<b>Achievement Sought</b>	<b>Length of Eligibility*</b>	<b>Maximum Funding**</b>
1 <sup>st</sup>	Vocational Degree/Associate Degree/Certificate	2.5 years	\$20,000
2 <sup>nd</sup>	Undergraduate Degree	5 years	\$20,000
3 <sup>rd</sup>	Graduate Degree	3 years	\$25,000
4 <sup>th</sup>	Doctoral Degree	5 years	\$30,000

1. The following are examples of funding eligibility for degrees sought in separate funding tiers:

(a) A student may be enrolled in a doctorate program, 4th tier, and a master's program, 3rd tier, at the same time and would be subject to the 4th tier maximums for length of eligibility and funding because the degrees are being earned at the same time and the doctorate is in the higher tier.

(b) A student may complete a master's program based on the 3rd tier maximums for length of eligibility and funding and then, once complete, may complete a doctorate program based on the 4th tier maximums for length of eligibility and funding because the doctorate is in a higher funding tier than the previously earned master's degree.

(c) A student may not complete a doctorate program based on the 4th tier maximums for length of eligibility and funding and then pursue a master's degree based on the 3rd tier maximums for length of eligibility and funding because the master's degree is in a lower funding tier than the previously earned doctorate degree.

2. The following are examples of funding eligibility for multiple achievements sought in the 1<sup>st</sup> tier funding of Certificates, Vocational degrees and associate degrees:

(a) If an applicant previously received a Scholarship to attend a one (1) year dental assistant program and completed that program with a vocational degree, he or she may still be awarded a Scholarship to pursue an associate's degree because while it is technically in the same funding tier, it is a more advanced degree than the previously earned vocational degree. It is important to note that while the student may still pursue the associate's degree, the scholarship award remains subject to the 1st tier's maximum length of funding of 2.5 years. Based on this, the applicant is eligible for the scholarship award and has 1.5 years remaining to complete the associate's degree.

(b) If the applicant previously received a scholarship to participate in an associate program and earned an associate's degree, he or she would not be eligible for a Scholarship award to pursue a certificate or a vocational degree at a later time, regardless of any remaining length of eligibility because the associate's degree is the most advanced degree in the 1st tier and applicants are not eligible for funding of a degree that is less advanced than a previously earned degree.

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**Addendum 02: ONEIDA TRUST SCHOLARSHIP**

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This Addendum 02 contains information related to the Oneida Trust Scholarship, which is a separate program from the Oneida Higher Education Scholarship program; it is governed by the Oneida Trust Scholarship Fund Policy and is administered by the Higher Education Office. Based on the Policy, the primary purpose of the Oneida Trust Scholarship “is to establish a trust resource for providing financial aid scholarships to assist eligible enrolled Oneida Tribal members in securing higher educational opportunities based on established criteria. This Fund is intended to provide assistance for higher education needs not being met by Tribal contribution [meaning the Oneida Higher Education Scholarship].”

1. Applicants seeking funding through the Oneida Trust Scholarship must be in good standing with the Oneida Higher Education Scholarship program and shall submit the Trust Scholarship Application and any required documents to the Higher Education Office.
2. In order to be eligible for an Oneida Trust Scholarship award, applicants must meet the following requirements:
  - (a) Be an enrolled Oneida Tribal Member;
  - (b) Be seeking post-secondary acceptance/opportunities through required pre-requisite accredited classes, post-graduate preparation preparatory/examinations, or related a preparatory courses;
  - (c) Complete the Oneida Trust Scholarship applications prior to the close of the class/term/examination; and
  - (d) Be in good standing with the Oneida Higher Education Scholarship program as defined by [Article 10: GRADING REQUIREMENTS – GOOD STANDING](#) of the Higher Education Student Handbook.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve meeting materials for the April 11, 2016, special General Tribal Council meeting

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

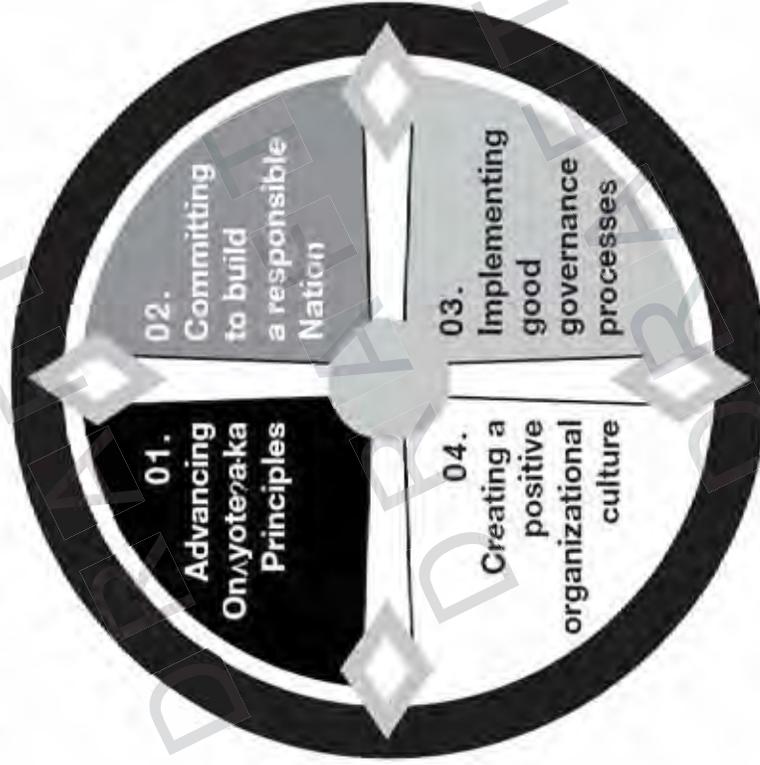


**Special  
General Tribal Council  
Meeting**

**MONDAY, April 11, 2016  
6:00 p.m.**

**Radisson Hotel & Conference Center  
2040 Airport Drive  
Green Bay, Wisconsin**

**FOUR STRATEGIC DIRECTIONS**



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## GENERAL TRIBAL COUNCIL MEETING INFORMATION

### EXPECTATIONS

**No Children Please.** All seats are needed for voting age members.

Smoking only allowed in designated area.

No E-cigarettes allowed per Clean Air Policy of BC-05-28-14A.

Please exit the meeting in an orderly manner.

Keeping in line with the Oneida principle of *Kalihwi-yó*; meeting attendees are expected to treat each other with respect and kindness.

- Please do not:
- Use profanity,
- Interrupt others,
- Heckle or threaten others,
- Disrespect property, or exhibit behavior that disrupts the meeting or endangers the safety of other attendees,
- Be under the influence of alcohol or illegal drugs,
- Have a weapon on their person in violation of any applicable law, or
- Take action that violates Tribal law.

### TO ATTEND THE MEETING

You must be an enrolled Tribal member.  
 You must be at least 21 years old.  
 You must present a photo ID when checking in.

### PHOTO ID REQUIRED

The Enrollment Department issues Tribal ID's.

Tribal ID Card Issuance hours and location:  
 9 a.m. to 4 p.m. weekdays  
 210 Elm St. Oneida, WI 54155  
 (920) 869-6200

### GTC MEETING STIPEND

To be eligible to receive the \$100 GTC meeting stipend, attendees must be in line to register no later than 15 minutes after the start of the meeting and sign out after the meeting adjourns.

Those leaving the designated GTC meeting area will not receive their stipend.

### EXITING SAFETY INFORMATION

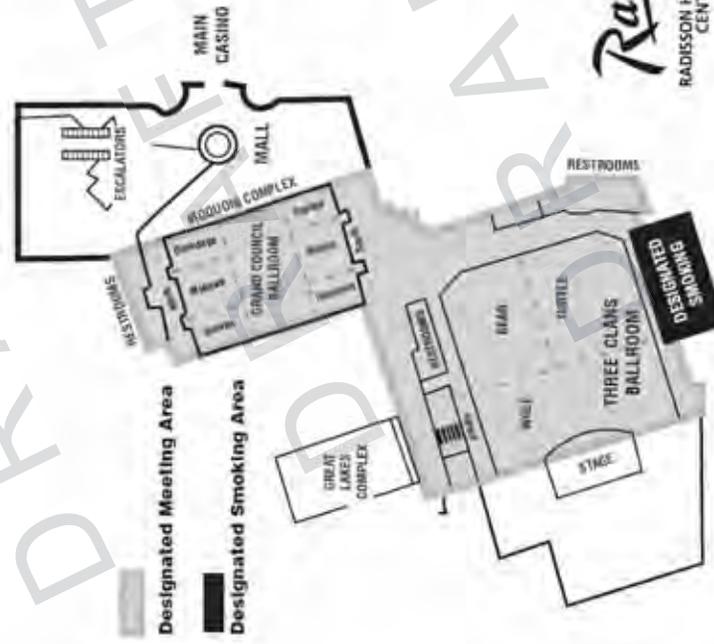
When the meeting is adjourned, please remain seated until your section is released by the Tribal Chairwoman

### FOOD AND BEVERAGES

If you have medical needs, **please bring your own food and beverages** to ensure you are prepared if the meeting runs longer than 3 hours. Some food and beverages will be available for sale.

## DESIGNATED GTC MEETING AREA

- Meeting attendees must remain inside the designated meeting area or smoking area to remain eligible to receive the meeting stipend.
- You must be an enrolled Oneida tribal member and 21 years or older to be in the designated meeting area



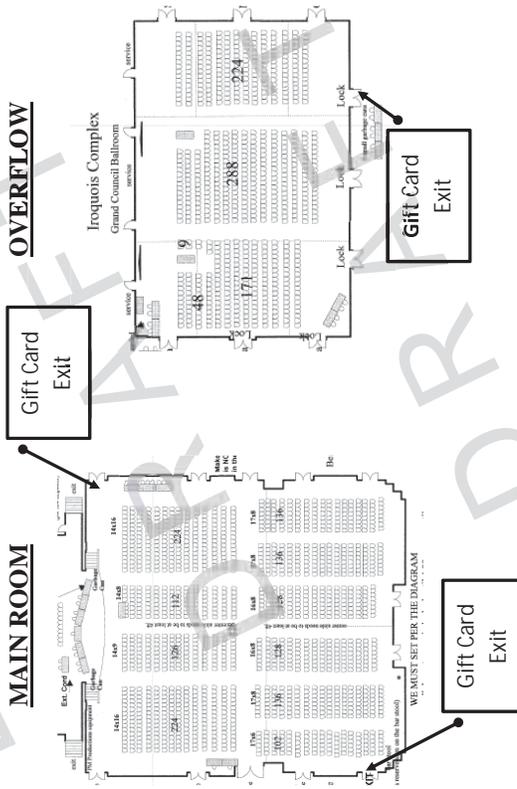
**Voluntary Retail Gift Card**

The Oneida Business Committee will again be offering the Voluntary Retail Gift Card at the April 11, 2016, Special GTC Meeting. There will be an **additional Gift Card Exit in the Main Room.**

Please note the following:

- 1) This is a **VOLUNTARY** choice.
- 2) Lost cards will not be replaced.
- 3) A signed acknowledgement will be required.

**Three exits** have been designated for General Tribal Council meeting attendees who choose to receive a retail gift card in lieu of stipend.



If you have additional questions, please contact the BC Support Office at 920-869-4364.

**Voluntary Retail Gift Card**

**Frequently Asked Questions**

**What if I lose my card, can I get it replaced?** No, if a card is lost, it will not be replaced.

**Is the card still taxable income?** Yes, the card is considered taxable income; the records will be kept the same as the distribution of checks or direct deposit and it will be reflected on your 1099-MISC tax form.

**Can I get a card at some meetings and choose a stipend at other meetings?** Yes, at each GTC meeting you will have a choice.

**Will there be special check-out lines for the cards at GTC meetings?** Yes, if you want a card, there will be a special line for checkout to keep the exit process moving smoothly. **Please see the maps on the Announcement page.**

**Will we eventually go 100% gift cards for stipends?** GTC would determine if there is a full transition to gift cards. This would also require GTC to approve an amendment to the "GTC Meeting Stipend Payment Policy."

**Can I redeem my card for cash at any of the places that accept the card?** No, the card cannot be redeemed for cash.

**Will I be able to use the card at the casino?** No, the gift card cannot be redeemed at the casino, hopefully in the near future this can be considered. The gift card is valid at any of the following entities:

- Oneida One Stops, Travel Center and Smokeshops
- Oneida Market
- Oneida Museum
- Oneida Family Fitness
- Oneida Nation Farm
- Oneida Apple Orchard
- Oneida Licensing Department
- Oneida Health Center
- Oneida Housing
- Oneida Utilities

# ONEIDA GENERAL TRIBAL COUNCIL

## AGENDA

1. WELCOME AND OPENING PRAYER
2. ANNOUNCEMENTS AND CALL MEETING TO ORDER
3. ADOPT THE AGENDA
4. NEW BUSINESS
  - A. **Petitioner Madelyn Genskow** *submitted 11/17/2014*  
Review and consider four (4) resolutions:
    - 1) **Budget Cuts**
      - a) Petitioner Presentation
      - b) Business Committee Recommendation
      - c) Discussion and Action
    - 2) **Swimming Lessons**
      - a) Petitioner Presentation
      - b) Business Committee Recommendation
      - c) Discussion and Action
    - 3) **BCC's to carry out GTC Directives**
      - a) Petitioner Presentation
      - b) Business Committee Recommendation
      - c) Discussion and Action
    - 4) **Elder Home Repair**
      - a) Petitioner Presentation
      - b) Business Committee Recommendation
      - c) Discussion and Action

Continued on next page



### SPECIAL MEETING

Monday, April 11, 2016

6:00 p.m.

### LOCATION

Radisson Hotel & Conference Center  
2040 Airport Dr., Green Bay, WI

### DIRECTIONS

Radisson Website:  
<http://www.radisson.com/green-bay-hotel-wi-54313/greenbay>

Map Quest Directions:  
[www.mapquest.com/us/wisconsin/hotels-motels-green-bay/wisconsin-hotels-motels-green-bay/radisson-hotel-conference-center-304148266](http://www.mapquest.com/us/wisconsin/hotels-motels-green-bay/wisconsin-hotels-motels-green-bay/radisson-hotel-conference-center-304148266)

# ONEIDA GENERAL TRIBAL COUNCIL

## AGENDA – CONTINUED

- B. **Petitioner Madelyn Genskow** *submitted 02/10/2015*  
Review and consider six (6) resolutions:
  - 1) **Scheduling GTC Meetings**
    - a) Petitioner Presentation
    - b) Business Committee Recommendation
    - c) Discussion and Action
  - 2) **Fee to Trust Process**
    - a) Business Committee Notice
  - 3) **Elder Service Means Testing**
    - a) Petitioner Presentation
    - b) Business Committee Recommendation
    - c) Discussion and Action
  - 4) **Record BC subcommittee meetings**
    - a) Petitioner Presentation
    - b) Business Committee Recommendation
    - c) Discussion and Action
  - 5) **Governmental Services chain of command**
    - a) Petitioner Presentation
    - b) Business Committee Recommendation
    - c) Discussion and Action
  - 6) **Unclaimed Per Capita Payments**
    - a) Petitioner Presentation
    - b) Business Committee Recommendation
    - c) Discussion and Action

## 5. ADJOURN

**TOPIC:**  
**PETITIONER**  
**MADELYN GENSKOW**  
**REVIEW AND CONSIDER FOUR**  
**(4) RESOLUTIONS**

Certification of Signatures..... 2  
 Resolution 1 – Budget Cuts ..... 3  
 Resolution 2 – Swimming Lessons ..... 27  
 Resolution 3 – BCC’s to carry out GTC Directives..... 55  
 Resolution 4 – Elder Home Repair ..... 71



**Oneida Nation**  
 Certification of Petition Signatures

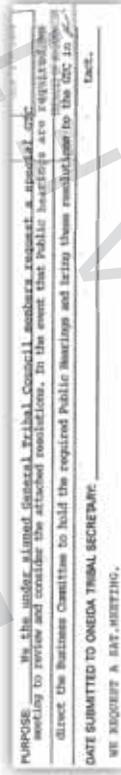
TO: General Tribal Council  
 FROM: Lisa Summers, Tribal Secretary  
 DATE: March 9, 2016  
 RE: Madelyn Genskow Petition re: Review and consider four (4) resolutions

Certification of Sufficient Petition Signatures:

Petitioner Name: Madelyn Genskow  
 Date Submitted: November 17, 2014  
 Total # of signatures submitted: 66  
 Total # of invalid signatures: 3  
 Total # of valid signatures: 63

Sixty-three signatures were verified by the Oneida Enrollment Department on November 17, 2014. The number of signatures submitted by the petitioner is sufficient.

Petition: A copy of the petition statement is provided here:



The full petition is available per the Open Records and Open Meetings Law. Contact the Business Committee Support Office for more information at (920) 869-4364.

Reason(s) for invalidation: 2 – duplicate signature; 1 – legally incompetent

Resolution 1 - Budget Cuts

CERTIFICATION OF SIGNATURES

M. Genskow (4) resolutions

# RESOLUTION 1

## BUDGET CUTS

RESOLUTION .....	4
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PETITIONER'S SUPPLEMENTAL MATERIALS .....	23
BUSINESS COMMITTEE RECOMMENDATION .....	24

Whereas on October 14, 2014, the Oneida Tribal Treasurer and the Oneida Business Committee ordered the upper management of the Oneida Tribe to cut their budgets by 12% across board and

Whereas they ordered an ongoing Comprehensive Hiring Freeze and

Whereas this action has had a negative impact on health and safety issues for Oneida Children and

Whereas this action has a negative affect on the education of the Oneida People

**NOW THEREFORE BE IT RESOLVED THAT THE ONEIDA BUSINESS COMMITTEE MAY NOT SIMPLY MAKE ACROSS THE BOARD PERCENTAGE CUTS.**

**NOW THEREFORE BE IT RESOLVED THAT THE ONEIDA BUSINESS COMMITTEE AND UPPER MANAGEMENT MAY NOT MAKE BUDGET CUTS THAT AFFECT THE HEALTH, SAFETY AND EDUCATION OF THE ONEIDA PEOPLE WITHOUT THE EXPRESSED APPROVAL OF THE ONEIDA GENERAL TRIBAL COUNCIL.**

Resolution 1 - Budget Cuts

RESOLUTION

M. Genskow (4) resolutions



JO ANNE HOUSE, JR.D  
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DEPUTY CHIEF COUNSEL  
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PATRICK M. SYLVES GARBAY  
CAROL L. LONG  
KELLY M. MCANDREWS  
MICHELLE L. MAVS

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** March 3, 2015  
**SUBJECT:** Petition - Genskow - Budget Development

You have asked for a legal review of the above resolution included within a petition submitted by Madelyn Genskow. The resolution contains four Whereas sections and two Resolves. The Enrollment Department has verified that a sufficient number of signatures are present.

- The Whereas sections identifies the following background information as support for the Resolves.
- That the Oneida Business Committee and Treasurer "ordered upper management" to cut budgets by 12%.
  - That the Oneida Business Committee "ordered an ongoing Comprehensive Hiring Freeze."
  - That this caused a negative impact on the health and safety of Oneida children.
  - That this has had a negative effect on the education of Oneida people.

The Resolve sections contain the following two directives to address the background issues identified in the Whereas sections.

- "That the Oneida Business Committee may not simply make across the board percentage cuts."
- "That the Oneida Business Committee and upper management may not make budget cuts that affect the health, safety and education of the Oneida people without the expressed approval of the Oneida General Tribal Council."

To develop this opinion, I have reviewed the budget process used for the Fiscal Year 2015 budget, and various other resources. Citations to specific documents, laws and Internet addresses are included to assist the reader in further researching this subject.

There are three areas reviewed in this opinion. In addition to this legal opinion, the Tribal Secretary also maintains a web page with listings of prior budget presentations and Treasurer's reports that may be of assistance in understanding this subject.

**Historical Budget Actions**

This section contains a review of historical budget actions. The first subsection addresses continuing budget resolutions. The second subsection addresses cost constraint resolutions and actions.

M. Genskow (4) resolutions

LEGAL ANALYSIS

Resolution 1 - Budget Cuts

Petition - Genskow - Budget Development  
Page 2 of 13

**Continuing Budget Resolutions**

Actions regarding the budget occur either at the Oneida Business Committee or General Tribal Council level. In most circumstances, actions by the Oneida Business Committee involve passing a continuing resolution or acting on cost constraint resolution. Prior to 2008, there were occasions where the Oneida Business Committee acted on behalf of the General Tribal Council in approving the budget because of a lack of a quorum. The General Tribal Council generally approves the budget.

The Oneida Business Committee has adopted continuing resolutions in the following years. Excerpts regarding the reasons for the continuing resolutions are set forth below.

Year	Resolution	Reasons Presented in Resolution for Budget Being Delayed
FY97	9-28-90-C	W: "five (5) members of the newly elected Business Committee are in an orientation process on the Tribal budget." W: "the current Tribal budget is over extended primarily due to excessive enterprise projections and interference into gaming operations by the State of Wisconsin" W: "the area managers and directors of programs were directed to submit maintenance budgets which would address the previous year's spending levels, therefore resulting additional evaluation"
FY94	9-14-93-B	W: "the Oneida Gaming Enterprises are currently implementing Phase II of the Gaming Expansion Plan" W: "the Oneida Tribe is currently implementing significant organization wide changes" W: "it is desirable that the budget be finalized and include financing of the major organizational changes"
FY95	9-21-94-F	W: "the public comments were received on the budget and need to be included into the budget" W: "the Oneida Business Committee is proposing the implementation of a two-year budget plan" W: "the concentration is on planning and strategizing for the future"
FY98	9-13-95-D 11-08-95-E 11-28-95-E	W: No specific reasons set forth in resolution
FY97	9-16-96-C	W: No specific reasons set forth in resolution
FY00	9-15-99-A	W: "a spending plan for non Gaming budgets will not be available for General Tribal Council review and approval for implementation on October 1" W: "the operations of the Tribe of Indians of Wisconsin must continue to protect the health and welfare of the membership" W: "the General Tribal Council has abided a resolution for per-capita distributions for 90 days from 8-29-99 and spending must be minimized to comply with potential GTC actions"
FY02	9-05-01-C	W: No specific reasons set forth in resolution
FY05	9-29-04-C	W: "the General Tribal Council has not acted to adopt a budget"
FY08	9-26-07-C	W: "on August 29, 2007, the General Manager, Gaming General Manager, Chief of Staff, Chief Financial Officer (executive team) placed fiscal restraints on the tribal organization in order to mitigate the effects of the special one-time per capita payment mandated by the General Tribal Council on August 11, 2007" W: "the aforementioned fiscal restraints will remain in place until removed by the executive team in coordination with the Oneida Business Committee"
FY09	9-17-08-C	W: No specific reasons set forth in resolution
FY10	9-23-08-B 10-28-09-A	W: No specific reasons set forth in resolution
FY14	9-24-14-A	W: "the Oneida Business Committee has identified that it was not possible to bring forward a budget for Fiscal Year 2015 given the transition as a result of the 2014 General Election and the implementation of a new Oneida Business Committee" W: "the Tribal Treasurer has identified that development of a proposed budget for Fiscal Year 2015 with proposed line items for 2015 and 2017 will require the Tribal Council to reinitiate January of 2015 as a proposed line item for resolution of a new Oneida Business Committee" W: "the Tribal Treasurer has identified that projected revenues do not cover estimated expenditures requiring budget reductions in order to present a balanced budget" W: "the Tribal Treasurer has identified that there are periods of cash flow stress based on revenue streams during the fiscal year that require additional expenditure limitations and monitoring in order to meet the programming and business needs of the Tribe" W: "the Tribal Treasurer has identified that revenue projections have been affected by unduly harsh winters, local construction projects and economic changes such that additional budget constraints have been necessary notwithstanding our conservative fiscal estimates" W: "the Oneida Business Committee agrees that this is a reasonable deadline for development of the budget and preparing it for presentation to the General Tribal Council"

Resolution 1 - Budget Cuts

LEGAL ANALYSIS

M. Genskow (4) resolutions

Six of the twelve continuing resolutions occurred during a transition of the Oneida Business Committee after a General Election as identified by the italicized budgets in the first column. There are three occasions where the resolution identified no specific reason for the delay in presenting a budget to the General Tribal Council. However, two of these continuing resolutions occurred immediately following a General Election. On one occasion, the General Tribal Council failed to adopt the budget when presented. And finally, on one occasion, the budget had to be revised as a result of a per capita payment having been adopted. Overall, since 1990, twelve of the last 24 budgets were presented after a continuing resolution was adopted by the Oneida Business Committee.

**Cost Constraint Resolutions**

Actions that restrict normal expenditure processes are normally set forth in resolutions that are included in this subsection. Set forth below are excerpts from those resolutions regarding the spending restrictions. Listed are also resolutions that have amended laws or policies of the Tribe in conjunction with spending restrictions.

Resolution	Action
9-23-94-F	<ol style="list-style-type: none"> <li>Spending level consistent with the approved FY94 budget.</li> <li>Allowance for growth in operations shall not exceed 5% of the approved FY94 budget.</li> <li>Community and economic development operations implemented in FY94 will remain consistent with approved Business Plans.</li> </ol>
9-13-95-D	<ol style="list-style-type: none"> <li>Personnel costs will be maintained at the FY95 budgeted level. There will be a freeze on filling all new positions. Those considered essential/critical to the operation must be justified and approved by the General Manager's and two (2) officers of the Business Committee.</li> <li>Expenditures will be maintained at a level not to exceed 75% of the FY95 monthly prorated budget.</li> <li>No new capital equipment purchases will be made except in emergency situations which impact the health and welfare of the Nation.</li> <li>Capital equipment, Projects and FY95 implemented initiatives may continue at a level consistent with the FY95 budget.</li> <li>Travel allowances will be maintained at a level not to exceed 50% of the FY95 monthly prorated budget.</li> </ol>
9-18-96-C <sup>1</sup>	<ol style="list-style-type: none"> <li>A total on hiring for all new positions. New positions consist of any position that was proposed in any fiscal years but not yet filled. Note: Vacant positions can be re-hired with approval by the appropriate General Manager, C.F.O., and Treasurer.</li> <li>No capital expenditures are equipment of a cost of \$500 or more.</li> <li>A hold on all salary adjustments and/or pay rate increases. This is to include items such as but not limited to merit increases or step increases. Probationary increases will not be affected.</li> <li>All funding obligated for education expenses for the first semester of the school year will be honored. No funding allocation for second semester to be planned at this time due to the General Tribal Council Education Scholarship Resolution.</li> <li>If the need for any covered under the restraints become detrimental to the Tribal organization, justification must be reviewed and approved by the CFO, General Manager, and Treasurer.</li> </ol>
9-24-97-B	<ol style="list-style-type: none"> <li>Expenses are not to exceed more than 75% of the authorized spending level for FY97 based upon 11/2 of the annual allocation. (Exception is made for spending based upon grant fund requirements.) (Responsibilities for monitoring will be by management made possible due to the capabilities accessible through the SZK system and recent training conducted within the organization.)</li> <li>A freeze on all Capital Expenditures. (Capital expenditures are expenditures for equipment totaling \$1000 or more.)</li> <li>A hold on all salary adjustments and/or pay increases. This includes items such as, but not limited to, merit increases or step increases. Probationary increases will not be affected.</li> <li>Expenses required to carry out a directive of General Tribal Council will be limited to the approved FY97 funding level (i.e. Educational Scholarship)</li> <li>If the need for any items covered under the restraints become detrimental to the organization, justification must be reviewed by the General Managers and CFO.</li> </ol>
9-30-98-A	<ol style="list-style-type: none"> <li>Operational expenses not to exceed 75% of the approved FY98 Budget Plan according to the allocations. (Exception is made for spending based upon grant fund requirements.)</li> <li>Capital Expenditures. All requests to be processed through the Capital Expenditures Review Team in accordance with established guidelines.</li> </ol>

<sup>1</sup> This was amended by Resolution # BC-11-8-95-E to require three (3) officers of the Oneida Business Committee. It was extended by Resolution # BC-11-29-95-B.  
<sup>2</sup> Continued by Resolution # BC-11-1-96-A.

9-15-99-E	<p>with established guidelines.</p> <ol style="list-style-type: none"> <li>Expenses required to carry out previous directive of General Tribal Council will be limited to the funding level approved in the FY98 Budget Plan.</li> <li>If the need for any items covered under the restraints become detrimental to the organization, justification must be reviewed and approved by the General Managers and CFO.</li> </ol> <ol style="list-style-type: none"> <li>Operational expenses are not to exceed 75% of the approved FY99 Budget Plan according to the divisional allocations. (Exception is made for spending based upon grant fund requirements.)</li> <li>Expenses required to carry out previous directive of General Tribal Council, Elderly Care, Capita and Educational Scholarship, will be at the funding level approved in the FY99 Budget Plan.</li> <li>The following Budget's are to be frozen: Land Acquisition; Welfare Fund; Capital Improvements Projects (except those that were approved by the General Tribal Council on 8-28-99, and those that are currently under construction); New Positions (new created positions never filled); and Equipment purchases (except those approved by the GTC on 8-28-99).</li> <li>Compliance with the Travel guidelines is mandatory, and will be enforced through the Treasurer's Office.</li> <li>If the need for any items covered under the restraints become detrimental to the organization, justification must be reviewed and approved by the Budget Review Committee, established by the Treasurer.</li> </ol> <p>FY2000 Budget expenses are not to exceed, on a monthly basis, an amount consistent with the actual expenses of monthly costs. Grant funds shall be expended as soon as and prior to the end of the month. 100% of monthly costs. Grant funds shall be expended as approved within the grant application. It shall be the responsibility of management to monitor the allocated expenditures.</p> <ol style="list-style-type: none"> <li>Requests for Tribally funded capital expenditures will be processed through the Finance Committee in accordance with established guidelines. Grant funds shall be expended as approved within the grant application.</li> <li>Expenses required to carry out previous directive of General Tribal Council will be limited to the funding level approved in the FY01 Budget Plan (i.e., Educational Scholarship)</li> <li>If the need for any items covered under the constraints become detrimental to the organization, justification must be reviewed and approved by the Oneida Business Committee.</li> </ol> <ol style="list-style-type: none"> <li>Operational expenses are not to exceed, on a monthly basis, an amount consistent with the actual expenses of FY2004 Budget. Provided that, this restriction shall exclude personnel and personal related lines - which shall continue at 100% of the FY2005 budget. This shall apply only to tribal allocations. Grant funds shall be expended as approved within the grant application.</li> <li>All requests for capital expenditures will be processed through the Capital Expenditures Team in accordance with established guidelines.</li> <li>Expenses required to carry out previous directive of General Tribal Council will be limited to the funding level approved in the FY04 Budget Plan with the exception of the Education Fund which is not to exceed 50% of the FY2004 annual budget (i.e., Land Acquisition, Per Capita)</li> <li>The need for any items covered under the constraints become detrimental to the organization, justification must be reviewed and approved by the Oneida Business Committee.</li> </ol> <ol style="list-style-type: none"> <li>Immediate hiring freeze unless a justifiable emergency can be documented. New hires may be considered if cost/benefit analysis to eliminate overtime can be documented. The only exception will be for safety, health, or a regulatory situation.</li> <li>Immediate comprehensive elimination of any and all overtime. Focus upon part-time employment to eliminate overtime is required and a cost/benefit is documented. The only exception would again be for snow removal, emergency situations, &amp; issues of safety, health or regulatory compliance.</li> <li>All out of state travel eliminated unless required by emergency or documented training certification is required. Where equivalent training can be found in-state or local, the out of state travel shall be denied. The only exception would be for the government officials traveling for political/governmental affairs.</li> <li>Delay implementing all non-emergency consultant agreements until March 1, 2010.</li> <li>Elimination of all food, beverage, and related open purchase orders for meetings and departments. This will include Boards, Commissions, Committees, &amp; Tribal-wide departments and entities including all Enterprises and Programs.</li> <li>Capital expenditures shall be approved by the Finance Committee on an emergency basis until March 1<sup>st</sup> 2010;</li> <li>Eliminate all external donations and sponsorships.</li> <li>Elimination of all Capital Expenditures (except for projects that are needed to address emergency situations.</li> <li>Suspension of all Capital Expenditures (except for projects) for all of 2010 except for the Seed Living Project.</li> <li>Eliminate all additional non-essential, non-emergency expenditures that will not affect human safety. A case by case consideration may allow careful examination of each situation.</li> <li>House all fleet vehicles in one area when not in use. Any official use would have to be documented in/out, mileage, purpose, and approved by area manager. At no time will vehicle be kept beyond working hours when it is needed, or over weekends. The only exception would be the Chairman's vehicle, Police vehicles, &amp; Shuttle buses.</li> <li>All grant related funding, so long as no Tribal funding is utilized, is authorized for expenditure without requiring additional approvals as identified in the Cost Containment Resolution so long as the grant related activity is specifically identified on the expenditure documentation.</li> </ol>
9-05-01-C	<ol style="list-style-type: none"> <li>Emergency Amendment to the Personnel Policies and Procedures Relating to Vacation and Personal Time</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
9-23-04-C	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
9-23-09-C	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
10-26-09-A	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-A	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-B	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-C	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-D	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-E	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-F	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-G	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-H	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-I	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-J	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-K	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-L	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-M	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-N	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-O	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-P	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-Q	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-R	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-S	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-T	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-U	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-V	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-W	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-X	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-Y	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>
11-12-09-Z	<ol style="list-style-type: none"> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Emergency Amendment to the Comprehensive Policy Governing Boards, Committees and Commissions</li> <li>Appointed Boards, Committee and Commission and a Maximum of \$50 Stipends for the Remainder of the Fiscal Year</li> </ol>

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11-25-09-C 3-26-10-A	<p>BC 3% Cost Containment Temporary Wage Reduction</p> <p>1. Continuation of hiring freeze. New hires may be considered if cost/benefit analysis to eliminate overtime can be done without any safety, health, or a regulatory situation.</p> <p>2. Continued comprehensive prohibition of any overtime work. The employment to eliminate overtime is required and a cost benefit is documented. The only exception would again be for snow removal, emergency situations, &amp; issues of safety, health or regulatory compliance.</p> <p>3. All out of state travel shall be prohibited unless required by emergency or documented training certification is required. Where equivalent training can be found in-state or local, the out of state travel shall be denied. The only exception would be for the government officials traveling for political/governmental affairs.</p> <p>4. Delay implementing all non-emergency consultant agreements until the 2011 fiscal year and only after an assessment of whether these services are still necessary is completed.</p> <p>5. Elimination of all food, beverage, and related open purchase orders for meetings and departments. This will include Boards, Commissions, Committees, &amp; Tribal-wide departments and entities including all Enterprises and Programs. The only exception to this will be for the Annual Oneida Pow-wow, Oneida casino break-rooms and the Oneida Family Carnival /Flood.</p> <p>6. Capital expenditures shall be approved by the Finance Committee on an emergency basis.</p> <p>7. Eliminate all external donations and sponsorships.</p> <p>8. Elimination of all car phones unless area can document why it is needed to address emergency situations.</p> <p>9. Suspend activation of all CIP (Capital Improvement Projects) except for the Assisted Living Project.</p> <p>10. Expedite all capital expenditures that will not affect human safety. A case by case consideration may allow careful examination of each situation.</p> <p>11. House all fleet vehicles in one area when not in use. Any official use would have to be documented in-out, mileage purposes, and approved by area manager. All no time will vehicle be kept beyond working hours when it is needed, or over weekends. The only exception would be the Chairman's vehicle, Police vehicles, &amp; Shuttle buses, any activity that is 100% grant funded (with no tribal match) shall be excluded from the above restrictions.</p>
3-23-11-A 10-09-13-D <sup>1</sup>	<p>1. Immediate comprehensive hiring freeze. Consideration may be given on a case-by-case basis for safety, health, or a regulatory situation by consideration of Business Committee formal action.</p> <p>2. Suspend all wage increases, with the exception of off-probation wage increases, including title reassignment, salary adjustment, position upgrade, and additional duty wage increases. The FY2014 wage increase of \$-44 per hour approved by BTC on September 21, 2013, is rescheduled for implementation on the first payroll in January 2014, with retro-active payment back to October 1, 2013, to be made on or before January 31, 2014.</p> <p>3. Immediate comprehensive elimination of any and all overtime unless overtime is required to address issues of safety, health, or a regulatory situation.</p> <p>4. Eliminate all travel. The only exception will be for the government and legislative officials traveling for governmental/legislative affairs.</p> <p>5. Delay implementing all non-emergency consultant agreements unless agreement is required to address issues of safety, health, or a regulatory situation.</p> <p>6. Suspend all capital expenditures unless capital expenditure is required to address issues of safety, health, or a regulatory situation.</p> <p>7. Eliminate all external donations and sponsorships.</p> <p>8. Suspend activation and expenditure of all CIP (Capital Improvement Projects) except for the Casino Expansion and those CIP projects funded by Retail Revenue Bonds.</p> <p>9. Eliminate all non-essential, non-emergency expenditures that will not affect human safety. A case by case consideration may allow careful examination of such situation.</p> <p>...If the Federal government shutdown has not been notified within the 30 days of adoption of this resolution, suspension of effected grant funded programs and the lay-off of all employees within the effected grant funded programs, in accordance with the lay-off policy, shall begin, and</p> <p>...lay-off and suspension of grant programs shall remain in effect until such time as the Federal government shutdown ceases and the flow of Federal grant dollars for employees and programs commences.</p>
9-24-14-A	<p>1. Operational Expenses. Operational expenses are not to exceed one-twelfth (1/12) or 75% of the allocation in the FY2014 budget for October through January. Provided that, this restriction shall exclude personnel and personnel related lines, which shall continue at 100% funding and be subject to the further limitations outlined in this resolution.</p> <p>2. Employment Levels. Employment levels shall continue to be closely monitored and maintained at no greater than current levels. The goal is reduction of workforce levels through attrition and utilizing the existing employment base.</p> <p>3. Capital Expenditures. Capital Improvement Projects and Technology Self-Assess and implementations. All requests for capital expenditures, capital improvement projects and technology self-assess will be approved by the Oneida Business Committee.</p> <p>4. Other: If the need for any items covered under the restraints set forth in this resolution become detrimental to the organization, Division Directors, Gaming General Manager, Chief Financial Officer, and Chief Counsel, for their respective areas, may authorize an exception to the restraint. The exception shall be set forth in a report which shall specifically identify the exception, the need for the exception, cost for non-compliance and compliance, and alternatives that were considered but rejected and the reasons for rejection. The report shall be forwarded to the Oneida Business Committee for the next available agenda. The Division Director, Gaming General Manager, Chief Financial Officer, or Chief Counsel, as appropriate, shall present the report at the Oneida Business Committee meeting and answer questions.</p>

<sup>1</sup> Minor revisions to this resolution made by resolution BC-2-12-14-B removes references to timelines in #2.

<p>1. Ongoing Comprehensive Hiring Freeze</p> <p>a. The Oneida Business Committee maintains an ongoing comprehensive hiring freeze. From October 1 until the Fiscal Year 2015 Budget is adopted, no hiring shall be authorized and no exceptions will be granted. Direct Reports are given authority under Resolution# BC-09-24-14-Q to manage employment needs through collaboration and reallocation of the existing employment base.</p> <p>b. A posted position may continue in the hiring process as long as the posted position meets one (or more) of the following criteria and the position duties cannot be accommodated by utilizing the authority granted in resolution# BC-09-24-14-Q:</p> <ol style="list-style-type: none"> <li>1. Posted position is required by law (Regulatory)</li> <li>2. Posted position generates revenue.</li> <li>3. Posted position provides direct services (not administrative) to health patients.</li> <li>4. Posted positions at a minimum grant funded level of 60%.</li> <li>5. Pool positions shall be filled as an Emergency Temporary status employee, with language inserted into the C.R. that Emergency Temporary positions may be provided one (1) extension only.</li> </ol> <p>c. Prior to the posted position continuing in the hiring process, the direct report shall comply with the following process:</p> <ol style="list-style-type: none"> <li>1. Minimum staffing levels based upon industry standards and data from the past 18 months.</li> <li>2. Position requests represented as "revenue producing" can be excluded pending a written commitment of additional revenue the position will create, measurable by actual revenue levels before and after the hiring and explanation why existing staff cannot address those risks.</li> <li>3. Posted position requests represented as "health/safety" can be executed pending an outline of the specific health and safety risks the new position will address, the consequences of not addressing them and explanation why existing staff cannot address those risks.</li> <li>4. Posted position requests represented as "regulatory" can be executed pending an outline of the specific regulatory risks the new position will address, the consequences of not addressing them and explanation why existing staff cannot address those risks, and identify by specific citation to the requirement by law or regulation that a position must exist.</li> </ol> <p>d. For those areas with sub-relet or contracted support, no positions are authorized to be filled. Direct Reports shall utilize sub-relet or contracted support and shall not fill a vacant position.</p> <p>2. Suspend All Wage Increases. No wage increases in any form are authorized for any employee except as previously approved by the Oneida Business Committee, employees ending a probationary employment during this period shall be authorized the off-probation increase.</p> <p>3. Overtime Reduced.</p> <p>a. Compensation of the Oneida Business Committee the- Direct Reports shall work collaboratively to utilize employee knowledge, skills and abilities in an effective and efficient manner to avoid overtime.</p> <p>b. Direct Reports shall report all overtime to the HRD Manager on a weekly basis.</p> <p>c. The HRD Manager shall review all overtime and assess whether or not such overtime was warranted or whether work force schedules could be adjusted to avoid future overtime. Work force schedules may be evaluated across programs and business units to identify the best use of employees and resources.</p> <p>d. A Direct Report may grant an exception where overtime is necessary to address health or safety, or regulatory requirements.</p> <p>e. Where exceptions are granted, a Direct Report shall submit a report to the Oneida Business Committee identifying at a minimum, the following information:</p> <ol style="list-style-type: none"> <li>1. Job position, duties, wage scale, and the health, safety issue addressed, or regulatory requirement necessitating overtime.</li> <li>2. What, if any, alternatives were identified and why they were not utilized?</li> <li>3. What was the cost of leaving the overtime and of not granting overtime?</li> </ol> <p>4. What is the health and safety issue or regulatory requirement justifying the authorization of overtime?</p> <p>4. Elimination of Travel</p> <p>a. All travel shall be eliminated except for government and legislative functions as approved by the Oneida Business Committee.</p> <p>b. All programs shall identify grant related travel and apply for adjustments in the grant to reallocate travel related funding to the provision of services. Where amendments cannot be made to the grant to reallocate travel related funding, the allocations of the grant funding for travel must be re-approved by the Oneida Business Committee to approve the travel related activities in the grant.</p> <p>c. Continuing education requirements which are part of licensing or certification requirements paid for by the Tribe are authorized to be carried out in the order of priority of on-the training and their local training.</p> <p>d. Where travel has been approved prior to the adoption of this resolution, and for which the employee has already expended funds for the travel is authorized under resolution# BC-2-12-14-B it is considered approved for FY2015.</p> <p>5. Contracting</p> <p>a. All contracts for consultant services to be delayed until new budget is adopted.</p> <p>b. A Direct Report may grant an exception where a consulting contract is necessary to address health or safety, or regulatory requirements.</p> <p>c. Where exceptions are granted, a Direct Report shall submit a report to the Oneida Business Committee identifying, at a minimum, the following information:</p> <ol style="list-style-type: none"> <li>1. Consultant contact, legal purchasing contract reference number, purpose of contract, start/end date of contract, and why it is necessary.</li> <li>2. What, if any, alternatives were identified and why they were not utilized?</li> </ol>
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- 3. What was the cost of not entering into contract, what is the benefit of entering into the contract?
- 4. What funding was utilized to pay for contract costs? If grant funding, what is the tribal contribution/financing plan for the grant, and if possible, to the contract?
- 5. What is the health and safety issue or regulatory requirement justifying the authorization of overtime?
- 6. Donations and Sponsorships:
  - a. All external donations and sponsorships are delayed.
- 7. Capital Expenditures and Technology Set-Asides:
  - a. All capital expenditures may be delayed.
  - b. Exceptions may be granted by the Oneida Business Committee for the protection of health or safety or regulatory requirements.
  - 8. Capital Improvement Projects:
    - a. All currently approved CIP shall be re-evaluated by the Project Manager, appropriate program personnel, and the Chief Financial Officer for size, scope and ongoing need and a report presented by the Chief Financial Officer to the Oneida Business Committee regarding each project the financial impact on the Tribe and proposed revisions to the project and related timelines.
    - b. Activation of new CIP shall be suspended until the Fiscal Year 2015 budget is approved.
    - c. Exception to the activation of CIP may be made by the Oneida Business Committee to protect health or safety or regulatory requirements.

Resolution # BC-9-13-95-D references the first "freeze" on hiring in the period researched. This restriction was repeated in resolution #s BC-9-18-96-C, BC-9-23-09-C, BC-3-26-10-A, BC-10-09-13-D, and BC-9-24-14-A. Of the twelve primary resolutions that begin a cost containment period, half identified a hiring freeze. The other six resolutions identify limitations and restrictions on personnel lines which resulted in the same effect. Most cost constraint actions occurred between September and November of the calendar year.

**Budget Process**

**Generally**

The process of developing the budget for the Tribe takes many months to complete. There is no formal process adopted by the Oneida Business Committee or General Tribal Council. Generally, the process begins with requesting projected revenues from the Tribal enterprises. The amount of projected enterprise revenues, less enterprise operational costs, is then allocated to General Tribal Council mandates, loan/bond obligations and required savings accounts. The remainder is then identified as available to fund Tribal government operations, including the larger costs of capital expenditures and capital improvements.

The Gaming General Manager, Division Directors, and other direct reports to the Oneida Business Committee are then requested to submit budgets. This request is generally accompanied by guidance on standard costs (personnel benefit calculations, rent, utilities, etc.) restrictions on budget increases, and reductions required in developing those budgets.

The individual budgets are then consolidated and the revenue and expenditures are reviewed to determine if a balanced budget is submitted. This also includes a review that the funds are allocated in appropriate areas. In recent budget development processes, the Oneida Business Committee has met with each division, and occasionally program, to review each individual budget and identify changes in order to be able to present a balanced budget.

**Funding the Budget Outside of Current Year Revenues**

In prior budget years, there have been three different alternatives used to help balance the budget. First, prior year carry-over funds have been available for use in funding the budget.

Second, reducing larger expenditures for capital projects has been used to balance the budget. Finally, reducing funds allocated to contingency funds in the event of business shut-down and funds set aside to cover potential catastrophic events.

Prior year carry-over funds are available every other year. This allows the amount of funds to be verified by closing out the budget year and auditing those funds through the annual audit. Once audited, the amount of carry-over funds is then identified for use in the next fiscal year.<sup>4</sup> However, there are not always carry-over funds from prior years. For example, FY09 ended with expenses exceeding revenues requiring funds available in FY10 to make up for revenue short falls as well as expenses in excess of revenues in the previous year; and, in FY15, there were no audited carry-over funds available from FY13 to be budgeted in FY15.

The Tribe budgets for capital expenditures and improvements each year. Capital expenditures are items that should, according to accounting standards, be depreciated. Capital improvements are costs associated with building, remodeling and maintaining existing facilities. The list regarding both expenditures is larger than available funding. As a result, they are prioritized according to need, and then funded on a priority basis. In the budgeting process, funding for these activities has been reduced in order to present a balanced budget. However, long term, this means that necessary repairs and replacement of equipment and infrastructure is not done, creating accumulating costs in the future. At some point, reducing these portions of the budget becomes more detrimental to the operations and the organization.

Finally, the budget includes contingency funds. In some cases these are set-asides for litigation and other unforeseen but anticipated expenses. In some cases, these are set-asides required as a result of accounting practices and agreements in loans and bonds. Failure to maintain certain set-asides is likely to be a violation of loan and bond agreements that could result in default.

**2015 Budgeting Process**

The Oneida Business Committee, elected into office in August 2014, met to collectively agree upon a three-year vision for the Tribe and a decision-making process. This process led to the adoption of the Four Strategic Directions by the Oneida Business Committee to guide their actions. As a result of this, it was determined that the budget for FY15 should reflect that Strategic Direction and be built upon those guidelines. In addition, the continuing resolution # BC-9-24-14-A identified the following reasons for delay in presenting the budget.

- ...the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council; and
- ...the Oneida Business Committee has identified that it was not possible to bring forward a budget for Fiscal Year 2015 given the transition as a result of the 2014 General Election and the installation of a new Oneida Business Committee; and
- ...the Tribal Treasurer has identified that development of a balanced budget for Fiscal Year 2015 with projections for Fiscal Years 2016 and 2017 will take time to conclude and has identified January of 2015 as a potential time frame for presentation of a budget to the General Tribal Council; and
- ...the Tribal Treasurer has identified that projected revenues do not cover estimated expenditures requiring budget reductions in order to present a balanced budget; and

<sup>4</sup> Carry-over funds are available for use every other year. For example, excess funds in an even number year will be audited in the odd numbered year and be made available for budgeting in the next odd numbered year.

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...the Tribal Treasurer has identified that there are periods of cash flow stress based on revenue streams during the fiscal year that require additional expenditure limitations and monitoring in order to meet the programming and business needs of the Tribe; and

...the Tribal Treasurer has identified that revenue projections have been affected by unduly harsh winters, local construction projects and economic changes such that additional budget constraints have been necessary notwithstanding our conservative fiscal estimates; and

...the Oneida Business Committee agrees that this is a reasonable deadline for development of the budget and preparing it for presentation to the General Tribal Council[.]

As part of that budget development process, the Treasurer put together a "Budget Packet" which explained the Four Strategic Directions, the current financial status of the Tribe, and provided directions to develop budgets for FY15.<sup>5</sup> This material identified that the trend in revenues, a primary portion of the Tribe's budget, was forecasted to continue a 12% decline. Ultimately, this meant that FY15 should be based on a 12% reduction of FY14's actual revenues and expenditures. The budget also needed to include increased costs fringe benefits (health insurance costs for example) and indirect costs (utility and general insurance costs for example).

The Gaming General Manager, Division Directors and other direct reports were instructed to provide a report prioritizing their programs and services and to develop their budgets based on FY2014 Budget allocations. The allocations of funding would be based on the prioritization report and with the following directions.

- Start from Zero - Budget must be 12% less your FY 2014 Budget
- Any savings realized during the Continued Resolution time frame, (October 1, 2014 through January 19, 2015) shall not be included with your 12% reduction
- Increase Fringe by 1.3 %
- Increase indirect by .38 %
- No increase in payroll costs and total number of positions
- A "new position" is only acceptable when the overall results are less employees and reduction in salary costs. IE, Synergizing or combining multiple positions into a new job description.
- Positions currently on Hold: If a position is currently on hold or has been hired as an Emergency Temporary status and the position is high on your priority schedule, then:
  - All "revenue generating positions" will have a start date of February 1, 2015
  - All "health and regulatory positions" will have a start date of March 1, 2015
  - All Judicial System positions will have a start date of March 1, 2015
  - All remaining positions will have a start date of April 5, 2015
- Positions may not be posted until the G.T.C. adopts the FY' 2015 budget
- The delayed start date and savings resulting from the Continuing Resolution shall not be included in the 12% reduction calculation as the position and activities will be a full year-allocation in FY' 2016 and will require additional funding in FY' 2016

The difference between the actual revenues and expenditures for FY14 are more dramatic because the adopted FY14 budget was a total of \$443.5 million. However, the cost constraints were effective in reducing expenditures to be in line with actual revenues. The effect of these directives based on the actual revenues and expenditures for FY14 are set forth in the chart

<sup>5</sup> The Constitution directs that the finances of the Tribe are a responsibility of the Treasurer. Treasurer King has created a Budget Development Team made up of Oneida Business Committee members and staff to provide guidance on how best to guide development of the budget. For simplicity, this opinion will refer to the "Treasurer" as developing the budget, recognizing that the Oneida Business Committee through resolution # BC-2-1-15-A and the Budget Core Team work as a collaborative team in this process.

below. Actual revenues and expenditures of \$400 million for FY14 are compared to the budget for FY15. The last column explains the change from FY14 to FY15.

	FY2014 Actual	FY2015 Budget	Difference
<b>Sources of Funding</b>			
Tribal Enterprises	\$ 284,954,809	\$ 267,208,887	\$ (14,724,202)
Program Unit Income	\$ 2,088,446	\$ 2,305,021	\$ (1,712,025)
Grants	\$ 5,935,314	\$ 41,236,169	\$ (4,612,368)
Allocations	\$ 1,701,179	\$ 1,701,179	\$ 367,034
Other Sources	\$ 496,579,723	\$ 406,698,282	\$ (13,286,437)
<b>Total Sources of Funding</b>	\$ 891,549,571	\$ 720,159,538	\$ (16,086,042)
<b>Allocations for Tribal Operations</b>			
General Government	\$ 81,567,939	\$ 60,070,818	\$ (14,477,321)
Department of Public Works	\$ 8,843,025	\$ 8,711,004	\$ (131,851)
Education and Cultural	\$ 30,853,338	\$ 30,753,658	\$ (9,680)
Health and Social Services	\$ 56,312,382	\$ 49,670,031	\$ (6,642,351)
Community Development	\$ 13,419,692	\$ 11,915,364	\$ (1,504,328)
Direct Membership Benefits and Administration	\$ 25,783,000	\$ 24,130,883	\$ (1,652,117)
Gaming Enterprise	\$ 91,362,741	\$ 86,511,001	\$ (4,851,740)
Gaming Capital Equipment	\$ 3,340,563	\$ 4,487,009	\$ 3,147,539
Gaming Contract Fee	\$ 7,248,098	\$ 7,088,386	\$ (360,088)
Other Intergovernmental	\$ 8,018,985	\$ 8,292,335	\$ (273,350)
Other Intergovernmental (Principal & Interest)	\$ 1,037,279	\$ 1,037,279	\$ 0
Police Department	\$ 2,041,251	\$ 2,041,251	\$ 0
Fire Department	\$ 2,041,251	\$ 2,041,251	\$ 0
Operational Equipment	\$ 1,388,326	\$ 1,388,326	\$ 0
Capital Improvement Projects	\$ 4,409,000	\$ 11,822,004	\$ 7,413,004
Oneida Golf Course Enterprise	\$ 1,798,796	\$ 292,178	\$ (1,506,618)
Land Acquisition	\$ 2,500,000	\$ 5,971,617	\$ 3,471,617
Government Executive Comptency	\$ 1,181,490	\$ 2,500,000	\$ 1,318,510
Technology Projects	\$ 1,934,488	\$ 794,000	\$ (1,140,488)
Gaming 2nd Contingency/Contingent Liability	\$ 188,776	\$ 0	\$ (188,776)
Health 2nd Contingency/Contingent Liability	\$ 702,448	\$ 0	\$ (702,448)
Community Impact Reserve/...	\$ 492,573,723	\$ 397,655,273	\$ (94,918,450)
<b>Total Allocations</b>			

**"Budget" Defined**

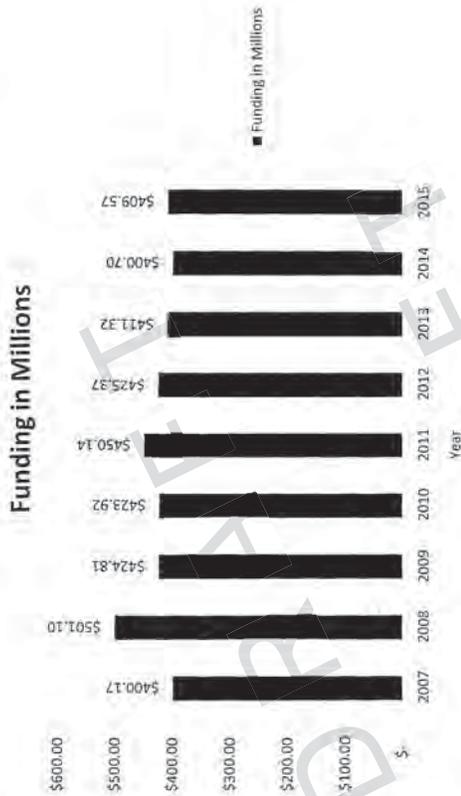
A "budget" approved by the General Tribal Council is one of three levels of managing the funds of the Tribe which work interactively to provide guidance on revenues and expenditures. The other two actions of managing funds include actual revenues and cash flow for daily needs.

**Budget**

The adopted budget provides direction on what funds will be received and how they will be allocated for expenditures. It is not made up of actual funds or expenses. The revenues (whether from enterprises, corporations, grants or Self-governance funds) are projections based on our knowledge of what we have received in the past and expectations of how our operations will fare in the future. The expenses are in part based on known costs - i.e. per capita, loan payments, grants for which we know the Tribal contribution agreed upon, existing contracts - and estimated costs. These revenues and expenses may increase or decrease, new grants applications may be received and projected grant applications rejected, and other actions.

**Revenues**

The Treasurer presented a chart regarding the actual revenues for prior years and projected revenues for FY15 in the General Tribal Council meeting packet to adopt the current budget. That chart is repeated below.



2015 is proposed revenues. 2007-2014 are actual revenues.

Two examples of the difference between budget projections and actual revenues are the adopted FY13 and FY14 budgets. The adopted FY14 projected \$443.5 million in revenues. Actual revenues were \$400.7 million. The cost containment resolution for FY14, resolution # BC-10-09-13-D, was implemented to address this difference very early in the fiscal year. The reason for the difference in revenues stemmed from two different sources. First, the federal government entered a period called “sequestration” which halted grant and self-governance related reimbursements which would have placed significant pressure on the cash flow resources of the Tribe. Second, an unduly harsh winter combined with remodeling of gaming facilities resulted in lower than expected revenues. Ultimately, the cost containment actions resulted in actual expenditures for FY14 to be lower than budgeted at \$397.2 million. This means that there is a potential carry-over of \$3.5 million for allocation in FY16.

The adopted FY13 budget projected \$454.6 million in revenues. Actual revenues for that period were \$422.32 million. Again, unforeseen changes in the economy, reductions in federal funding, to name a few reasons, resulted in actual revenues being \$32.28 million less than projected revenues.

**Cash Flow**

Finally, the Treasurer manages the cash flow needs of the Tribe in order to meet daily, weekly and monthly goals. The Tribe operates on a cash on hand basis in that it does not utilize credit to manage operational expenses. This means that expenses of the Tribe are paid through cash in the bank as it is earned. From this perspective, the budgeting process is used to identify revenue

(cash in) trends, and expenditure (cash out) trends. By identifying these trends during the budgeting process, the Finance Department can, with greater accuracy, predict when cash will be at its lowest points and manage expenses appropriately. For example, in early FY14, because of sequestration and a harsh winter, cash flow was lower than expected and the organization was placed on cost constraints.

As identified by the Treasurer and Chief Financial Officer during that period, there were times when insufficient cash was available to meet all expenditures. At that point, the Finance Department identified priority payments (payroll expenses and taxes for example) and placed all other expenses on an appropriate delayed payment schedule. This may have resulted in a few days delay to several weeks. Although the payments may have been “delayed” from the regular payment processes, they were ultimately made within the acceptable parameters of net 30-90 days, depending in the industry, invoice or contract. The cash flow in FY14 eventually caught up to expenditure levels and the cost constraints were no longer necessary.<sup>6</sup>

**Analysis**

This resolution proposes a prohibition on “across the board percentage cuts” and requires approval of the General Tribal Council for “budget cuts that affect the health, safety and education of the Onetida people.” The information presented in this opinion identifies a basic history of budget development. Every budget of the Tribe has been presented for approval by the General Tribal Council and approved by that body.<sup>7</sup> As a result, every budget action, whether that is increasing, decreasing, adding or deleting a program budget has been approved by the General Tribal Council.

If adopted, at the most this proposed resolution could result in multiple approval processes regarding the budget. First, it may be necessary to obtain approval of the estimated revenues for the fiscal year and recognition of the requirement for budget cuts. At which point, allocation of funding would occur. If this resulted in reducing allocations to “health, safety, and education” then another approval by the General Tribal Council would be required. Finally, the budget would then be required to be balanced. This would require a third approval by the General Tribal Council. However, during this process, the estimates regarding the projected revenues from enterprises and grants would be updated to recognize updated financial information such as federal funding changes or impacts through changes to the economy or even weather. This may require additional approvals from the General Tribal Council.

As identified in the opinion “Legal Opinion – Scheduling and Setting Agenda – GTC Meeting” dated November 4, 2014, General Tribal Council meetings require sufficient time to gather

<sup>6</sup> However, because of lower than expected revenues and declining grant revenue, cost constraints were necessary for the remainder of FY14 in order to avoid over-expenditures in relation to actual revenues. The end result as identified in the chart above was approximately a 10% difference between budgeted and actual revenues. In addition, with cost constraints applied throughout the fiscal year, the less than 1% difference between actual revenue and expenditures resulted in a modest carry-over.

<sup>7</sup> There have been some occasions where the General Tribal Council failed to obtain or maintain a quorum when the budget was presented. On those occasions, the Onetida Business Committee approved the budget on behalf of the General Tribal Council.

materials, print, and mail, require sufficient space within the Reservation boundaries to accommodate 1500-2000 members, and cost approximately \$200,000 per meeting.

Arranging multiple meetings to approve budget development actions would begin soon after adoption of the current year's budget. For example, the FY16 budget development process began the month after adoption of the FY15 budget. The budget itself has not changed significantly over the years except to recognize declining revenues and increased General Tribal Council mandates. Reducing allocations to services to members is a result of reduced revenues.

In concept, this resolution is within the authority of the General Tribal Council to adopt. However, it is recommended that the effect of this resolution be clarified prior to adoption in order to avoid questions in the future. As identified above, it could be interpreted that this resolution would require multiple approval steps in the budget development process. At the simplest level, the resolution would have no effect on the process since every budget is already approved by the General Tribal Council thus approving every budget cut and the development process. As a result, the resolution may be too ambiguous to be adopted by the General Tribal Council.

In addition, percentage cuts to be accommodated by every budgeted program a tool utilized by every Treasurer in developing the budget. Given the short turn-around between the General Election and presentation of the budget by a new Treasurer, it is likely that this type of process may be utilized every three years. However, as identified above, it should be noted that the across-the-board budget reduction was accompanied by directions on prioritization. In addition, in the final balanced budget, funds were returned to programs which were given the opportunity to present a request for additional need based on priorities established by the Oneida Business Committee during the first weeks of their term. Restricting or prohibiting this type of a budget development process is simply removing one tool in the budget development process, even if the end result would be the same.

**Conclusion**

The concept presented in the resolution is an action within the authority of the General Tribal Council. However, there is significant ambiguity in the impact and direction of the resolution. It would be within the discretion of the Chair, in consultation with the Treasurer's delegated constitutional responsibilities, to determine if action on the resolution is in order during the course of the meeting. If a motion regarding the resolution is in order, it would take a simple majority vote to adopt.

If you have further questions, please contact me.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

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M. Genskow (4) resolutions

Resolution 1 - Budget Cuts

**Statement of Effect  
Petition Resolution: Budget Cuts**

**Summary**

A petition was submitted by Madelyn Genskow to the Tribal Secretary's Office on November 17, 2014 requesting a special GTC meeting to review and consider four attached resolutions. On November 19, 2014, the Enrollments Department verified the petition met the required number of signatures and on December 10, 2014, the Oneida Business Committee (OBC) accepted the petition and forwarded it for analysis, directing that a progress report be submitted in 30 days. The first resolution attached to the petition prohibits the OBC from making across the board percentage cuts and prohibits the OBC and upper management from making budget cuts without express GTC approval.

LEGAL ANALYSIS

LEGISLATIVE ANALYSIS

*Submitted by: Taniquelle J. Thurner, Legislative Analyst, Legislative Reference Office  
Reviewed by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office*

**Analysis from Legislative Reference Office  
The Findings**

When a Resolution is adopted, the adopting entity is establishing the Resolution's findings (i.e. the "Whereas" provisions), as true facts and statements. This Resolution makes the following findings:

- On October 14, 2014, the Oneida Tribal Treasurer and the OBC ordered the upper management of the Oneida Tribe to cut their budgets by 12% across the board.
- The OBC ordered an ongoing Comprehensive Hiring Freeze.
- This action has had a negative impact on health and safety issues for Oneida Children.
- This action has a negative effect on the education of the Oneida People.

The first finding states that on October 14, 2014 the OBC (this would include the Treasurer, so it is not clear why that position is listed separately) ordered the Tribe's upper management to cut their budgets by 12% across the board. However, the only action taken by the OBC at the October 14 meeting was to approve the Special GTC Meeting packet for November 15, 2014. This analysis is not disputing that the OBC directed budget cuts; but it may be helpful to revise the Resolution to include a more specific and accurate finding of where and how the OBC issued this order.

The second finding is that the OBC ordered a Comprehensive Hiring Freeze. It is not clear why this is a finding, because the Resolves do not mention anything about a hiring freeze and the Resolution does not seek to make any changes that would directly affect the hiring freeze. However, if it is determined necessary to include this finding, it is recommended that the provision be revised to provide more detail about when and how the OBC ordered the hiring freeze, and exactly what it entails, similar to the first finding.

ONEIDA TRIBE OF INDIANS  
OF WISCONSIN



Oneidas bringing several hundred bags of corn to Washington's starving army. The colonists had consistently refused to aid them.



LUJWA DEMOLUN YATEHE  
Chief of the Oneida, Chief of the Council  
commencing a friendship with the army and the colony of Pennsylvania. The Oneida nation, the United States was made possible.

ONEIDA FINANCE OFFICE

Office: (920) 869-4325 • Toll Free: 1-800-236-2214  
FAX # (920) 869-4024

MEMORANDUM

DATE: May 11, 2015  
FROM: Larry Barton, Chief Financial Officer  
TO: Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 1, Budget Development**

I. Background

The above referenced petition was submitted to the Tribal Secretary's Office on November 17, 2014, and verified by the Enrollment Department. The petition was submitted to the Business Committee Agenda for the December 10, 2014, meeting. The petition contains the following:

*"Whereas on October 14, 2014 the Oneida Tribal Treasurer and the Oneida Business Committee ordered the upper management of the Oneida Tribe to cut their budgets by 12% across board and Whereas they ordered an ongoing Comprehensive Hiring Freeze and Whereas this action has had a negative impact on health and safety issues for Oneida Children and Whereas this action has a negative affect [effect] on the education of the Oneida People*

*Now therefore be it resolved that the Oneida Business Committee may not simply make across the board percentage cuts. Now therefore be it resolved that the Oneida Business Committee and upper management may not make budget cuts that affect the health, safety, and education of the Oneida people without the expressed [expressed] approve of the General Tribal Council." (sic)*

BC Resolution 9-24-14-A Continuing Budget Resolution for fiscal year 2015 was adopted by the Oneida Business Committee on September 24<sup>th</sup>, 2014. The resolution states that it was not possible to bring forward a budget for 2015 due to the following:

1. OBC transition;
2. A balanced budget will take time and January of 2015 is the potential time frame for a presentation to GTC.
3. Projected revenues do not cover the estimated expenses.
4. Identified cash flow stress that requires expenditure limitations and monitoring.

M. Genskow (4) resolutions

LEGISLATIVE ANALYSIS

Resolution 1 - Budget Cuts

The third and fourth finding are that "this action" (it is not clear if this refers to the directed budget cuts or to the hiring freeze, or to both) has had a negative effect on health and safety issues for Oneida children, and a negative effect on the education of the Oneida People. However, these findings do not provide any information or detail about how or why the directed budget cut or hiring freeze have negatively affected health and safety issues for Oneida children, or the education of the Oneida People.

*The Resolves*

The first resolve states that the OBC may not simply make across the board percentage cuts. This would not affect the percentage cuts that have already been made; it would just prohibit the OBC from doing so in the future.

This resolution would prohibit across the board percentage cuts, but does not identify how budget cuts could or should be made instead. When across-the-board budget cuts are ordered, each department/area is able to review their own budget and determine how to best make those budget cuts – those departments are most familiar with their own operations and may be the most suited to understand how to make budget cuts with the least negative impact on operations. It is not clear how budget cuts should be made if not by this method.

The second resolve states that the OBC and upper management may not make budget cuts that affect the health, safety and education of the Oneida People without the express approval of GTC. There are three concerns with this provision.

First: In general, once a budget has been adopted by GTC, it cannot be changed; however the OBC may make emergency amendments when necessary to protect the health, safety and welfare of the Tribe. If the OBC is unable to order emergency budget cuts in an urgent situation, then there is a risk of the Tribe suffering great financial damage in the time between identifying the emergency and bringing the item to GTC for approval – for example, if a federal government shutdown means grant money is suddenly frozen, then the Tribe may need to use other funding sources to pay for things that the grant money was intended to cover, and if the OBC cannot cut budgets on an emergency basis, then they may run out of money for payroll.

Second: If budget cuts are needed due to an emergency budget situation, it may not be fiscally responsible to call an additional GTC meeting to obtain approval – in 2013 and 2014, the Tribe paid \$2,653,845 to hold 12 GTC meetings – an average cost of \$221,154 per meeting; and this petition would require meetings to be called at a time when the Tribe's financial situation is already precarious.

Third: The language - this resolution would prohibit budget cuts that affect the health, safety and education of the People without approval; but just about any budget cut could be seen as affecting one or more of those three areas. Those are very broad topics, and it may be beneficial to revise the language to more specifically identify how a budget cut would need to affect the health, safety or education, before it would require GTC approval.

*Conclusion*

This Resolution does not conflict with any Tribal laws. This Resolution does not have a legislative impact, but it may be beneficial to revise some provisions of the Resolution to more clearly state the intent. In particular, it would be helpful to understand what alternatives should be used instead of across-the-board budget cuts; and to understand what the petitioner intends to happen in situations where emergency budget cuts are necessary to protect the health, safety and education of the membership.

Resolution 1 - Budget Cuts

FINANCIAL ANALYSIS

M. Genskow (4) resolutions

On October 14<sup>th</sup> a memo was sent from the Treasurer which detailed the specific requirements to reach a balanced budget. The memo did include a 12% reduction in expenditures and delays in hiring.

It is unknown what specific negative impact these actions may have had on the "health and safety issues" of Oneida children or any specific "negative affect on the education of the Oneida People" as stated by the petitioner. Without any details on what the claimed negative impacts were, the fiscal impact cannot address these concerns.

A budget is a tool that is utilized to manage finances. If an individual's personal income were reduced by 12%, one would logically reduce expenditures by 12%. It would be fiscally irresponsible not to. According to the by-laws of the Oneida Constitution, the duties of the Treasurer are the following:

*"Section 4. Treasurer of the Council - The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is netting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the business committee.*

*He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs".*

While Oneida does not have a balanced budget amendment, or related policy, in line with the above duties, the Treasurer's Office presents a balanced budget to GTC for approval. It is unclear at what point the petitioner foresees that pre-approval can be obtained from GTC prior to the budget being presented to GTC for approval. However, if that could be determined, it is assumed that approval would require and additional GTC meeting. The average expense of holding a GTC meeting is approximately \$223,317.

**II. Executive Summary of Findings**

- Management was directed to reduce their budgets by 12%
- Depending on the nature of the position, hiring was delayed.
- The alleged negative impacts to health, safety and education by the two prior actions are not specified. Therefore, not assessed for fiscal impact.
- Each fiscal year, the budget is presented to GTC for approval prior to implementation. If additional GTC approval is required, the fiscal impact would be approximately \$223,317.

Overall, the petition is broad in nature; therefore any other potential fiscal impacts are indeterminate.

**III. Financial Impact**

Undetermined.

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

<sup>1</sup> sic ("thus"; in full: sic erat scriptum, "thus was it written")

M. Genskow (4) resolutions  
Resolution 1 - Budget Cuts

FINANCIAL ANALYSIS  
FINANCIAL ANALYSIS

M. Genskow (4) resolutions  
Resolution 1 - Budget Cuts



**Oneida Nation**  
BUSINESS COMMITTEE



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

Resolution 1 - Budget Cuts

**MEMORANDUM**

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Budget Development

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding budget development. We believe the proposed action by the Petitioner is based on incomplete information and would unduly limit the ability of the Treasurer and the Oneida Business Committee to submit a balanced budget. This is especially the case when the revenues and grants received by the Tribe no longer stretch to meet every need or activity of the Tribe.

The Treasurer under the Constitution and By-Laws of the Oneida Tribe, as well as the job description adopted by the General Tribal Council, is tasked with developing a balanced budget for each fiscal year. Over the years we have begun projecting a three year budget which has identified an inability to maintain current expenditure levels and still maintain existing buildings and infrastructure as well as develop new infrastructure for the growth of the Tribe. The funds of the Tribe have been allocated by General Tribal Council to specific activities, obligated to pay back loans which supported critical building and development needs, and support existing programming services and employment.

We have asked the organization to review program and service participation levels, assess needs of the target membership, and identify improvements to those activities in order to obtain the best value for our limited resources. The Treasurer, supported by the Oneida Business Committee, believes that we need to understand our membership and their needs better and to develop programs and services that meet those governmental

BUSINESS COMMITTEE RECOMMENDATION

M. Genskow (4) resolutions

M. Genskow (4) resolutions

PETITIONER'S SUPPLEMENTAL MATERIALS

Resolution 1 - Budget Cuts

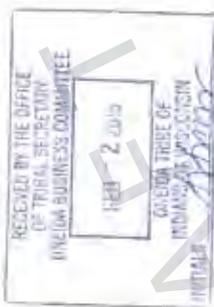
February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council  
Subject: Budget Cuts

What family makes across the board budget cuts? If less money is available, you prioritize what is important. You would not buy a new purse if the children in the family would have to do without in some way.

See the resolution regarding Life Saving Swim Lessons.

*Madelyn Genskow*





M. Genskow (4) resolutions

BUSINESS COMMITTEE RECOMMENDATION

Resolution 1 - Budget Cuts

needs. The proposed resolution would undermine this ability by taking away budgeting options and requiring additional levels of approval prior to finalizing the budget. In the end, the proposed resolution could result in additional funds being spent without adding additional value to the budgeting process.

**Recommendation: Motion to accept the petition as information only and to direct the LOC to complete the development of the BMA and for an update to be presented at the Budget Meeting.**

**Recommendation: Motion to direct the Treasurer and Oneida Business Committee to continue improving the budgeting actions and making those processes more open to input from the membership.**



2

Whereas the Oneida Business Committee and upper management has taken steps which have blocked the availability for Oneida Children to receive affordable swimming lessons at the Oneida Fitness Center and

Whereas the ability to swim is a health and safety issue and

Whereas the Business Committee is always talking about taking care of the next Seven Generations and they are NOT properly taking care of this one and Whereas we should be concerned with the health and safety of the children now.

Now therefore, be it resolved that affordable swimming lesson will be provided at the Oneida Fitness Center by order of the Oneida General Tribal Council.

Resolution 2 - Swimming Lessons

## RESOLUTION 2

### SWIMMING LESSONS

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RESOLUTION

M. Genskow (4) resolutions



28

27

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PATRICIA M. STEVENS GARVEY  
CAROLYN J. LONG  
KELLY M. McANDREWS  
MICHELLE L. MAYS

**MEMORANDUM**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** March 9, 2015  
**SUBJECT:** Petition – Genskow – Swimming Lessons

You have asked for a legal review of the above resolution included within a petition submitted by Madelyn Genskow. The resolution contains four Whereas sections and one Resolve section. The Enrollment Department has verified that a sufficient number of signatures are present.

The Whereas sections identifies the following background information as support for the Resolves.

- "the Oneida Business Committee and upper management has taken steps which have blocked the availability for Oneida Children to receive affordable swimming lessons at the Oneida Fitness Center[.]"
- "the ability to swim is a health and safety issue[.]"
- "the Business Committee is always talking about taking care of the next Seven Generations and they are NOT properly taking care of this one[.]"
- "we should be concerned with the health and safety of the children now."

The Resolve section contains the following directive to address the background issues identified in the Whereas sections.

- "That affordable swimming lesson will be provided at the Oneida Fitness Center by order of the Oneida General Tribal Council."

To develop this opinion, this office has reviewed the Oneida Family Fitness Center activities, personnel and budget, budget development actions, and various other resources. Citations to specific documents, laws and Internet addresses are included to assist the reader in further researching this subject.

The Tribe operates multiple programs for youth and adults that meet fitness, recreation and educational needs. This opinion will focus on the Oneida Family Fitness Center swimming pool and swimming lessons. There are four groups providing fitness and recreation activities. In general, they can be described as follows.

- Recreation has the 2 buildings - Cliff Webster and Sonny King recreation buildings
- Housing Authority has 2 buildings - three Sisters and Flying Leaf

Petition – Genskow – Swimming Lessons  
Page 2 of 7

- Oneida Family Fitness Center has Fitness, Aquatics and Experiential.
- Tribal School, Early Head Start, Head Start, K-12 education system provides recreational activities through school programming.

Although this resolution addresses only swimming lessons, it impacts the entire Oneida Family Fitness Center. This legal opinion will present an overview of the entire Oneida Family Fitness Center, and will then focus on swimming lessons. In addition to this legal opinion, the Tribal Secretary also maintains a web page with listings of prior Oneida Business Committee and General Tribal Council meeting packets that may contain information that may be of assistance in understanding this subject.

**Fitness Center**

The Oneida Family Fitness Center (*Fitness Center*) was operated as a paid membership fitness facility. In 2014 the Fitness Center was transitioned into a free membership facility for members and Tribal employees. As reported by the Governmental Services Division, the Fitness Center, including Experiential, serves the following Tribal members based on populations living on or near the Reservation.

Descriptor	Age Groups	Population on/ near the reservation	Fitness and Adventure
Infant	0-18month	63	23
Toddler	19month-3y	202	42
Pre school	4-5	199	120
School Age	6-12	765	541
Adolescent	13-18	645	469
Young Adult	19-35	2087	792
Middle Age	36-64	2751	946
Elder	65+	703	177
Total*		7415	3110

A review of the surveys for the first quarter of FY15 and all of FY14 identifies that the Fitness Center scores 'very good' to 'excellent' across all categories. The survey results for the first quarter of FY15 identify an overall satisfaction rate of "very good" to "excellent" in regards to schedules, group activities, and available resources. A review of the comments made by 58 people answering the FY15 survey identifies six comments directly related to the pool area. Five of those six comments were about the schedule for Family Swim times not being conducive to working families or families with small children. One comment identified that they "miss swimming lessons for toddlers."

The following sections are intended to provide an overview of the Fitness Center.

**Budget**

The budget for the Fitness Center is set forth below over a four year period. The chart shows actual expenditures for the 2012 through 2014 fiscal years, and budgeted information for the current fiscal year. The chart also includes the "personnel" line. This is the amount budgeted

only for salaries. The true personnel cost also includes benefits, personal/vacation time accruals, holiday pay and overtime.

	Actual			Budgeted FY15
	FY12	FY13	FY14	
Total	\$1,184,235.00	\$ 982,762.00	\$1,047,045.00	\$ 1,193,693.00
Personnel	\$ 508,041.00	\$ 521,405.00	\$ 477,843.00	\$ 615,900.00

Approximately half the cost of operating the Fitness Center is in personnel. This cost has increased over the years as a result of pay increases that have been approved and applied in each fiscal year thereafter. A report from the Fitness Center in December 2014 identifies the following personnel levels in the pool area only:

- FY12 7 employees – 4 full time; 3 part time
- FY13 6 employees – 3 full time; 3 part time
- FY14 5 employees – 2 full time; 3 part time
- FY15 4 employees – 2 full time; 2 part time; 3 substitute relief

**Employees**

The Fitness Center operates utilizing 15 full-time employees and there are an additional three part-time employees in the swimming pool area. Of those 15 full-time employees, one is the Office Manager and there are two administrative assistants. Every employee of the Fitness Center is certified in Food Handling, Child Abuse and CPR/AED/First Aid. The fitness related employees are listed below with their qualifications.

<p><b>Ivana Weintraub (Assistant Director)</b> Fitness Specialist Certification AFSA Personal Training Certification AFSA Group Exercise Certification Arbitrator CFO Certification Indoor Cycling Instructor Certification</p> <p><b>Kevin Schmeiterek (Marital Art Supervisor)</b> Jiu Jitsu Certified Tai Chi Certified Tae Kwon Do Certified Esikima Certified Self Defense Certified</p> <p><b>Ryan Engel, Elijah Metoxen (Fitness Specialist Supervisor)</b> AFSA Personal Training Certification AFSA Group Exercise Certification</p> <p><b>Hubert Drano, Jason Mauders (Fitness Specialist, Dual-Shift, Day/Even)</b> AFSA Personal Training Certification AFSA Group Exercise Certification</p>	<p><b>Amanda Eisenberg (Fitness Specialist)</b> AFSA Personal Training Certification AFSA Group Exercise Certification Zumba Pre &amp; Post Natal Certification</p> <p><b>Jessica Schultz (Fitness Specialist)</b> ACE Personal Training Certification ACE Group Exercise Certification Yoga Instructor Certification Wellness Coaching Certification</p> <p><b>Teresa Jaischuh-Siehn (Aquatics Supervisor)</b> Red Cross Lifeguard Certification WSI Water Safety Instructor</p> <p><b>Nicole Dreffelich, Orrie Kreasher (Senior Lifeguard)</b> Red Cross Lifeguard Certification WSI Water Safety Instructor AFSA Personal Trainer Certification</p> <p><b>3 Sub Red Cross Lifeguards – Part-Time</b> Red Cross Lifeguard Certification WSI Water Safety Instructor</p>
---	---

All lifeguard positions have Red Cross Life Guard Certification and Water Safety Instruction Certification. The Fitness Center has a lifeguard position posted. The position is posted for a full-time position and requires the following minimum qualifications.

1. High School Diploma, GED Certification, or HSED Diploma; applicants age 50 or older are exempt from this requirement; one (1) year of successful lifeguard experience; an equivalent combination of education and experience.
2. Current Lifeguard/First Aid Certification.
3. Current CPR/AED Certification.
4. Must pass a swim skills test administered at the Oneida Family Fitness.

The salary for this full-time position is NE05 which is a beginning salary at \$9.11 per hour or \$18,955 annually. A review of various on-line sites, including the YMCA job posting for a lifeguard position identifies the following range of pay scales.

- Payscale.com \$7.40 to \$11.88 per hour, average of \$8.99 per hour
- YMCA \$7.24 to \$8.34 per hour, unskilled, will provide training

The Fitness Center reported that the last posting for the lifeguard position resulted in 15 applications being reviewed. None of the applicants met the minimum qualifications of having the required certifications.

Providing swimming lessons requires a lifeguard on duty and a lifeguard teaching the course. The Fitness Center has insufficient personnel to fill both requirements and maintain operational hours for the pool area.

**Activities**

The Fitness Center offers services to all age groups as well as general facility access. A membership at the Fitness Center includes the following resources:

- Group Fitness & Aquatic Classes for all ages & abilities
- Fitness & Wellness Assessments
- Equipment Orientation
- (3) 1/2 hour Personal Training Sessions (\*annual memberships only)
- Guest Passes
- Child Care Services
- Cardiovascular and Strength Training Equipment
- Gymnasium
- Indoor Track
- Swimming Pool
- Discounts on Specialty Programs (Martial Arts, Swim Lessons, Personal Training)

The Fitness Center offers four groups of fitness activities – swimming pool, weight rooms, group fitness (Zumba and spin classes for example), and a gymnasium (basketball court and walking/running track). Each fitness activity has its own published schedule of group, individual, family, and age group scheduled time. In addition to the fitness activities, the Fitness Center also offers special events throughout the year.

Fitness Center activities are broken into several age groups which are explained in a link on the Oneida Tribe's website. There are two different criteria – levels of supervision and access to activities:

- Supervision of Children**
- **Children 9 years and younger** are welcome in the fitness center with adult supervision. Consult the Gymnasium and Aquatics schedule for appropriate activities and schedule.
- **Children 10 years and older** may use the fitness center independently. Consult the Gymnasium, Martial Arts and Aquatics schedule for appropriate activities and schedule.
- **Free Weight/Free Motion Rooms** may be used by those 14 years and older.
- **Indoor Track, Cardiovascular, Treadmill Room** may be used by those 14 years and older. Youth ages 10-13 years may also use these areas after successful completion of a youth orientation with a Fitness Specialist.

**Access to Activities**

- Age 6 Months – 2 Years**  
Adult/Youth Gym must be accompanied by an adult.  
Family/Recreational Swimming must be accompanied by an adult in the water.  
Parent/Fit & Private Swim Lessons refer to Aquatic Schedule.
- Age 3 Years**  
Adult/Youth Gym must be accompanied by an adult.  
Family/Recreational Swimming must be accompanied by an adult in the water.  
Group & Private Swim Lessons refer to Aquatic Schedule.
- Age 4 – 5 Years**  
Adult/Youth Gym must be accompanied by an adult.  
Family/Recreational Swimming must be accompanied by an adult in the water.  
Group & Private Swim Lessons refer to Aquatic Schedule.  
Mighty Ninja must be accompanied by an adult.  
Age 5+ Youth Fitness Classes see Group Exercise Schedule.
- Age 6 Years**  
Adult/Youth Gym must be accompanied by an adult.  
Family/Recreational Swimming must be accompanied by an adult in the water.  
Group & Private Swim Lessons refer to Aquatic Schedule.  
Youth Fitness Classes see Group Exercise Schedule.  
Martial Arts must have adult supervision.
- Age 7-9 Years**  
Adult/Youth Gym must be accompanied by an adult.  
Family/Recreational Swimming must be accompanied by an adult in the water.  
Group & Private Swim Lessons refer to Aquatic Schedule.  
Martial Arts must have adult supervision.
- Age 10-11 Years**  
Cardio/Weight Room use permitted with successful completion of the Youth Strength Training Orientation program with a Fitness Specialist and with direct parent or guardian supervision.  
Family/Recreational Swim independent use.  
Group & Private Swim Lessons refer to Aquatic Schedule.  
Gymnasium independent use.  
Martial Arts independent use.
- Age 12-13 Years**  
Cardio/Weight Room use permitted with successful completion of the Youth Strength Training Orientation program with a Fitness Specialist and with direct parent or guardian supervision.  
Group & Private Swim Lessons independent use.  
Group Exercise Classes Studio A, B or C.  
Lap Swim independent use.  
Martial Arts independent use.
- Age 14 Years and Older**  
Independent use.

According to the guidelines above, children six months to age 12 may utilize the pool for Family Swim periods. Children age 12 to 18 may utilize the Family Swim periods and Lap Swim periods. The March 2 through May 30, 2015 schedule identifies Family Swim periods as Monday through Friday from 8:00 to 9:00 a.m. and two different periods between 4:00 to 7:30 p.m. with the exception of Mondays and Wednesdays late evenings. The website for Family Fitness, Swim Lessons contains the following notice –<sup>4</sup> "At this time we are unable to hold swim lessons; we apologize for the inconvenience."

**Operation Hours - Pool Area**

The pool area is open from 5:45 a.m. to 7:30 p.m., Monday through Friday, with a maintenance period every day from 1:00 p.m. to 4:00 p.m.. Activities scheduled in the pool area include the following in general order of appearance on the schedule:

- 5:45 a.m. to 6:15 a.m. Lap and adult swim
- 6:15 a.m. to 7:00 a.m. Water exercise, adult swim
- 7:00 a.m. to 8:00 a.m. Lap swim
- 8:00 a.m. to 9:00 a.m. Family swim
- 9:00 a.m. to 10:15 a.m. Water exercise, adult swim
- 10:15 a.m. to 11:00 a.m. Water exercise
- 11:00 a.m. to 11:30 a.m. Adult swim
- 11:30 a.m. to 1:00 p.m. Lap swim
- 4:00 p.m. to 5:30 p.m. Family swim, water exercise
- 6:15 p.m. to 7:30 p.m. Family swim, kayak class water exercise

Individuals should refer to the schedule posted on-line or at the Fitness Center for exact times and activities.

The Aquatics Schedule also contains the following information.

Swimming Lessons: All O.F.F. swim lessons are offered by certified American Red Cross Water Safety Instructors. For more information please contact the Front Desk.

We are sorry that we are not able to offer group lessons on this schedule. Private [lessons] may still be possible on a small scale some days for those who have flexible schedules:

- Private Swimming lessons are also available at a rate of \$15.00/half hour per individual/Non-member price is \$20.00
- Private lessons for Groups of (3-8) are \$35.00 per half hour for members/Non-member price is \$40.00.

As a reference, there are multiple locations in the Green Bay area where swim lessons are taught.

- The YMCA offers year round swim lessons available to members and non-members. The registration fee for their progressive swim program for members is \$34.00 and for non-members the registration fee is \$62.00.

- Green Bay offers four summer sessions of swim lessons at three of their pools. The registration fee is \$20 for residents and \$30 for non-residents.
- Howard-Suamico Aquatics Department offers four summer sessions of swim lessons in the daytime and two sessions of evening swim lessons. Residents pay a fee of \$45 and non-residents pay a fee of \$55. There are also private lesson opportunities available.
- Ray & Joan Kroc Center offers swim lessons. The prices from swim lessons are not posted on-line.

<sup>4</sup> A review of usage statistics by the Fitness Center regarding the period from 1:00 p.m. to 4:00 p.m. has identified that prior to closure of during time period very few, if any, members of the Fitness Center utilized the pool.

**Analysis**

The proposed resolution alleges the Oneida Business Committee has taken specific action to prohibit swimming lessons from being available at the Fitness Center, and that such action is not in the best interest of children of Oneida members, possibly because affordable swimming lessons are unavailable in the area.

A review of the budget development process was presented in a legal opinion dated March 3, 2015, "Petition – Genskow – Budget Development." Nothing in that review identified any specific intent by the Oneida Business Committee except a prioritization of allocation of limited funds by direct reports who had the best knowledge of greatest needs. Members are encouraged to review that opinion in conjunction with this request.

A review of the Fitness Center activities identify that insufficient personnel are available to safely provide group swimming lessons. However, private lessons by individuals with flexible schedules are still available. The cost per half hour private lesson appears to be a reasonable price and lower than that offered in the surrounding area. In addition, there are at least seven public and public accessible swimming pools offering swimming lessons at a reasonable cost.

It appears that it may not be necessary for the Fitness Center to offer swimming lessons and to allocate funds for that type of activity to another educational health and safety activity within the Fitness Center.

Notwithstanding the above, it is within the authority of the General Tribal Council to direct that swimming lessons be offered. Such an action would be limited by the ability engage a sufficient number of employees in order to safely provide those lessons. This would potentially require additional funding, and/or increasing the hourly rate in order to attract qualified applicants.

Given the inability to find interested qualified applicants, it may not be possible to offer swimming lessons. If this action requires additional funding, a two-thirds vote would be required, otherwise, a simple majority vote is all that is required.

If you have further questions, please contact me.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Lynn A. Franzmeier, Staff Attorney  
Tantiquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214  
<https://oneida-nsn.gov/Laws>

**Statement of Effect**

*Petition Resolution: Swim Lessons*

**Summary**

A Petition was submitted to the Tribal Secretary's Office on November 17, 2014, and states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The Petition was verified by the Enrollment Director on November 19, 2014 and on December 10, 2014, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the Petition. This Statement of Effect focuses on the Resolution that directs the Oneida Fitness Center to provide affordable swim lessons.

*Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office*

**Analysis from Legislative Reference Office**

According to the Resolution, the Oneida Business Committee and upper management have taken steps that have blocked the availability for Oneida children to receive affordable swim lessons at the Oneida Fitness Center. In addition, the Resolution states that being able to swim is a health and safety issue and the Business Committee is not properly taking care of this generation of children, although they talk about taking care of the next Seven Generations.

The Resolution states that we should be concerned with the health and safety of the children now and directs that affordable swimming lessons be provided at the Oneida Fitness Center. The Resolution does not discuss how to determine whether swim lessons are "affordable", and does not make any further direction. Adoption of this Resolution would require affordable swimming lessons to be provided at the Oneida Fitness Center and would leave it open as to who would determine what is affordable or how the term "affordable" would be defined.

**Conclusion**

This Resolution does not conflict with any Tribal laws.

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



Oneida bringing several hundred bags of corn to Washington's starving army. Colonists had consistently refused to aid them.



LIGWA DEMOLUK-YATEHE  
is the name of the  
Oneida Chief in  
commenting a friendship  
and the sobriety of  
the Oneida Nation.  
The Oneida Nation has  
made possible.

ONEIDA FINANCE OFFICE  
Office: (920) 869-4325 • Toll Free: 1-800-236-2214  
FAX # (920) 869-4024

## MEMORANDUM

DATE: July 13, 2015  
FROM: Larry Barton, Chief Financial Officer  
TO: Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 2, Swimming Lessons**

### I. Background

The above referenced petition was submitted to the Tribal Secretary's Office on November 17, 2014, and verified by the Enrollment Department. The petition contains the following:

*"Whereas the Oneida Business Committee and upper management has taken steps which have blocked the availability for Oneida Children to receive affordable swimming lessons at the Oneida Fitness Center and*

*Whereas the ability to swim is a health and safety issue and*

*Whereas the Business Committee is always talking about taking care of the next Seven Generations and they are NOT properly taking care of this one and*

*Whereas we should be concerned with the health and safety of the children now.*

*Now therefore be it resolved that affordable swimming lesson will be provided at the Oneida Fitness Center by order of the General Tribal Council.*

It does not appear that the BC or management contributed to swimming lessons not being available at Oneida Family Fitness (OFF). At the time of the petition, Oneida Family Fitness was experiencing staffing issues. It does not appear that swimming lessons were ever completely cancelled, private lessons remained available. That said, there is no guarantee that if any of the current aquatic staff leave, that this issue will not occur again. Currently there is a second posting for a half time Senior Lifeguard.

### II. Executive Summary of Findings

Swimming lessons are again being offered (see attached).

M. Genskow (4) resolutions

FINANCIAL ANALYSIS

Resolution 2 - Swimming Lessons

Resolution 2 - Swimming Lessons

FINANCIAL ANALYSIS

M. Genskow (4) resolutions

### III. Financial Impact

No fiscal impact

### IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

# Swim Lessons Are Back at Oneida Family Fitness!!!

Swim Lesson Schedule June 22 - August 13, 2015	
Parent Tot Class	Mondays 5:30pm-6:00pm
Preschool all levels	Mondays 3:30pm-4:00pm
Youth Level I	Wednesdays 6:00pm-6:30pm
Youth Level II	Wednesdays 6:30pm-7:00pm
Youth Level III	Wednesdays 7:00pm-7:30pm

Swim lessons will be available at a cost of \$20.00 for Oneida Family Fitness Members, \$30.00 for non-members. Payment is due at the time of registration, limited spaces available. Sign your child up today!



## Aquatic Schedule

Effective: June 8, 2015 thru August 14, 2015  
2640 West Point Rd. Green Bay, WI 54304 Phone 490-3730

TIMES	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
5:45-6:15 AM	L/A SWIM	L/A SWIM	L/A SWIM	L/A SWIM	L/A SWIM	CLOSED
6:15-7:00 AM	WATER EXERCISE	ADULT SWIM	WATER EXERCISE	ADULT SWIM	DEEP WATER	CLOSED
7:00-8:00 AM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	
8:00-9:00 AM	FAMILY SWIM	FAMILY SWIM	FAMILY SWIM	FAMILY SWIM	FAMILY SWIM	CLOSED
9:00-10:15 AM	WATER EXERCISE 9:15-10:00AM	ADULT SWIM	WATER EXERCISE 9:15-10:00AM	ADULT SWIM	ADULT SWIM	
10:15-11:00AM	EASE THOSE ACHES	WATER EX	EASE THOSE ACHES	WATER EX	DEEP WATER	CLOSED
11:00-11:30AM	ADULT SWIM Swim Lessons Adults 5th 11:15-11:45AM	ADULT SWIM				
11:30AM- 12:30PM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	CLOSED
12:30PM-1:00PM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	
1:00-3:45 PM	POOL MAINTENANCE SWIM LESSONS 3:30p-4:00p	POOL CLOSED	POOL CLOSED	POOL CLOSED	POOL MAINTENANCE	
3:45-6:00 PM	FAMILY SWIM 4:00p-5:25p	FAMILY SWIM 3:45p-5:20p	FAMILY SWIM 3:45p-4:50p	FAMILY SWIM 3:45p-4:50p	FAMILY SWIM 4:00PM-5:00PM	
6:15-7:00PM	PARENT TOT 5:30p-6:00p	EASE THOSE ACHES 5:30p-6:15p	AQUA CHALLENGE 5:00p-5:45p	WATER EX 5:00p-5:45p	SAFETY BREAK 6:00p-6:15p	
7:00-7:30 PM	DEEP WATER CLASS 6:15p-7:00p	FAMILY SWIM 6:35p-7:30p	SWIM LESSONS 6:00p-7:30p	FAMILY SWIM 6:05p-7:30p	FAMILY SWIM 6:15p-7:30p	

\*\*\*\*This program is subject to change. Changes will be posted inside the facility. See Aquatic Board.\*\*\*\*

### Program Descriptions:

**ADULT SWIM:** Ages 14 years and older. Set aside for adults with leisure activities. No lap swimming allowed.

**FAMILY SWIM:** Ages 6 months and older. Families are encouraged to swim together. Children under 10 years must be accompanied by an adult (18 years or older) in the water within arms length.

**LAP SWIM:** Ages 10 years and older. Lap swimming only! When more than 4 people are swimming laps, circle swimming will be initiated. For more information, contact the lifeguard on duty.

**L/A SWIM:** Ages 14 and older. Combo swim time set aside for both lap swimmers and adult individual water walking or exercise.

\*\*Due to the overwhelming response of lap swimmers in the pool and in regards to the size of our pool, we will need to limit lap swim to lap swimmers ONLY!

\*\*\*Scheduled class times are observed for class participants only.

M. Genskow (4) resolutions

FINANCIAL ANALYSIS

Resolution 2 - Swimming Lessons

Resolution 2 - Swimming Lessons

FINANCIAL ANALYSIS

M. Genskow (4) resolutions

**Class Descriptions:**

**Class quick guide: (For ages 10 years and older)**

- 1- Beginner, injured, arthritic exerciser
- 2- Medium Exercise Class
- 3- Advanced Class

**1 EASE THOSE ACHES:** A special class for individuals who suffer from arthritis or are just starting to exercise and need to ease back into an exercise program.

**1&2 DEEP WATER:** A flotation belt is used to suspend your body in the deeper area of the pool for a non-impact work out. Works the core muscles. Participants must feel comfortable in the water.

**1&2 WATER EX:** Designed for individuals of all fitness levels. This water aerobic class will focus on strength training, stretching, range of motion, balance, and cardio.

**2&3 AQUA CHALLENGE:** This class consists of strength training and movements that will challenge your cardiovascular system. Participants must feel comfortable in the water.

**Swim Lesson Schedule June 22 thru August 13, 2015**

Parent Tot Class	Mondays	5:30pm-6:00pm
Preschool all levels	Mondays	3:30pm-4:00pm
Youth Level I	Wednesdays	6:00pm-6:30pm
Youth Level II	Wednesdays	6:30pm-7:00pm
Youth Level III	Wednesdays	7:00pm-7:30pm

**SWIMMING LESSONS:** All O.F.F. swim lessons are offered by certified American Red Cross Water Safety Instructors. Are you new to our lessons and not sure where your child should be? For more information please contact the Front Desk or Aquatics Supervisor.

This is a general guideline:

- Parent Tot Class is for children 6 months to 4 years old with Parent/Grandparent in the water with the child. It is a great bonding time while having fun in the water learning some water skills.
- Preschool all levels is for children with or without swimming skills ages 4-5.
- Youth Level I is for children with no swimming skills ages 5 and up.
- **Classes with less than 3 participants may be canceled or run for 20 minutes instead of full length of time.**
- **Payment is due at the time of registration. Cost is \$20.00 Members, \$30.00 Non-Members.**

Private may still be possible on a small scale some days for those who have flexible schedules.

- Private Swimming lessons are also available at a rate of \$15.00/half hour per individual/Non-member price is \$20.00.
- Private Lessons for Groups of (3-8) are \$35.00 per half hour for members/Non-member price is \$40.00.

**\*\*\*THIS SCHEDULE IS SUBJECT TO CHANGE.**

**Changes will be posted inside our facility and/or new schedules will be put out.**  
**For questions please phone 490-3730.**

February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
 To: The General Tribal Council  
 Subject: The Resolution: Affordable swim lessons at the Oneida Fitness Center

**This is not about goofing around in the water; it is about whether our children will live or die if they fall or through bad judgement, jump into water that is over their head.**

The Fitness Center is free for Oneida members, but that does not include swim lessons.

I'm not even asking for free lessons, I'm asking the GTC to see to it that the B.C. and management see to it that affordable swim lessons will never be interrupted on days when the fitness center is open.

I guess if we cared about the Oneida children like we are always bragging about, the kids would be based to the fitness center for free swimming lessons. **If our children get into water over their heads, they should be able to get themselves out.**

I have documented in a letter to Jacob S. Metoxen, (former assistant to Tribal Chair Tina Danforth) dated November 12<sup>th</sup>, 2014 that swim lessons were interrupted by the 12% budget across the board reduction ordered by the Business Committee. I am submitting the documents listed to be included in the packet you receive. The documents submitted with this resolution are:

**Exhibit 1 (sides 1 and 2):**

**Aquatic schedule September 2<sup>nd</sup>, 2014 through January 3<sup>rd</sup>, 2015) see side 2. Swim lessons are available for people who can afford private lessons, \$15 per half hour per individual**

**Exhibit 2:**

**Memo dated November 4<sup>th</sup>, 2014.** From Ryan Waterstreet Assistant Director, Oneida Family Fitness (OFF) and Amy Griesbach, OFF office manager to Scott Murray, F/A area manager and Don White Governmental Services Division Manager.

**Exhibit 3:**

**Memo Dated November 12<sup>th</sup>, 2014,** from Amy L. Griesbach to Jacob S. Metoxen. Subject: Response to Aquatic Position.

**Exhibit 4:**

**Letter dated March 12<sup>th</sup>, 2015,** to Madelyn Genskow from Amy Griesbach (Swim Lessons Still on Hold).

**Exhibit 5:**

**Memo dated March 12<sup>th</sup>, 2015,** from Maureen M. Johnson to Amy L. Griesbach Subject Madelyn Genskow/Swim Lessons.

**Exhibit 6:**

**April 6<sup>th</sup>, 2015.** Letter to Madelyn Genskow from Amy Griesbach to clarify that what some people think is swimming lessons/lessons are not. It also reports that as of April 6<sup>th</sup>, 2015, the staffing needed has not been hired. The \$20 swim lessons referred to (when offered) are for lessons once a week, 1/2 hour for approximately eight weeks.

Resolution 2 - Swimming Lessons

PETITIONER'S SUPPLEMENTAL MATERIALS

M. Genskow (4) resolutions

Exhibit 1

**Aquatic Schedule**

Effective: September 2, 2014 thru January 3, 2015  
2640 West Point Rd. Green Bay, WI 54304 Phone 490-3730

TIMES	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
5:45-6:15 AM	L/A SWIM	L/A SWIM	L/A SWIM	L/A SWIM	L/A SWIM	CLOSED
6:15-7:00 AM	WATER EXERCISE	ADULT SWIM	WATER EXERCISE	ADULT SWIM	DEEP WATER	CLOSED
7:00-8:00 AM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	
8:00-9:00 AM	FAMILY SWIM	FAMILY SWIM	FAMILY SWIM	FAMILY SWIM	FAMILY SWIM	CLOSED
9:00-10:15 AM	WATER EXERCISE 9:15-10:00AM	ADULT SWIM	WATER EXERCISE 9:15-10:00AM	ADULT SWIM	ADULT SWIM	
10:15-11:00AM	EASE THOSE ACHES	WATER EX	EASE THOSE ACHES	WATER EX	DEEP WATER	CLOSED
11:00-11:30AM	ADULT SWIM	ADULT SWIM	ADULT SWIM	ADULT SWIM	ADULT SWIM	
11:30AM-12:30PM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	CLOSED
12:30PM-1:00PM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	LAP SWIM	
1:00-2:00 PM	POOL CLOSED	POOL CLOSED	POOL CLOSED	POOL CLOSED	POOL MAINTENANCE	
4:00-5:50 PM	FAMILY SWIM	FAMILY SWIM 4:00p-5:20p	FAMILY SWIM	FAMILY SWIM 4:00p-4:50p	FAMILY SWIM 4:00PM-6:00PM	
6:15-7:00PM	AQUA CHALLENGE 6:15p-7:00P	EASE THOSE ACHES 6:30p-6:15p	DEEP WATER CLASS 6:15p-7:00p	WATER EX 5:00p-5:45p	SAFETY BREAK 6:00p-6:15p	
7:00-7:30 PM	L/A SWIM	FAMILY SWIM 6:35p-7:30p	L/A SWIM	FAMILY SWIM 6:05p-7:30p	FAMILY SWIM 6:15P-7:30p	

\*\*\*\*This program is subject to change. Changes will be posted inside the facility. See Aquatic Board \*\*\*\*

**Program Descriptions:**

- ADULT SWIM:** Ages 14 years and older. Set aside for adults with leisure activities. No lap swimming allowed.
- FAMILY SWIM:** Ages 6 months and older. Families are encouraged to swim together. Children under 10 years must be accompanied by an adult (18 years or older) in the water within arm length.
- LAP SWIM:** Ages 10 years and older. **Lap swimming only!** When more than 4 people are swimming laps, circle swimming will be initiated. For more information, contact the lifeguard on duty.
- L/A SWIM:** Ages 14 and older. Combo swim time set aside for both lap swimmers and adult individual water walking or exercise.

\*\*Due to the overwhelming response of lap swimmers in the pool and in regards to the size of our pool, we will need to limit lap swim to lap swimmers ONLY!

\*\*\*Scheduled class times are observed for class participants only.

over

M. Genskow (4) resolutions

PETITIONER'S SUPPLEMENTAL MATERIALS

Resolution 2 - Swimming Lessons

It was reported to me in a phone conversation, that qualified candidates for the position will not apply because the wages are too low. Qualified personnel can get a job elsewhere.

**Exhibit 7:**

Oncida Finance Committee minutes dated February 2<sup>nd</sup>, 2015, pages 1 and 2. Documents = Community Fund paid for YMCA gym and swim class for a tribal member's daughter \$450, and a daughter YMCA gym and dance class \$450, and a daughter YMCA gym and swim class \$450.

Affordable swim lessons have now resumed once a week for half an hour - eight weeks for approximately a total costs of \$20.

This situation should never happen again. The Business Committee and upper management should be looking out for the best interests of the average Oncida person as well as people who can afford more or know where funds are available.

Today you can vote to make that happen. Remember we are not talking about just goofing around in the water.

Motion that affordable swimming lessons for Oncida Tribal Members and descendants must be provided at the Oncida Family Fitness Center.

The current rate of \$20 for approximately eight lessons sounds good to me.

M. Genskow



Page 2 of 2

Class Descriptions:

Class quick guide: (For ages 10 years and older)

- 1- Beginner, injured, arthritic exerciser
- 2- Medium Exercise Class
- 3- Advanced Class

Exhibit 1  
Side 2

1 **EASE THOSE ACHES:** A special class for individuals who suffer from arthritis or are just starting to exercise and need to ease back into an exercise program.

1&2 **DEEP WATER:** A flotation belt is used to suspend your body in the deeper area of the pool for a non-impact work out. Works the core muscles. Participants must feel comfortable in the water.

1&2 **WATER EX:** Designed for individuals of all fitness levels. This water aerobic class will focus on strength training, stretching, range of motion, balance, and cardio.

2&3 **AQUA CHALLENGE:** This class consists of strength training and movements that will challenge your cardiovascular system. Participants must feel comfortable in the water.

**HAVE A POOL PARTY! OUR POOL IS AVAILABLE TO RENT FOR ANY OCCASION.** Call Teresa Holschuh-Sieja or Amy Griesbach 490-3730. Party flyers are available for rental details.

**KAYAK LESSON:** For more information contact the Oneida Adventures Department, Kip 490-3810 or Cindy 490-3863.

**SWIMMING LESSONS:** All O.F.F. swim lessons are offered by certified American Red Cross Water Safety Instructors. For more information please contact the Front Desk.

(We are sorry that we are not able to offer group lessons on this schedule) Private may still be possible on a small scale some days for those who have flexible schedules.

Private Swimming lessons are also available at a rate of \$15.00/half hour (per individual) Non-member price is \$20.00.

- Private Lessons for Groups of (3-8) are \$35.00 per half hour for members/Non-member price is \$40.00.

\*\*\*THIS SCHEDULE IS SUBJECT TO CHANGE.

Changes will be posted inside our facility and/or new schedules will be put out.

For questions please phone 490-3730.



1/20/20  
1/30/20

Resolution 2 - Swimming Lessons

PETITIONER'S SUPPLEMENTAL MATERIALS

M. Genskow (4) resolutions

Oneida Family Fitness

Exhibit 2

# Memo

To: Scott Murray, FI/AR Area Manager  
Don Willie, Governmental Services Division Manager

From: Ryan Wilsonstreet, O.F.F. Assistant Director  
Amy Griesbach, O.F.F. Office Manager

Date: November 4, 2014

Re: Fitness Area (FY 2015 Budget Reduction Request)

In response to the 2015 Continuing Budget Resolution and to meet the reduction request, Oneida Family Fitness will need to reduce their budget by \$71,608. We have identified the following:

1. Eliminate vacant FTE Senior Lifeguard position # 1761 (\$33,961)  
 \* Salary: \$22,048  
 Fringe: \$8,191  
 Indirect: \$3,722
2. Eliminate vacant FTE Administrative Assistant Intern position # 5110 (\$36,043)  
 \* Salary: \$23,400  
 Fringe: \$8,663  
 Indirect: \$3,960
3. Reduce Norbert Hill Center Print-Outside Services expense (\$1,605)

Thank you for your attention in this matter. If you have any questions, please contact Ryan at x3809 or Amy at x3918



Exhibit 4



March 12, 2015

Dear Ms. Madilyn Getzkow,

I was informed you contacted us this morning regarding swim lessons. I regret to inform you that as of today, March 12, 2015, swim lessons offered at Onelda Family Fitness are still on hold.

Onelda Family Fitness is hopeful that swim lessons for the community will resume once additional staff is hired, which we are pleased to share that a lifeguard position is currently posted for hire.

We apologize for the inconvenience at this time.

Sincerely,

Amy Griesbach

Amy Griesbach  
Office Manager, Onelda Family Fitness

cc: Ryan Waterstreet, Onelda Family Fitness Asst Director

Resolution 2 - Swimming Lessons

PETITIONER'S SUPPLEMENTAL MATERIALS

M. Genskow (4) resolutions

M. Genskow (4) resolutions

PETITIONER'S SUPPLEMENTAL MATERIALS

Resolution 2 - Swimming Lessons

Jacob S. Metoxen

From: Amy L. Griesbach /  
Sent: Wednesday, November 12, 2014 10:07 AM  
To: Jacob S. Metoxen  
Cc: Ryan D. Waterstreet; Scott M. Murray  
Subject: RESPONSE TO AQUATIC POSITION

Exhibit 3

Good morning,

I received a call from a Madilyn Genskow this morning, requesting me to send you an email regarding the elimination of the Senior Lifeguard position. I understand you received a copy of the memo the fitness center produced in response to the recent 2015 Continuing Budget Resolution and the 12% budget reduction.

To meet this request, the Fitness Center would need to reduce personnel which would be the two vacant positions (FTE Senior Lifeguard and FTE Administrative Assistant). (The elimination of the Senior Lifeguard position would affect pool operating hours and services (i.e. Swim Lessons).

She inquired the last time we were able to offer swim lessons to the youth, which was our Summer Session that ended August 1, 2014.

If additional information is needed, please let me know.

Thank you,  
Amy Griesbach

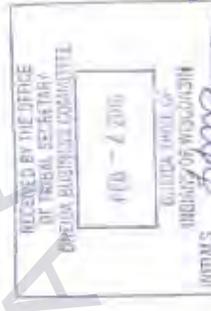


Exhibit 6



April 6, 2015

Madelyn Genskow  
11859 Rural Road  
Waupaca, WI 54981

Dear Ms. Madelyn Genskow,

Thank you for calling today. This letter is a follow up of our conversation.

Beginning January 1, 2014, Oneida Family Fitness memberships became free for Oneida Tribal members and descendants, as well as Oneida Tribe employees on the Oneida Health Plan. This decision was based on the federal health care reform act.

One of the incentives we offer our members when they join/renew an annual membership is three (3) personal training sessions. This is a one-on-one training with a certified personal trainer, and is scheduled by appointment only. This offer was designed to increase motivation, as well as increase the member's knowledge on exercise techniques to make their workouts more effective and efficient. Most personal training appointments are conducted in the cardio/weight rooms; however we do have a few members that choose the pool area. This training is not to be confused with swim lessons (i.e. personal trainer will provide a variety of exercises in the pool, based on the needs of the customer (i.e. walking in the pool, deep water exercises, water weights, etc...). These appointments are only available during open swim times. No swim instruction is given at these appointments.

Oneida Family Fitness (discontinued) swim lessons on August 1, 2014, due to staffing. We are hopeful that swim lessons for the community will resume once additional staff is hired. Our rates for swim lessons are: \$20.00/O.F.F. Members or \$30.00/non-members

If you have any questions regarding this information, feel free to contact me at (920) 490-3918.

Sincerely,

[Signature: Amy Griesbach]

Amy Griesbach  
Office Manager, Oneida Family Fitness

cc: Ryan Waterstreet, Oneida Family Fitness Asst Director

Resolution 2 - Swimming Lessons

PETITIONER'S SUPPLEMENTAL MATERIALS

M. Genskow (4) resolutions

M. Genskow (4) resolutions

PETITIONER'S SUPPLEMENTAL MATERIALS

Resolution 2 - Swimming Lessons

Amy L. Griesbach

From: Maureen M. Johnson  
Sent: Thursday, March 12, 2015 8:23 AM  
To: Amy L. Griesbach  
Subject: Madelyn Genskow/Swim Lessons

Hi Amy,

Madelyn called today and asked that we provide her with a letter stating that we currently are not offering swimming lessons. She wants to pick up this letter by 1:00pm today and said this letter will be bought before the GTC. I kindly told her that while I could not guarantee that it would be done by 1:00 pm exactly, I did let her know that I would get this request to you.

Thanks,  
Maureen

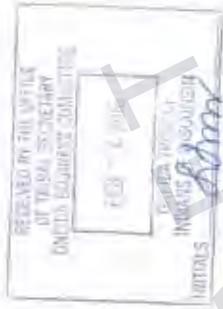


Exhibit 5

Resolution 2 - Swimming Lessons

PETITIONER'S SUPPLEMENTAL MATERIALS

M. Genskow (4) resolutions

# ONEIDA FINANCE COMMITTEE

February 2, 2015  
Business Committee Executive Conference Room



## REGULAR MEETING MINUTES

**Members Present:** Trish King, Treasurer/FC Chair; Jenny Webster, BC Council Member; Patrick Stansloff, Purchasing Director

**Members Excused:** Chad Fusi, Gaming GM

**Others Present:** Paul Witak, Nathian King and Denise Vigue, FC Recording Secretary

**Call to Order:** The Finance Committee meeting was called to order by the FC Chair at 10:00 a.m.

**Approval of the Agenda:** Motion by Fawn Bliles to approve the February 2, 2015 Finance Committee agenda. Seconded by Jennifer Webster. Motion carried unanimously.

**Approval of the Minutes:**

1. **January 19, 2015 (Approved via E-Poll on 1/19/15):**  
Motion by Patrick Stansloff to ratify the E-poll action of Jan 19, 2015 approving the Finance Committee meeting minutes of Jan 19, 2015. Seconded by Wesley Martin, Jr. Motion carried unanimously.

**Tabbed Business:** No tabbed business

**Capital Expenditures:** No requests submitted

**SEOTS Community Center Project:**

1. **Trisd Construction, Inc. - Change Order #1**  
Paul Witak, Project Manager - Engineering

Paul Witak was present to explain details of the change order including itemized listing of repairs and additions such as custom window that needed repair, additional window installed, doors put in; these were all items that were identified when they first assessed building. There was discussion of additional items such as fixtures and room contents not originally identified and funding source; Paul is in the process of completing a request for additional funding for these FF & E and construction costs that he will be bringing to the OBC. He is working with CFO and Purchasing on request and to identify source of funding and itemized costs

Motion by Larry Barton to approve change order #1 in the amount of \$16,931.68 for construction costs from Trisd Construction, Inc for work on the SEOTS Community Center Project. Seconded by Jennifer Webster. Motion carried unanimously.

2. **Trisd Construction, Inc. - Pay Draw #2**  
Paul Witak, Project Manager - Engineering

There was discussion of the allocated amount for this project; pay draw is for work identified and completed, payment through bond funds.

Motion by Wesley Martin, Jr. to approve application for payment, draw #2 in the amount of \$108,374.38 for construction costs from Trisd Construction, Inc on the SEOTS Community Center Project. Seconded by Jennifer Webster. Motion carried unanimously.

### VII. New Business:

1. **External Donation Requests - Discussion**  
Patrice King, Treasurer

There was a discussion regarding how to move forward with donation requests; Larry Barton provided a brief historical overview of how external giving was provided; in the past few years with diminished dollars concentration was on Oneida Community, local churches, longhouse and vets groups. After discussion there was consensus donation requests can be placed on the FC agenda for review and that information provided today can be accepted as FYI.  
Motion by Jennifer Webster to accept all the information as FYI. Seconded by Wesley Martin, Jr. Motion carried unanimously.

**Executive Session:** No requests submitted

**Community Fund:**

1. **Green Bay Elite Cheer fees for daughter (JM)**  
Motion by Jennifer Webster to approve from the Community Fund the Green Bay Elite Cheer fees for the daughter of the requestor in the amount of \$500.00. Seconded by Larry Barton. Motion carried unanimously.

2. **YMCA Gym/Swim class fees for daughter (YYZS)**  
Motion by Larry Barton to approve from the Community Fund the YMCA gym and swim class fees for daughter of requestor (YYZS) in the amount of \$450.00. Seconded by Jennifer Webster. Motion carried unanimously.

3. **YMCA Gym/Dance class fees for daughter (YMZS)**  
Motion by Wesley Martin, Jr. to approve from the Community Fund the YMCA gym and dance class fees for daughter of requestor (YMZS) in the amount of \$450.00. Seconded by Fawn Bliles. Motion carried unanimously.

4. **YMCA Gym/Swim class fees for daughter (YCZS)**  
Motion by Jennifer Webster to approve from the Community Fund the YMCA gym and swim class fees for daughter of requestor (YCZS) in the amount of \$450.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

### Fellow Up:

1. **RPM Advertising - Contract Extension Addendum**  
Brenda Buckley, Gaming Marketing

No one present to provide follow up information, the FC had several questions pertaining to it. There was included in agreement a limited waiver of sovereign immunity, and an updated legal review of this addendum, also there was discussion of the already being approved at both FC and OBC levels and this is follow up.

Motion by Larry Barton to defer until Gaming Marketing can be present and to specifically answer the limited waiver of sovereign immunity and updated legal review. Seconded by Wesley Martin. Motion carried unanimously.

**Thank you and/or FYI:**

**FYI - Outagamie County Service Agreement**  
Paula King-Dessart, OBC Office Manager

Nathian King was present and provided a handout that further explains services within this agreement and to explain much of the agreement is about mitigation of land into trust; he also

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M. Genskow (4) resolutions

PETITIONER'S SUPPLEMENTAL MATERIALS

Resolution 2 - Swimming Lessons



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 Nation**  
BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



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

M. Genskow (4) resolutions

Resolution 2 - Swimming Lessons

**MEMORANDUM**

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Swimming Lessons

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding swimming lessons. We are concerned the resolution directs the involvement in day-to-day activities of the management of the programming. Many of the daily activities involve locating the best qualified candidate to fill a position in fields where there are few candidates available. As a result, directing that specific types of programming activities be provided may not be possible.

In this petition, the Petitioner is requesting that swimming lessons be provided. However, swimming lessons were available, simply not in a classroom format. The Family Fitness Center was unable to hire candidates with the minimum required experience to manage the safety of the students learning to swim due to labor unavailability. In addition, there were available resources for members to access reasonably priced swimming lessons by both surrounding public and private facilities. At this time, it is a question of resources to provide the program activity easily available in the area, or providing some other needed service that has both resources and equal or higher need.

We also found that the Family Fitness Center was actively recruiting for these positions and when they are filled swimming lessons are being held. As a result, we are concerned that the General Tribal Council is being presented with requests that are unnecessary and were already being addressed in the most appropriate manner. We

BUSINESS COMMITTEE RECOMMENDATION

Resolution 2 - Swimming Lessons

M. Genskow (4) resolutions

BUSINESS COMMITTEE RECOMMENDATION

believe that bringing these types of issues to the agenda is not an efficient use of that body's time and resources because General Tribal Council meetings must be held on the reservation, the single location which can safely hold the current quorum levels at these meetings, and the limited time available for the General Tribal Council to discuss and act on items. If the General Tribal Council directs that swimming lessons be held and there are no qualified individuals to teach those lessons, we have not resolved the issue. This was not a matter of not wanting to provide lessons; it was a matter of not having qualified candidates available to do so.

**Recommendation: Motion to accept the petition as information only.**

3

Whereas the Oneida General Tribal Council is the Supreme Power of the Oneida Tribe .

NOW THEREFORE BE IT RESOLVED THAT ALL BOARDS, COMMITTEE AND COMMISSIONS OF THE ONEIDA TRIBE MUST CARRY OUT DIRECTIVES GIVEN BY the Oneida General Tribal Council unless it conflicts with Federal or State Laws.

Resolution 3 - BCC's to carry out GTC Directives

# RESOLUTION 3

## BCC'S TO CARRY OUT GTC DIRECTIVES

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RESOLUTION

M. Genskow (4) resolutions



JO ANNE HOUSE, PHD  
CHIEF COUNSEL  
JAMES R. BRITTON  
DEPUTY CHIEF COUNSEL  
REBECCA M. WEBSTER, PHD  
SENIOR STAFF ATTORNEY

**ONEIDA LAW OFFICE**  
N7210 SEMINARY ROAD  
P.O. BOX 109  
ONEIDA, WISCONSIN 54155  
(920) 869-4327 FAX (920) 869-4065

PATRICIA M. STEVENS GARVEY  
CAROLJA L. LONG  
KELLY M. MCANDREWS  
MICHELLE L. MAVS

**MEMORANDUM**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** April 15, 2015  
**SUBJECT:** Genskow – Petition – Boards, Committees, Commissions Carry out GTC Actions

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains four resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

- The resolution contains a single Whereas section.
- "the Oneida General Tribal Council is the Supreme Power of the Oneida Tribe"
- Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.
- The resolution contains a single Resolve section.
- "all boards, committee and commissions of the Oneida Tribe must carry out directives given by the Oneida General Tribal Council unless it conflicts with Federal or State laws."

To draft this opinion, I have reviewed prior actions of the General Tribal Council, the Comprehensive Policy Governing Boards, Committees, and Commissions, Tribal policies and procedures, and various other resources.

This opinion does not include corporate boards of directors as these are not an entities of the Tribe. A corporate board is governed by the corporate charter and is not subject to the Comprehensive Policy Governing Boards, Committees or Commissions. In addition, this opinion does not include standing committees of the Oneida Business Committee such as the Legislative Operating Committee, Community Development and Planning Committee and the Quality of Life Committee. These entities may have by-laws or charters and are also not subject to the Comprehensive Policy since they are made up of members of the Oneida Business Committee. Finally, task forces, work groups and ad hoc entities are not included in this opinion. This would include groups created solely for the purpose of a grant (such as the Parent Policy Committee) or for the purpose of gathering a cross-functional team (such as the Facilities Management Team).

**Background**

**General Information**  
Boards, committees and commissions of the Tribe are created by the adoption of by-laws and governed by the Comprehensive Policy Governing Boards, Committees and Commission

M. Genskow (4) resolutions

LEGAL ANALYSIS

Resolution 3 - BCC'S to carry out GTC Directives

Resolution 3 - BCC'S to carry out GTC Directives

LEGAL ANALYSIS

M. Genskow (4) resolutions

Genskow – Petition – Boards, Committees, Commissions Carry out GTC Actions  
Page 2 of 5

(Comprehensive Policy). In some circumstances the entity is also governed by a specific law – such as the Gaming Commission and the Gaming Ordinance. In addition to the Comprehensive Policy, entities are also responsible for complying with generally applicable Tribal law – such as the Code of Ethics.

The Comprehensive Policy is intended to create a standard foundation for all activities of entities. This policy covers by-law requirements, appointment processes, oath of office, dissolution of entities, compensation, confidential information and conflicts of interest. Whether appointed or elected, every member of every entity must take an oath of office to have the authority of their membership on the entity conferred. The oath, taken at an Oneida Business Committee meeting, is as follows.

I, [name], do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality.

I will carry out the duties and responsibilities as a member of the [entity], and all recommendations shall be in the best interest of the Oneida Tribe as a whole.

Section 6-3 of the Comprehensive Policy allows the oath of office to be modified to meet the specific demand of an entity. However, that modification must meet the requirement that it is "sufficient to make the appointee aware of their duty to the Oneida Tribe and as members of the entity."

**Boards, Committees and Commissions of the Tribe**

The following tables list the boards, committees and commissions of the Tribe. The tables also identify the number of members on each board and whether they are appointed or elected. The tables also identify where a law is in place that creates the entity. For example, the Audit Committee is created in the Audit Law. If there is a law delegating authority or responsibility to an entity it is listed separately under bullets. A blank space in the governing law column means the entity is generally guided by the adopted by-laws.

Appointed Boards, Commissions and Commissions	Members	Governing Law
Anna John Nursing Home Board	7	
Child Protective Board	7	
Community Library Board	5	
Environmental Resources Board	9	Hunting, Fishing, Trapping Law • All-Terrain Vehicle Law • Regulation of Domestic Animals Ordinance • Water Resources Ordinance • Well Abandonment Law
Arts Board	7	
Veterans Affairs Committee	9	
Personnel Commission	12-15	• Personnel Policies and Procedures Law Enforcement Ordinance
Powwow Committee	5	
Pardon & Forgiveness Steering Committee	9	
Pardon & Forgiveness Ordinance	4	
Southeastern Oneida Tribal Advisory Board	7	

Audit Committee	5	Audit Law • Small Business Loans
Finance Committee	varies	Hall of Fame Ordinance
Selection Committee*	5	Protection and Management of Archeological & Historic Resources
Advisory Review Board*	–	Vendor Licensing
License Commission*		

The Selection Committee exists for a short period of time every three years to recommend members to be inducted into the Hall of Fame. The Advisory Review Board and License Commission do not have by-laws and do not appear to have had appointments made. However, the laws creating these entities have not been amended to address this issue of nonfunctional entities. In regards to the Licensing Commission, the Oneida Appeals Commission determined in *Skenandore v. Stevens*, 12-TC-051 (Oneida Appeals 6/27/2012), that in the absence of the commission the original hearing body was the Oneida Appeals Commission. There is no case law interpreting the Protection and Management of Archeological & Historic Resources Ordinance, as a result it is not clear where an original decision is made or an appeal might be brought.

Elected Boards, Committees and Commissions	Members	Governing Law
Commission on Aging	9	Election Law
Election Board	9	Gaming Ordinance
Gaming Commission	4	Real Property Law
Land Commission	7	• Building Code • Cemetery Law • Condominium Ordinance • Woodcutting Ordinance • Zoning Ordinance
Land Claims Commission	7	
School Board	9	• Membership Ordinance • Cemetery Law • Endowment Law • Per Capita Law
Trust & Enrollment Committee	9	

The by-laws for each entity are located on the Tribe's website along with notices of vacancies. In addition, entities submit a quarterly report to the Oneida Business Committee detailing activities and concerns. The schedule for these reports is available on the Tribe's website. The Secretary's Office is in the process of making these available on-line for access and review.

**External Laws and Rules Regarding Boards, Committees and Commissions**

In addition to the laws of the Tribe, entities are sometimes governed by state or federal laws. This may arise as a result of grants received which accept the oversight of the granting agency, accepting licensing from the professional licensing agency, or as a result of the activity being conducted. It is not possible to identify the grants awarded to and accepted by entities of the Tribe as there are far too many of them. The table below identifies an overview of external governing laws and rules that must be followed by entities.

External Governing Requirements
Anna John Nursing Home Board
Federal regulations regarding Medicare/Medicaid reimbursement, professional licensing of doctors/nurses, insurance coverage requirements, facility licensing requirements
Indian Child Welfare Act
Inter-library book transfer lending agreements
Environmental Resources Board
Federal environmental laws
Arts Board
State of Wisconsin grant requirements
Police Commission
BIA law enforcement grants, MOU/A with local governments
Audit Committee
Internal Auditing Standards, GASB/FASB standards, federal circulars and regulations
Gaming Commission
Indian Gaming Regulatory Act, National Indian Gaming Commission
Land Commission
BIA land and fee-to-trust regulations, probate regulations on trust land, leasing and easements
School Board
Bureau of Indian Education requirements

Boards, committees and commissions of the Tribe are created to address specific subject matters. The authority delegated ranges from oversight and regulatory to providing policy direction. Each member of every entity of the Tribe takes an oath to carry out the laws of the Tribe in the best interest of the Tribe. Failure to do so could subject the member of the entity to removal. If the member of the entity was appointed, removal would be conducted by the Oneida Business Committee under the Comprehensive Policy. If the member of the entity was elected, removal would be conducted under the Removal Law by the General Tribal Council.

**Two Examples of Prior General Tribal Council Directives**

Hymn singing is an example of a prior directive of the General Tribal Council. In 1993, the General Tribal Council adopted a resolution that directed Oneida Hymnals be developed which contained the words and music to Oneida hymns. In a 2008 report to the General Tribal Council, it was identified that the members primarily involved in Oneida hymn singing did not want books with written musical scores because it would undermine the creative nature of Oneida hymn singing. The Oneida Hymnals were eventually published without musical scores and continue to be available today for purchase.

In 2000, the General Tribal Council adopted a resolution which included a directive to develop a plan to include Oneida hymn singing, among other language programming, in the Tribal schools. The Tribal School created programming for Oneida hymn singing but found that there was a lack of interest in such instruction. Although there were later offers to provide Oneida hymn singing instruction for free, that offer was withdrawn and a request for paid teaching services was made. At that time, the Tribal School no longer budgeted for Oneida hymn singing instruction and, based on the lack of interest, declined the offer. The school continues to focus on providing an education which includes Oneida history and language, as well as meeting educational standards required of Bureau of Indian Education funded schools. Since 2003, unclaimed per capita funds are earmarked for Oneida language preservation.

**Analysis**

The resolution directs that boards, committees, and commissions "must carry out directives given by the Oneida General Tribal Council." The resolution also states that there is an exception

where such directive would conflict with state or federal laws. However, there is no such exception where the directive may conflict with existing Tribal laws.

It is troublesome that this proposed resolution does not hold Tribal laws in the same regard as state or federal laws. The General Tribal Council is delegated authority by the members when they adopted the Constitution of the Oneida Tribe of Indians of Wisconsin. It is subject to the Constitution and the actions taken in accordance with the Constitution. Primarily, this means the General Tribal Council exists as a body when a meeting is duly called and a quorum is met and carries the constitutional responsibilities delegated to it.

This includes further delegations of authority or actions taken consistent with that constitutionally delegated authority. This includes the Ten Day Notice Policy as well as a host of other laws and actions during the course of its existence. The Ten Day Notice Policy states that a duly called meeting is limited to the subject matters provided in notice presented at least ten days prior to the meeting. It also includes the limitation that the meeting must be held with the Reservation boundaries.

In addition, delegated authority includes the adoption of laws and regulations of the Tribe under the Legislative Procedures Act and its predecessor the Administrative Procedures Act. Both of these laws delegated authority to adopt laws on behalf of the Tribe and directed procedures for that action. While it is presumed that the General Tribal Council would not take action that would conflict with its own directives or delegated authority, failure to include this in the resolution could cast question on that limitation.

This resolution, like its 2008 predecessor regarding the Oneida Business Committee and a 1989 General Tribal Council motion, states and directs an obvious truth. Boards, committees, and commissions must comply with the applicable laws and directives in carrying out actions. As identified in the oath of office, each member takes an oath to do so. Further, the Comprehensive Policy states that oaths may be modified, but modification may not be made such that members are not made aware of their duty to the Tribe and its members. As a result, the resolution is unnecessary.

**Conclusion**

The resolution proposes direction which is already a required action of boards, committees and commissions. It does leave out reference to compliance with Tribal law. This resolution would require a simple majority vote to adopt. It is recommended that reference to "Tribal law" be included in the resolution if adopted.

If you have further questions, please contact me.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Lynn A. Franzmeier, Staff Attorney  
Tantiquelle J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214  
<https://oneida-nsn.gov/Laws>

**Statement of Effect  
Petition Resolution: Boards, Committees and Commissions to Carry out GTC Directives**

**Summary**

A Petition was submitted to the Tribal Secretary's Office on November 17, 2014, and states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The Petition was verified by the Enrollment Director on November 19, 2014 and on December 10, 2014, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the Petition. This analysis focuses on the Resolution that directs that all Tribal boards, committees and commissions to carry out General Tribal Council (GTC) directives unless it conflicts with federal or state laws.

Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office  
Reviewed by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

**Analysis from Legislative Reference Office**

The Tribal Constitution recognizes the GTC as the governing body of the Tribe and requires GTC to elect the OBC which must perform the duties authorized by GTC. GTC has delegated to the OBC the authority under Article IV, Section 1 of the Tribal Constitution to appoint committees, delegates and officials to conduct Tribal business and relations and can adopt resolutions regulating the procedures of Tribal agencies, Tribal officials or Tribal organizations (See Constitution, Article III, Sections 1 & 3 and Article IV, Section 1 (g) & (h)).

Boards, committees and commissions are already obligated to follow GTC directives. The Comprehensive Policy Governing Boards, Committees and Commissions (Comprehensive Policy) requires all appointed and elected officials to take an oath of office which, among other things, calls for the official to uphold the laws and regulations of the Tribe, GTC and Tribal Constitution (See Comprehensive Policy 6-3 (c) (1) and 7-3 (c)). If a member of a board, committee or commission is violating this oath, he/she can be removed from his/her position pursuant to the Removal Law (elected) or Comprehensive Policy (appointed) (See Removal Law 4.4-1 and Comprehensive Policy 6-5).

**Conclusion**

This Resolution does not conflict with any Tribal laws. In addition, this Resolution does not have a legislative impact, but reiterates what is already expected of board, committee and commission members. If an official ignores a GTC directive he/she may be removed pursuant to the Removal Law or have his/her appointment terminated in accordance with the Comprehensive Policy.

M. Genskow (4) resolutions

LEGISLATIVE ANALYSIS

M. Genskow (4) resolutions

M. Genskow (4) resolutions

LEGAL ANALYSIS

Resolution 3 - BCC'S to carry out GTC Directives

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



Oneidas belonging several hundred years of earth to Wisconsin's remaining native Americans. The Oneida Tribe of Indians of Wisconsin has a rich and colorful past. Our history is shared by all of us.



ALMA DESCHLUM VATERHE  
The Oneida Tribe of Indians of Wisconsin is a sovereign nation. We are a proud and independent people. We are the only tribe of Wisconsin that has a reservation. We are the only tribe of Wisconsin that has a reservation. We are the only tribe of Wisconsin that has a reservation.

ONEIDA FINANCE OFFICE  
Office: (920) 869-4325 • Toll Free: 1-800-236-2214  
FAX # (920) 869-4024

## MEMORANDUM

DATE: July 27, 2015  
FROM: Larry Barton, Chief Financial Officer  
TO: Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 3 Boards, Committees, Commissions**

### I. Background

The above referenced petition was submitted to the Tribal Secretary's Office on November 17, 2014, and verified by the Enrollment Department. The petition contains the following:

*"Whereas the Oneida General Tribal Council is the Supreme Power of the Oneida Tribe. Now therefore be it resolved that all boards, committee and commissions of the Oneida Tribe must carry out directives given by the Oneida General Tribal Council unless it conflicts with Federal or State laws."*

The following information was reviewed and is being cited in response to the petition.

#### Oneida Tribal Constitution

Section 1. The governing body of the Oneida Nation shall be the General Tribal Council composed of all the qualified voters of the Oneida Nation.

Section 3. The qualified voters of the Oneida Nation shall elect from among the enrolled Oneida Nation members who physically reside in either Brown or Outagamie Counties of Wisconsin by secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and five councilmen. These shall constitute the Business Committee and shall perform such duties as may be authorized by the General Tribal Council.

Article IV-Powers of the General Tribal Council

(g) To appoint committees, delegates, and officials deemed necessary for the proper conduct of tribal business or relations.

(h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Nation, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

M. Genskow (4) resolutions

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Resolution 3 - BCC'S to carry out GTC Directives

(i) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Oneida Reservation.

### By laws of the Oneida Tribe of Indians of Wisconsin

Section 5. Appointive Officers. - The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council (GTC) at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Council (GTC), and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

### Comprehensive Policy Governing Boards, Committees and Commissions (BCC)

Article I. Purpose and Policy  
1-2. It is the purpose of this policy to govern the standard procedures regarding the appointment of persons to boards, committees and commissions, creation of by-laws, maintenance of official records, compensation, and other items related to Boards, Committees and Commissions. This policy does not apply to Tribal Corporations due to the Corporate structure and autonomy of those entities.

All members of Boards, Committees, and Commission take the following oath of office.

*I, \_\_\_\_\_, do hereby promise to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council, and the Tribal Constitution. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, respect, dignity, and sincerity and with the strictest confidentiality. I will carry out the duties and responsibilities as a member of the entire name, and all recommendations shall be made in the best interest of the Oneida Tribe as a whole. Officials found to be in violation of the Comprehensive Policy Governing Boards, Committees, and Commissions may be removed pursuant to the Removal Law if elected, or have their appointment terminated if appointed. Lastly, Tribal corporations, due to the corporate structure and autonomy of those entities are exempt from the Comprehensive Policy.*

### Subpart H. Enforcement And Penalties

13-25. Officials found to be in violation of this policy may be removed pursuant to the Removal Law if elected or have their appointment terminated if appointed.

### Legislative Procedures Act (LPA)

This law was adopted by the Oneida General Tribal Council (GTC) by resolution GTC #01-07-13-A. The purpose of this law is to provide a process for the adoption of Oneida Tribal laws.

### II. Executive Summary of Findings

The petition states that all boards, committee and commissions of the Oneida Tribe must carry out directives given by the Oneida General Tribal Council unless it conflicts with Federal or State laws. Tribal laws are not included and no specific directive is stated.

The Oneida Constitution, Tribal laws, policies, and procedures outline the authorities and processes that govern the oversight of the various boards committees and commissions. In accordance with the LPA, any interested person may submit a written request to the Legislative Reference Office to amend legislation and any changes will be open for public comment. The Legislating Operating Committee oversees this process. Therefore there are no startup costs, or additional personnel needed.

Resolution 3 - BCC'S to carry out GTC Directives

M. Genskow (4) resolutions

**III. Financial Impact**  
No fiscal impact

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

M. Genskow (4) resolutions

FINANCIAL ANALYSIS

Resolution 3 - BCC'S to carry out GTC Directives

Resolution 3 - BCC'S to carry out GTC Directives

PETITIONER'S SUPPLEMENTAL MATERIALS

M. Genskow (4) resolutions

February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council  
Subject: The Supreme Power of the GTC

*M. Genskow*

The GTC has given directives to the Business Committee and management that they (do not), (will not) carry out.

- 1. Oneida Hymn singing to be taught in the Turtle school and high school to students who want to learn.

Exhibit 1. Resolution GTC 7-6-93-A.

- 2. The GTC voted - Resolution # 8-1995, that a benefits book must be mailed to Oneida Tribal homes. It must include the guidelines so tribal members can tell if they qualify. It must be updated annually.

How many tribal members knew about the Community Fund?

See last exhibit regarding swim lessons.

On audio CD # 4 recording of the OTIE report to the B.C. Dated September 9<sup>th</sup>, 2015, it is made known that scholarships worth thousands are available. Did you know that?

Many tribal members do not have a computer and access to this information.

- 3. The Land Dept. Committee must be elected, not appointed.





Oneida Nation BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155 Telephone: 920-869-4364 • Fax: 920-869-4040



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

Resolution 3 - BCC'S to carry out GTC Directives

MEMORANDUM

To: General Tribal Council
From: Oneida Business Committee
Date: March 3, 2016
RE: Oneida Business Committee Recommended Action - Madelyn Genskow Petition re: Boards, Committees and Commissions Carry Out GTC Actions

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding a directive to boards, committees and commissions to carry out General Tribal Council actions. We believe that this action is unnecessary, and in reviewing the legal opinion, appears to ignore the application of Tribal law.

In 2008, the General Tribal Council was presented a similar resolution directed at the Oneida Business Committee. The legal opinions and background information is similar to the information presented to you today. With one clear difference, the action of the General Tribal Council to include the possibility of removal for failure to carry out those directives is already part of the Removal Law regarding elected officials and part of the Comprehensive Policy Governing Boards, Committees and Commissions regarding appointed officials. There is no need to take any further action by the General Tribal Council, even less need than when presented with this request in 2008. There are no other actions that could be taken to implement this further than the oaths taken by each elected or appointed representative and the laws which contain the processes for removal from an elected position or termination of an appointment.

We believe every elected and appointed representative of the Tribe has this duty to carry out and enforce the Constitution and the laws of the Oneida Tribe of Indians of Wisconsin. We also believe that every elected and appointed representative of the Tribe knows they have this duty. However, if the General Tribal Council believes it is

M. Genskow (4) resolutions

PETITIONER'S SUPPLEMENTAL MATERIALS

Resolution 3 - BCC'S to carry out GTC Directives



Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 866-2214

Oneida, WI 54155



RECEIVED BY THE OFFICE OF TRIBAL SECRETARY

EXHIBIT 1

GENERAL TRIBAL COUNCIL RESOLUTION # GTC-07-06-93-A

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin,

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and

WHEREAS, the Oneida Indian people of Wisconsin have had the tradition of Oneida Indian hymn singing over 150 years, and

WHEREAS, many of the old melodies and the traditional Oneida harmony are in danger of being forgotten, because they have not been recorded in writing, and

WHEREAS, there are very few young Oneidas who have an opportunity to learn to read, understand and sing the old hymns,

NOW THEREFORE BE IT RESOLVED, that the Oneida Tribe shall develop and implement a project to preserve as many of the melodies and harmony of the Oneida hymns as the elders can remember.

BE IT FURTHER RESOLVED: that the Oneida Tribe shall print books with the printed words, music melodies and the harmony, and the Oneida Tribe shall have these books available for use to the Oneida people at cost.

BE IT FURTHER RESOLVED: that the Oneida Tribal School and Oneida High School shall teach Oneida Indian hymn singing in the school on a regular basis in music class.

BE IT FURTHER RESOLVED: that parents who do not want their children to attend these classes shall be offered an alternative to music class.

BE IT FINALLY RESOLVED: that the Oneida Tribe shall include the cost of this project in the budget for 1994, and that this project begin on October 1, 1993.

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 164 members present at a meeting duly called, noticed, and held on the 6th day of July, 1993, that the foregoing resolution was duly adopted at such meeting by a unanimous vote of those present and that said resolution has not been rescinded or amended in any way.

Amelia Cornelius, Tribal Secretary Oneida Business Committee

Resolution 3 - BCC'S to carry out GTC Directives

BUSINESS COMMITTEE RECOMMENDATION

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BUSINESS COMMITTEE RECOMMENDATION

Resolution 3 - BCC'S to carry out GTC Directives

necessary to adopt this resolution, we would request that the language suggested in the legal opinion be included.

The examples presented by the petitioner were important to the General Tribal Council when the resolutions were adopted. However, there are changes from 1993 (Hymn singing) and 1995 (benefits book) in the organization and membership. We think these are issues that should be allowed to change over time. For example, the Tribal School provides cultural and language courses, as well as Oneida singing provided by the Oneida Arts Program, and the benefits book is now updated on-line faster and less expensive than printing a benefits book and mailing to members. There are also public access points such as the Community Education Center and Oneida Library for example.

**Recommendation: Motion to accept the resolution as information only and to have the Oneida Business Committee send reminder letters to boards, committees and commission members of their duty to uphold the Constitution and laws of the Tribe.**

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Whereas the Oneida Tribe is always saying they care for the Elderly and  
 Whereas there are Oneida Elders living on the reservation who live in older  
 homes that they own and want to continue living in  
 NOW THEREFORE BE IT RESOLVED THAT THE ONEIDA BUSINESS COMMITTEE  
 AND MANAGEMENT MAY NOT REFUSE TO HELP WITH HOME REPAIR  
 ASSISTANCE TO ONEIDA ELDERS WHO LIVE IN THE RESERVATION BOUNDARIES  
 EVEN IF THEIR HOME IS OLD AND MANAGEMENT FEELS IT IS NOT WORTH IT.  
 BE IT FURTHER RESOLVED THAT IF THEY DO SO THEY MUST PROVIDE FREE  
 HOMES FOR LOW INCOME ONEIDA ELDERS IN THE RESERVATION BOUNDARIES

Resolution 4 - Elder Home Repair

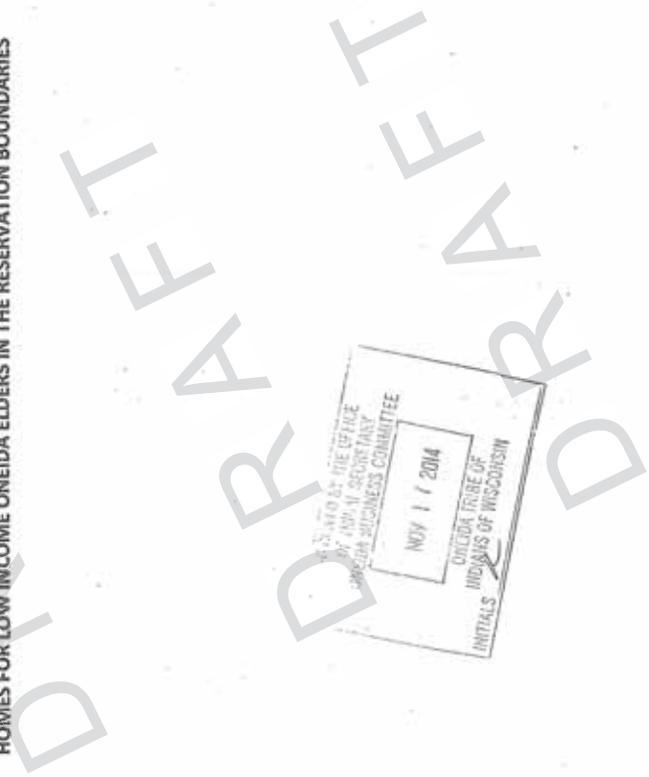
RESOLUTION

M. Genskow (4) resolutions

# RESOLUTION 4

## ELDER HOME REPAIR

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MICHELLE L. MAVS

**M E M O R A N D U M**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** April 10, 2015  
**SUBJECT:** Genskow – Petition – Elder Services – Home Repair

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains four resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

The resolution contains two Whereas sections.

- "the Oneida Tribe is always saying they care for the Elderly and"
- "there are Oneida Elders living on the reservation who live in homes that they own and want to continue to live in."

Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.

The resolution contains two Resolve sections.

- "that the Oneida Business Committee and management may not refuse to help with home repairs assistance to Oneida elders who live on the reservation boundaries even if the home is old and management feels it is not worth it."
- "that if they do so they must provide free homes for low income Oneida elders in the reservation boundaries."

To draft this opinion, I have reviewed prior actions of the General Tribal Council, the Elder's Services Program information, policies and procedures, the budget and various other resources. This opinion contains two sections setting forth information – "elder programming" which presents general information and "elder home repair programs" which presents information specific to the minor and major home repair programs in the Elder Services Program.

**Elder Programming**

Elder programming is provided primarily through the Elder Services Program. However, there are also services provided by other departments. Examples include -

- Health Division – Anna John nursing home facility
- Fitness Center – various elder focused exercise activities
- Transit – transportation

The Elder Services Program, provides four informational resources.

- Drums – a monthly newsletter.
- Website – contact information, programming, and resources.
- Services Book – information regarding the programming of Elder Services.
- Resources Book – contact information regarding elder services programming in the local community.

**Elder Services Program**

The Elder Services Program offers a broad array of tribal and grant funded services to elders. These services include in home care to elders through meals, investigation and reporting of elder abuse, training and support for family elder care providers, meals both delivered and at the Anna John nursing home.

In addition to the above, the Elder Services Program manages elder apartments and offers two home repair programs. The home repair programs are explained more fully below.

The Tribe also offers elder aging in place housing options through the Anna John nursing home, transitional facilities and independent living solutions in the Lee Mc Lester II Building. Other programs also offer elder specific housing, such as the Housing Authority which provides low income elder housing.

In addition to the above, many programs of the Tribe offer elder specific programming. For example, the Fitness Center offers such options as Ease Those Aches swimming classes and chair yoga.

**Elder Programming and Budgeting**

The budget of the Tribe includes tribal revenues and external funding through self-governance contracts and grant funds. The information below identifies tribal contributions to elder programming.

- Approximately \$2.1 million in funding allocated to elder services and programming
- \$4.6 in age 62 and over elder per capita
- \$2.25 million in funding allocated to general membership per capita
- \$500,000 to the Elder Per Capita Trust fund.

This is equal to about 4% of the total budget for programming, about 23% of the total per capita budget, and about 8% of the total budget specifically focused on elderly services. This does not include portions of Tribal programming that has an elder focus but is not included in Elder Services or that is funded through federal or state grant funding.

In comparison, the budget allocates funding to various other membership groups as follows.

- \$13 million in higher education which is available to:
  - o 77% of the membership made up of members age 21 and older
  - o 55% of the membership made up of members age 21 to age 54

- \$10.7 in kindergarten through 12<sup>th</sup> grade Tribal school
  - o 23% of the membership made up of members up to age 20

These funding levels include tribal contribution and grant funds. In addition, many of the funds made available to the organization also assist elder programming, whether specifically directed to elder programming or as programming elders can access.

The membership of the Tribe is made up of the following statistics based on data collected on December of 2014.

- There are 16,995 members.
- 13% of the members are age 62 and older
  - o 6% of the members are age 70 and over, the focus of Elder Services Programming.
- 44% of the members live in Brown and Outagamie Counties.
- 12% of the members living in Brown and Outagamie Counties are age 62 and older.
  - o 6% of the members living in Brown and Outagamie Counties are age 70 and over, the focus of Elder Services Programming.
- 23% of the members are between ages 0 and 20 which would be the focus of a primary amount of education related funding and potentially inaccessible to elders.
- 54% of the members are between the ages of 21 and 54 which is likely to be the focus of higher education funding and other programming activities of the Tribe.

In light of the above information, elders have access to almost 60% of the funding allocations of the Tribe made for General Welfare purposes.<sup>1</sup>

**Elder Survey Results**

The Tribe conducts a survey of the membership on a regular basis to identify trends in regards to the population work, health, and home environment. The 2009 Housing Assessment survey had 315 elders age 55 and over responding out of a population of 3,822 elders. The information below is based only on the responses of members age 55 and over.

The following information is in regards to home ownership. However, it should be clarified that this does not differentiate low income home ownership programs which would be addressed differently than other home ownership options.

- 77% of the respondents live in a house that would qualify under the Major Home Repair Policy – approximately 243 of the 315 respondents.
- 5% of the respondents live in an ineligible mobile home – approximately 16 of 315 respondents.
- 60% of those living in home own it – approximately 146 of 315 respondents.
- The average number of people living in the house is 2.25.
- 31% of the respondents indicate they live alone – approximately 98 of 315 respondents.

<sup>1</sup> This information is taken from the Revenue Allocation Plan. That plan identifies that 28% of the budget is allocated to Tribal government operations

- 77% of those members responding pay less than \$600 per month for housing, and 58% pay less than \$400 a month for housing.

Members were asked –

- If they needed handicap modifications to their homes – 56% of those members age 55 and older responding either said no, or they were not sure.
- If they needed repairs to their home – 43% said no.
  - o The most frequent responses regarding the type of repairs needed were roof (17%), plumbing (11%) and electrical (12%)

A survey conducted by the Elder Services Program in 2012 was fairly consistent with the responses found in the 2009 membership survey. There were 295 responses, an “elder” is not defined, and there is no separation between on-Reservation and off-Reservation respondents.

- 44% of the respondents had lived in their homes for less than 10 years.
- 35% of the respondents had lived in their homes for more than 20 years.
- 69% of the respondents do not have a family member providing care to them.
- 80% of the respondents do not take care of grandchildren.

**Elder Home Repair Programs**

The Elder Services Program provides two different home repair programs. Additional programming services are available through other areas of the Tribe. Examples of other programming activities include septic system replacement through the Wells & Septic Department, home repairs regarding low income housing sites, home equity loans through the Division of Land Management, and veteran specific loans. This section will focus on the two home repair programs provided by the Elder Services Program.

**Minor Home Repair Program**

The Minor Home Repair Program involves “low cost minor home repairs to Oneida elders age 70 and over. *Services Book p.8*. “Elders under the age of 70 will be assisted, but any cost of materials must be purchased by the elder prior work performed.” The Home Repair Standard Operating Procedure was approved in 2011.<sup>2</sup> The program provides assistance for repair costs up to \$400 to elders age 70 and over. *Home Repairs, SOP 3.4*. Anything over the \$400 maximum cost must be paid by the elder.

The program identifies the acceptable minor repairs. An example of types of repairs are as follows.

- Installation of grab bars, smoke alarms, cabinet safety latches, door knobs/locks
- Build handicap ramps
- Replace wood steps

<sup>2</sup> The Elder Services Program has identified that they are in the process of reviewing and updating the Home Repair Standard Operating Procedure.

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LEGAL ANALYSIS

Resolution 4 - Elder Home Repair

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LEGAL ANALYSIS

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- Minor plumbing repairs
- Minor electrical repairs

The Elder Services Program manages most requests with tribal employees.<sup>3</sup> However, some of the repairs are outsourced, specifically those that require trained, licensed or otherwise skilled craftsmen to complete the project. Further, in cases where the cost exceeds \$400, the elder must agree to pay the cost in excess of \$400 before the request is approved or completed.

**Major Home Repair Program**

The Major Home Repair program is set forth in a Standard Operating Procedure, but is not identified on the website or on the Services Book. The program is funded through tribal contributions; no external funding sources are utilized. This program provides up to \$10,000 maximum lifetime benefit in home repairs that are a health and safety related, with elders age 70 and over set as a priority. *Home Repair Program, SOP 3.4*. Eligible repairs, a health and safety issue of the main living space is described as affecting a "main living space" and includes, in section 3.6.4—

- Roof repair or replacement
- Standard walk-in shower with grab bars
- Interior household electrical repair
- Interior household plumbing repair
- Window replacement
- Subfloor repair or replacement
- Construct a handiicap ramp
- Add insulation for proper R-value

The elder applicant must have owned the home for at least five years, and the home must be a stick built or prefabricated home located within the Reservation boundaries. This program does not apply to repairs needed as a result of a natural disaster or personal property damage.<sup>4</sup> There are other programs which would address this issue, such as accessing the Community Support Fund regarding catastrophic events.

Neither of the home repair programs contains an income minimum or maximum. The programs are available to all persons meeting the age, homeownership and maximum allowable costs requirements.

**Budget for Major Home Repair Program**

The Elder Services Program has since 2011, budgeted \$190,000 for the Major Home Repair Program. Although, since 2012, the Tribe has been in cost containment or constraints on spending which has resulted in only about half of the budget being spent.

<sup>3</sup> The tribal employees utilized for this program are basic "handyman" services and do not include licensed employees such as electricians and similar professions.  
<sup>4</sup> The primary reason for this limitation may be that many of these types of repairs are covered through homeowner's insurance. The Standard Operating Procedure identifies that the elder applicant must "exhaust all other resources first, i.e. homeowner's insurance." *Section 3.5.7*. It is presumed that this program would meet the remaining repair needs so long as it is a health safety issue and the elder applicant has not reached the \$10,000 maximum benefit.

	2011	2012	2013	2014
<b>Budgeted</b>	\$190,000	\$190,000	\$190,000	\$190,000
<b>Expensed</b>	\$189,378	\$90,695	\$95,283	\$93,181
<b>Homes Repaired</b>	31	13	12	18
<b>Average Cost</b>	\$6,109	\$6,977	\$7,940	\$5,177

Although there were budget constraints that limited the amount of funding for the Major Home Repair Program, some funds were unspent as a result of other actions. The Elder Services Program identified some of those delays as follows.

- Paperwork from elder applicants not completed
- Timing and processing of paperwork too close to fiscal year end
- Bad weather

The types of repairs approved under this project include—steps, walk-in showers, roof replacement, roof insulation, floor supports, window replacement, electrical repairs and installation of ramps.

**Applicant Denials**

The Tribe does not have sufficient funding to meet every need in any of its programs. For example, the Higher Education Scholarship approved by the General Tribal Council is capped at \$20,000 and \$30,000 per year even with some schools having education costs exceeding \$40,000. As a result, the limited funding means that some applicants for the Minor Home Repair Program and the Major Home Repair Program are denied.

A review of the denials from 2011 to 2014 identifies the following reasons for denials.

- 22 applicants did not meet the age requirement
- 4 applicants had already used the \$10,000 maximum allowed
- 4 applicants were applying for repairs to trailer homes
- 1 applicant sold their home
- 2 applicants failed to meet the 5 year home ownership requirement
- 1 applicant passed away
- 1 applicant was referred to the Minor Home Repair Program
- 2 applicants were ineligible because the repairs did not meet the health and safety requirement

Of the applicants received, the following chart shows the approval and denial rates from 2011 to 2014.

	2011	2012	2013	2014
<b>Approved</b>	31	13	12	18
<b>Denied</b>	22	0	2	15
<b>Total</b>	53	13	12	33

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*Minor Home Repair Denial Letters*

A review of a single year of denial letters for the Minor Home Repair Program identifies the following information. Three of the requests did not involve health or safety issues and two of the requests were made by applicants that did not meet the age eligibility requirement. Six of the requests involved ineligible repairs. There were three requests that were denied because the repair would require additional repairs that exceeded the program guidelines, that the repair would cause damage if carried out, and that the program did not have the proper equipment to carry out the repair.

*Major Home Repair Denial Letters*

A review of four denial letters for the Major Home Repair program identified that two of the applicants had already received the maximum benefit of \$10,000. One of the applicants was not in the priority age group or disabled. And finally, one of the applicants had not owned the home for a minimum of five years.

In addition to the above information, members are encouraged to review the budget, and the annual reports presented by Tribal programs in order to get a broad understanding of funding allocations and programming offered by the Tribe. This information is available on the Tribe's website in the Member's Only section.

**Analysis**

The Whereas portion of the resolution alleges that, "the Oneida Tribe is always saying they care for the Elderly," and that elders wish to continue living in their own homes.

The information above identifies that funding had been made available for elder specific programming and is included in other programming that has an elder focus. In addition, elders are eligible to participate in all other tribal programming for which they meet eligibility requirements – such as elder specific low income housing. Further, such funding levels appear to be closely associated with the percentage of members who are elders.

The resolution alleges that the Elder Services Program has "refuse[d] to help with home repair assistance to Oneida elders... [because] there home is old and management feels it is not worth it."

There are two issues arising out of this Resolve. First, the information received from the Elder Services Department suggest that the reasons for denial are that the applicant, home, and/or type of repair does not meet the requirements of the program. Second, there is no indication in the records reviewed that "management feels it is not worth it." The information presented above identifies that based on limited findings, they have prioritized for the age group 70 of older, they have prioritized for home repairs that meet health or safety needs, and they have prioritized homes that have been owned for five years or more. All of which are objective decisions regarding an application.

The Elder Services Program offers two home repair programs. The minor home repair program utilizes handyman services of tribal employees to install products purchased by the elder. These

services are limited in availability in part based on the amount of time available with existing employees. The major home repair program has a maximum award amount of \$10,000. Based on the information above, the Elder Services Program has expended almost all available funding in each fiscal year. It appears that based on available funding, repairs are being authorized.

Notwithstanding the above, it is not clear what the phrase "it is not worth it" is referring to. For example, both programs have limitations on available funding. This is simply because there are limited funds available to be allocated to a program. If the manager determines that the repair would not correct the underlying problem in the home, or if the cost of the repair exceeds the amount of funding which is authorized; is that a determination that the home "is not worth it"? This criterion requires clarification in order to identify its application.

The second Resolve in this resolution identifies that if "management" denies a home repair because they feel the home "is not worth it", then the Tribe must provide "free homes for low income Oneida elders in the Reservation boundaries." This analysis will presume that the resolution proposes that the "free home" is to be given to the elder denied services and not to all elders simply because one applicant was denied.

Low income housing specifically for elders is already provided through the Housing Authority. Rent is based on the income levels of the individual as set forth in Standard Operating Procedures or regulations governing the use of federal funds. It is not clear if this resolution is expanding the existing program, or creating another program. This analysis will presume that this is a new program.

It is presumed that "low income" would be based on a standard definition. Not every applicant applying for a home repair meets low income thresholds. The resolution does not identify what income level would be set to identify low income elders. This opinion will presume that federal guidelines regarding low income programming would be utilized to set that threshold.

As identified above, the Elder Services Program provides two home repair programs – handyman level services and major home repairs. Presuming that a manager makes a decision that a home is not worth it to repair a basic light fixture, under this resolution, that would result in a new home for the low income elder. This would conflict with the premise in the Whereas section which states that the elder wishes to remain in their home. It is not clear if this proposed resolution will have the intended result of elders getting repairs to homes they wish to live in. The clearer response would be to require the manager to make a decision that is based on the existing program guidelines and support that decision with the appropriate documentation. As a result, the elder applicant would either receive the home repair, or would have the reasons for the denial clearly identified. However, the review of the correspondence above identifies that sufficient information and/or reasons for the denial based on the program criteria are included in the letter.

This proposed resolution also contains budget impacts. Members are encouraged to review the Fiscal Impact Statement to have a better understanding of that impact. However, if we presume that every denial made in 2014 was for the inappropriate reason that the manager decided the home "is not worth it," that would mean 15 free new homes would be given to elders. If each home is with approximately \$100,000, then a budget impact of \$1.5 million. The resolution does

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**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

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**Statement of Effect**

*Petition Resolution: Home Repair Assistance to Oneida Elders*

**Summary**

A Petition was submitted to the Tribal Secretary's Office on November 17, 2014, and states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The Petition was verified by the Enrollment Director on November 19, 2014 and on December 10, 2014, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the Petition. This analysis focuses on the Resolution that directs the OBC and Management to not refuse to help with home repair assistance to those Oneida Elders that live in the Reservation boundaries and if they do so, they must provide free homes for low income Oneida elders within the Reservation boundaries.

*Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office*  
*Reviewed by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office*

**Analysis from Legislative Reference Office**

After reviewing the Petition, Resolution and applicable Tribal Law, including the Real Property Law, it has been determined that this Resolution would not have a legislative impact. Therefore a legislative analysis is not required at this time. However there are issues the GTC may want to contemplate before considering this Resolution.

**Considerations**

- Before considering this Resolution, GTC may want to make note of the following:
  - There is no clear definition of Oneida Elders.
  - This Resolution does not provide a clear understanding of what is considered to be "low income".
  - Oneida Elder Services currently provides services to Oneida Elders which include home chores and home repairs.
  - The Oneida Division of Land Management (Land Management) provides services that Oneida Elders can take advantage of including rental, leasing and loans for home repairs.
  - The number of Oneida Elders that live on the Reservation and the types of housing they currently live in.

**Oneida Elders**

This Resolution would allow Oneida Elders to receive assistance for home repairs or obtain a free home but the term "Elder" is not define and is therefore open to interpretation.

Resolution 4 - Elder Home Repair

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not address what happens to the elder's current home. As a result, the financial impact to the elder may affect other resources being received that are based on income or net worth.<sup>5</sup>

It is not possible to accurately predict the cost of this program since we cannot predict the type of "new home" that would be received by the elder. As identified above, the 2009 and 2012 surveys identified that the number of people living in an elder home is about 2.25, most do not have caregivers who are family members, and most do not watch over grandchildren. However, this also means that some homes require more than one bedroom, and in some cases more than two bedrooms. Is the new home given under this program equivalent to the number of bedrooms or square footage as the existing home, or is it sized sufficient to meet the elder's needs, or is it some other criteria?

**Conclusion**

This resolution proposes action in the event a decision is made in a home repair program that is based on the personal subjective decision of "management" that the home "is not worth it." This would also result in giving an elder a new home if they were low income. The resolution is not clear regarding the criteria for denial, low income level, or type of replacement home. As a result, it does not provide sufficient clarity in regards to the application or the cost. In addition, the resolution will not have the intended effect of the elder remaining in their home.

The General Tribal Council is not provided sufficient information in which to act on this resolution. Further, corrections or clarification to the resolution would lead to questions regarding the signatories to the petition agreeing with such clarifications. As identified in prior legal opinions, individuals signing a petition are presumed to have read and understood what they were signing, and that they wanted that brought forward for discussion. Changing the nature of the resolution casts doubt on that presumption. However, if the petitioner provides additional documentation clarifying the intent of the resolution, this legal opinion can be reviewed and revised in light of that clarification.

The resolution has a budget impact, if it were sufficiently clear for adoption, it would require a two-thirds vote.

If you have further questions, please contact me.

<sup>5</sup> However, since this program is primarily focused on elders age 70 or older, this impact may be somewhat limited. It is not possible to identify or predict what impact on an elder's resources this potential new home would have.

GTC may want to define Oneida Elder before considering this Resolution. Various Tribal Laws and Resolutions define the term "Elder" differently. For example, both the Hunting, Fishing and Trapping Law and Woodcutting Ordinance define "elder" as a person who has reached the age of 55 or older [See *Hunting Fishing and Trapping 45.3-1 (g) and Woodcutting Ordinance 42.2-1 (g)*]. On the other hand, the Per Capita defines "elder" as a person who has reached the age of 62 and older or 65 and older [See *Per Capita 9.3-1 (e)*]. Likewise, BC Resolution 11-13-02-B defines the Tribe's elder population at 65 years old or older [See *BC Resolution 11-13-02-B*]. Different age restrictions are placed on services provided by Elder Services; however this is at least partly due to federal funding restrictions. When considering the term "elder", GTC may want to examine the current enrollment data in order to get a clear understanding of how many Tribal members this Resolution may apply to.

The following table uses data compiled by the Enrollment Department which was prepared on June 13, 2014.

Age Group	2014 TRIBAL MEMBERSHIP				
	Reservation County	Brown/Outagamie County	Milwaukee Area	Wisconsin	Out of State, unknown
55-61	380	231	227	250	524
62-64	119	74	74	61	169
65-69	172	89	84	97	197
70 +	304	119	117	124	321
Total	975	513	502	532	1211

**Low Income**

This Resolution directs the OBC and Management to not refuse with home repair assistance but if assistance is refused, that they must provide free homes for low income Oneida Elders in the Reservation boundaries. The Resolution does not specify what is considered "low income". The U.S. Department of Health and Human Services develops the federal poverty guidelines annually and is used as an eligibility criterion by a number of federal programs. The 2014 Federal Poverty Guidelines for the continental U.S. are shown in the 2014 Federal Poverty Guidelines table.<sup>1</sup>

2014 FEDERAL POVERTY GUIDELINES	
Person in Household	Poverty Guideline
1	\$11,670
2	\$15,730
3	\$19,790
4	\$23,850
5	\$27,910
6	\$31,970
7	\$36,030
8	\$40,090

*For families/households with more than 8 persons, add \$4060 for each additional person.*

**Oneida Elder Services**

Oneida Elder Service provided services to more than 665 (unduplicated) elders in FY 2014 and provides services, on average, to more than 300 elders monthly. Among these services

<sup>1</sup> See U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, <http://aspe.hhs.gov/poverty/14poverty.cfm>

include home chore and home repair services which approximately 404 (unduplicated) Oneida Elders used or continue to use.<sup>2</sup>

**Home Chore Service**

Home Chore is a service that provides minor home and yard maintenance which includes raking and mowing and snow removal. The intent of this service is to assist in helping reinforce a more independent lifestyle for elders that wish to remain in their homes. Priority is given to elders who are age 70 or older and they are given first consideration for any services.

**Home Repair Service**

Oneida Elder Service also provides Home Repair services which offers low cost minor home repair to Oneida Elders who are 70 years old and older and own and live in their own homes. This service is not based on income but is dependent upon health and safety concerns. Elders who are under the age of 70 will be assisted; however, any costs of materials must be purchased by the elder prior to the work being performed. This service is for only those that live on the Reservation [See *Oneida Elder Service's Book of Services, pg. 81*].

**Land Management**

Land Management offers a number of services that Oneida Elders can take advantage of. One of those services is their rental program. As of January 5, 2015, Land Management has six applicants that are 62 years old or older and three applications where the applicant is at an age that is between 55 and 61. Land Management does not currently have a wait list but they do maintain the applications for a year and score them along with all other similar rental size need. There are 72 rental units and of those units, 20 are currently occupied by Oneida elders (62+). Theoretically Land Management does not set aside rental units for any particular group (i.e. Oneida Elders) but the lower level apartments are acceptable to elder applicants and a majority of the lower apartments are filled with Oneida elders. Because the Tribe is responsible for the upkeep of the rental units, the occupant must pay rent.

Land Management also has 636 Residential Lease sites which are homeownership that Tribal members, including Oneida Elders, can lease. These sites are not categorized according to the lessee's age.

In addition, Land Management also administers a Tribal Home Repair and Improvement Loan; however, there are requirements in which a Tribal member must meet in order to be eligible for the loan. Land Management has loan officers that work with Tribal members to help the Tribal members achieve an eligible status for the loan, if possible. This is a loan and must be paid back.<sup>3</sup>

**Current Housing Options**

The GTC may want to consider the type of housing the current Oneida Elders are living in on the Reservation. There are approximately 835 Oneida elders households on the

<sup>2</sup> Information surrounded by Oneida Elders Service was received from the Elder Service's Book of Services [https://oneida-nsn.gov/uploadedFiles/wwwroot/Tribal/Departments/Elder\\_Services/3\\_Files/ES%20book%20of%20services.pdf](https://oneida-nsn.gov/uploadedFiles/wwwroot/Tribal/Departments/Elder_Services/3_Files/ES%20book%20of%20services.pdf)

<sup>3</sup> Information surrounded by Land Management was received from the Land Management Property Manager and Oneida Elder Service Assistant Director.

ONEIDA TRIBE OF INDIANS  
OF WISCONSIN



Oneidas bringing several hundred bags of corn to Washington's starving army. The colonists had consistently refused to aid them.



LOWA DEMOLUM YATHEHE  
Chief of the Oneida Tribe of Indians of Wisconsin  
commenting a friendship between the Oneida Tribe of Indians and the colony of Pennsylvania in 1763. The Oneida Tribe of Indians, the United States was made possible.

ONEIDA FINANCE OFFICE

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MEMORANDUM

DATE: July 16, 2015  
FROM: Larry Barton, Chief Financial Officer  
TO: Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 4, Elder Services**

**I. Background**

The above referenced petition was submitted to the Tribal Secretary's Office on November 17, 2014, and verified by the Enrollment Department. The petition contains the following:

*"Whereas the Oneida Tribe is always saying they care for the Elderly and*

*Whereas there are Oneida Elders living on the reservation who live in older homes that they own and want to continue living in*

*Now therefore be it resolved that the Oneida Business Committee and Management may not refuse to help with home repair assistance to Oneida Elders who live in the reservation boundaries even if their home is old and management feels it is not worth it.*

*Be it further resolved that if they do so they must provide free homes for low income Oneida Elders in the reservation boundaries."*

**Elder**

The first issue reviewed was to determine who are considered elders and eligible for various programs and services. Since 1994, ONCOA has placed a priority on serving older and/or handicapped elders identified as age seventy (70) or over. In the Statement of Services, "Age 70 and over elders has been identified nationwide as the most in need, socially, economically, and physically." They go on to say that any services provided are limited by staffing. The following display the wide array of age requirements for various "elder" programs.

- Elder Services priority age 70.
- Elder Services will serve those ages 55 through 69 to meet an immediate economic, social, health and/or safety issue.

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Reservation, including 12 households that are in the nursing home.<sup>4</sup> The following table illustrates a breakdown of these Oneida Elder households:

	On Oneida Land	On Private Land	Total
Own	29.2%	38.2%	67.4%
Rent	24.3%	3.5%	27.8%
Live with Family/Friends	0.7%	1.4%	2.1%
Other	0.7%	2.1%	2.8%
Total	54.9%	45.2%	100.1%

**Conclusion**

This Resolution does not conflict with any Tribal laws. In addition, this Resolution does not have a legislative impact but GTC may want to consider defining "Oneida Elder" and "low-income" before adopting this Resolution. In addition, GTC may want to examine the services already provided by Oneida Elder Services and Land Management. Lastly, GTC may want to consider the financial impact this Resolution may have on the Tribe.

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<sup>4</sup> Information received from Tribal Statistician using the 2014 Oneida Quality of Life Survey. The survey results have a +/- margin of error of 7.4%

- Federal Housing and USDA programs define the elderly as a person who is at least 62.
- Eligibility for Elder Abuse Prevention Programs in the State of Wisconsin define an elder at risk at age 60, Oneida defines an elder at risk at 55.
- Native American Family Caregivers Program: (NAFCG) eligibility begins at 55.
- Criteria for both programs: SCSEP and WISE require a person to be 55 years or older.
- Senior Meal Sites are for age 60 or older.
- Oneida Elder per capita is issued at age 62 and then again increased at age 65.

**Elder Services**

In addition to the programs and services available to all Tribal members, Elder Services provides the following support services specifically to Elders:

- Information and referral to services available at Local, State and Federal levels.
- Elder abuse prevention
- Native American Family Caregiver Program
- A Benefit Specialist who provides information, assistance and administrative representation
- Foster Grandparents and Senior Companions
- Outreach
- Respite Care
- Homemakers to assist with activities of daily living; preparing meals, shopping, using the telephone, or doing light house work.
- Loan Closet provides equipment (when available) on a loan basis to elders and the disabled.
- In-Home Emergency Response
- Home Chore provides minor home and yard maintenance, lawn raking and mowing, snow shoveling and plowing.
- Home Repair
- Congregate Meals
- Home Delivered Meals
- Elder Services Transportation
- Activities
- Volunteer Services
- 24 Hour Answering Services
- Senior Employment Program
- Events
- Drums Across Oneida Newsletter
- Other Services

**Elder Services home repair**

Elder Services home repair provides low cost minor home repair to Oneida elders age 70 and over that own and are living in their home. Elder services will provide funding up to \$400. The provision of service is dependent upon health and safety concerns. Elders under the age of 70 will be assisted, but any cost of materials must be purchased by the elder prior to work performed. Service area: Brown & Outagamie Counties within the Oneida Nation Reservation. The second program is for major home repairs with a maximum lifetime benefit of \$10,000 for issues that are health and safety related. Again, the priority is elders over the age of 70.

**2015 Budget Allocations**

The table below lists easily identifiable programs & services for Elders and their 2015 budget allocations.

	2015 Funding	Total	TC	Grants	Other	External Sa
Senior Center	\$ 1,130,743	\$ 1,126,743			\$ 4,000	
Title VI	\$ 122,360				\$ 3,500	
DHHS	\$ 7,167				\$ 7,167	
Transportation						
Senior CIT	\$ 31,917	\$ 28,314	\$ 3,600			
GWAAR	\$ 1,000		\$ 1,000			
Elder apartments	\$ 126,000				\$ 3,000	\$ 123,000
GWARR ship	\$ 3,000				\$ 3,000	
GWARR	\$ 296,507	\$ 165,432	\$ 124,185		\$ 6,890	
Caregiver	\$ 40,170		\$ 40,170			
GWARR NSIP	\$ 10,733			\$ 10,733		
Scholarship	\$ 1,000				\$ 1,000	
Elder repairs	\$ 45,000	\$ 45,000			\$ 2,500	
Anna John RCCC	\$ 4,404,583	\$ 614,493				\$ 3,790,090
Elder Per cap 62	\$ 4,632,000	\$ 4,632,000				
Per cap trust	\$ 500,000	\$ 500,000				
General Per Cap*	\$ 2,245,000	\$ 2,245,000				
Community						
Options Program	\$ 693,117	\$ 253,060	\$ 440,057			
ONCOA	\$ 108,112	\$ 108,112				
Total	\$ 14,398,409	\$ 9,718,154	\$ 748,772	\$ 20,890	\$ 3,913,090	

\*General per cap refers to the \$1,000 available to all Tribal Members. The \$2,245,000 is the portion of the General Per Capita specifically for members 62+

**Elder Home Repair and Housing Options**

In addition to the programs available through Elder Services, the Division of Land Management (DOLM) offers two programs that would assist with home repair.

1. Tribal Loan Credit Program (TLC) program
  - a) Provides Tribal Members with home equity loans on leased Tribal land or;
  - b) Loans for the resale of homes on leased Tribal land or;
  - c) Loans for the 2.25% down payment needed for a HUD (Housing and Urban Development) 184 Loan provided by Bay Bank.
2. Tribal Home Repair – Improvement Loan Program (THRIL)
  - a) Created for members who owned homes in need of repair or renovation.

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Bay Bank offers a Federal Section 184 loan (HUD) that can be used for the following:

1. Purchase an Existing Home
2. Construct a New Home (Site-Built or Manufactured Homes on permanent foundations)
3. Rehabilitate a Home, including weatherization
4. Purchase and Rehabilitate a Home
5. Refinance a Home (Rate and Term, Streamline, Cash Out)

HUD's Section 184 loans can only be used for single family homes and for a primary residence.

**Housing**

There are a minimum of 23 Federal programs identified that provide housing assistance to the elderly, the Oneida Tribe offers access to a minimum of a dozen options for home ownership or rentals and members have access to at least three (4 if they are veterans) options for home repair. Federal programs for elders are mostly available through the U.S. Department of Housing and Urban Development (HUD) or the United States Department of Agriculture (USDA) includes the following:

**Stay in Your Home**

Reverse mortgages for seniors (Federal)  
Federal housing programs for seniors HUD & USDA)

Housing Counseling (HUD)  
Rural housing loans (USDA)

**Apartment**  
Units for the Elderly and Persons with Disabilities (HUD)  
Find affordable rents (HUD)  
Public housing (HUD)  
Housing Choice Vouchers (Section 8) (HUD)  
Rural rental help (USDA)

HUD (Housing and Urban Development) programs target families with incomes that are: extremely low, very low, and low. The following table displays the household size and the area guidelines for income.

Green Bay, WI MSA FY 2015	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
EXTR LOW INCOME	\$ 14,400	\$ 16,450	\$ 20,090	\$ 24,250	\$ 28,410	\$ 32,570	\$ 36,730	\$ 40,890
VERY LOW INCOME	\$ 24,000	\$ 27,400	\$ 30,850	\$ 34,250	\$ 37,000	\$ 39,750	\$ 42,500	\$ 45,250
LOW-INCOME	\$ 38,400	\$ 43,850	\$ 49,300	\$ 54,800	\$ 59,200	\$ 63,600	\$ 68,000	\$ 72,350

**Section 504 Grants - USDA**

Similar to the Elder Services Major Home Repair program, which is funded by 100% Tribal Contribution (TC), the USDA offers Section 504 Rural Housing Repair and Rehabilitation Grants for elderly households. The Section 504 grant program makes home repair and improvement grants available to rural elderly homeowners that have very low incomes. Repairs and improvements must remove health and safety hazards or provide disabled access. Grants may not exceed a lifetime amount of \$7,500. Homeowners apply for program funds through local USDA offices, where staff determine eligibility and repayment ability. If USDA determines that an applicant cannot repay a loan, then grant funds may be awarded. Applicants must generally obtain at least three bids from contractors for the work that needs to be done. USDA pays for repairs only after they are completed and have been inspected. USDA may also make site visits before and after repairs are completed.

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**Section 502 Direct Loans - HUD**

This loan is to help households that have very low or low incomes purchase homes in rural areas. Applicants may obtain 100-percent financing directly from USDA to build, repair, renovate, or relocate a home or purchase and prepare sites, including providing water and sewage facilities.

Section 502 direct loans have terms of up to 33 years (38 for those with incomes below 60 percent of area median income and who cannot afford 33-year terms). The interest rate and amount of subsidy are determined by family income as percentage of area median income, so that a family pays from 22 to 26 percent of their income for principal, interest, taxes, and insurance up to an amount not exceeding the promissory note rate.

**Current inventory of the housing provided by Oneida includes the following;**

- 220 Conveyed Units
  - Oneida Elder Services
  - 29 Rental Units
  - 245 DREAM Homes
  - 17 Home Buyer Opportunity Sites
  - Oneida Housing Authority
  - 353 Managed Units
  - 170 Adjusted Rate Family Units
  - 71 Flat Rate Family Units
  - 57 Elder & Accessible Units
  - 55 Home Ownership Units
- Anna John Resident Centered Care Community (Medical NEED only)
- 48 beds
- In development - Green Valley Housing
- 43 existing + 24 in progress + 51 (future). Of this, over 31 are specifically designated for elders.

The Oneida Housing Administration is the area to contact and apply for low income housing. They are located at 2913 Commissioner Street. Phone (920) 869-2227 Hours Monday - Friday: 8:00am - 4:30pm Resident Service Specialists are available to assist. Eligibility based on Oneida Indian Preference, with enrolled Oneida members as first priority; must meet HUD income guidelines under the NAHASDA (Native American Housing Assistance and Self Determination Act).

**Demographics**

Because there is not a clear definition of what age one is considered an elder, this analysis will use age 55, which is the age Tribal Members are eligible for programs within Elder Services. According to Oneidas Statistician, as of June 23, 2015 there are 1,567 Tribal Members over the age of 55 living in Brown & Outagamie Counties. The following represents their income levels. Based on these statistics, approximately 924 Tribal members in Brown & Outagamie would be considered low income utilizing HUD's standards.

Income	Percentage	Members 55+
Less than \$10,000	8%	125
\$10,000-\$19,999	22%	345
\$20,000-\$29,999	16%	251
\$30,000-\$39,999	13%	204
\$40,000-\$49,999	12%	188
\$50,000-\$74,999	13%	204
\$75,000-\$99,999	12%	188
\$100,000 or more	5%	78

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**Purchase Price**  
According to the Division of Land Management, average Purchase price for homes is approximately \$175,000.

**II. Executive Summary of Findings**

- A. There is not one specific age that designates one as an elder.
- B. Elder Services provides an extensive list of programs and services, but reserves the right to prioritize those services to those over the age of 70.
- C. \$14,398,409 was allocated to elder programs and payments in 2015
- D. There is an extensive list of home repair funding and housing options available for members, elders, and individuals with low income.
- E. In the absence of a clear age definition for an elder, age 55 was used for the analysis. 924 members over the age of 55 are considered low income. The petition states "if they do so (refuse to help with home repair) they must provide free homes for low income Oneida Elders in the reservation boundaries". If we assume that the 924 low income Tribal members were all homeowners denied home repair assistance. The Tribe would then be required to be provided a free home. With an average home purchase price of \$175,000, the cost would be approximately \$161,700,000.

**III. Financial Impact**

- A. The fiscal impact could range from \$175,000 - \$161,700,000

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

From: Madelyn Gienakow

To: GTC

Date: February 2<sup>nd</sup>, 2016

Subject: Home Repair Assistance to Oneida Elders

The reason I wrote this resolution is that the younger people who are in management seem to think that to be homeless, is better than helping the elderly stay in their homes.

In some cases, all the elder is asking for is basic needs. They are not asking anyone to make their home "just beautiful." The roof should not leak, there should be heat, the light switches should work, ect.

The younger managers want to build more than they should

The people who are caught in this position are low-income for the most part.

I am trying in another resolution to have Oneida Tribal Funds to help the Elderly be directed to low-income Elders who desperately need help.

The current priority is to 70 years and older, regardless of how much money you have.

I have provided free advocacy to Oneida Elders and I know what I'm talking about

*Madelyn Gienakow*



Resolution 4 - Elder Home Repair

PETITIONER'S SUPPLEMENTAL MATERIALS

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The Oneida Business Committee is already aware of and addressing the recent funding issues. We recently approved additional funding of \$199,000 for this program. We are also asking all of the Tribe to look at each of the programs the department operates to determine what improvements can be made and how they can better focus on the target population. Specifically, regarding this program, we have asked the Governmental Services Division Director and Area Manager to look at the development of income guidelines so the limited resources can be more specifically directed.

**Recommendation: Accept the resolution as information only.**

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BUSINESS COMMITTEE RECOMMENDATION

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**Oneida Nation**  
BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



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

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

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BUSINESS COMMITTEE RECOMMENDATION

Resolution 4 - Elder Home Repair

**MEMORANDUM**

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Elder Services Home Repair Program

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding criteria for the elder services Major Home Repair Program.

The reviews identify several factual errors in the Resolves as well as being unclear in their application. Every Oneida Business Committee has a commitment to providing needed services for our elders. This is not just lip-service it is one of our primary goals. However, elder needs have changed over the years and we recognize both ONCOA and Elder Services in understanding those needs. ONCOA has determined, based on federal studies and networking with elder service programs and commissions throughout the United States, that elders most in need are those 70 and over.

Further, ONCOA and the Elder Services Program have determined that the limited resources should be focused on that group. In addition, even our own surveys are consistent with a desire of elders to continue living in their homes. Our commitment is to safe and healthy home environments. The program will not conduct repairs to a home which cannot be made safe. This determination is not made by an individual opinion, it is based on building safety codes as well as cost constraints. As a result, it is likely that one or more applicants have been denied assistance based on these two criteria – these objective criteria. We respect the decisions of ONCOA and the Elder Services Program in allocating resources and would request the General Tribal Council to do the same when considering this resolution.



Oneida Nation  
Certification of Petition Signatures

TO: General Tribal Council  
FROM: Lisa Summers, Tribal Secretary  
DATE: March 9, 2016  
RE: Madelyn Genskow Petition re: Review and consider six (6) resolutions

Certification of Sufficient Petition Signatures:

Petitioner Name: Madelyn Genskow  
Date Submitted: February 10, 2015  
Total # of signatures submitted: 68  
Total # of invalid signatures: 0  
Total # of valid signatures: 68

Sixty-eight signatures were verified by the Oneida Enrollment Department on February 11, 2015. The number of signatures submitted by the petitioner is sufficient.

Petition: A copy of the petition statement is provided here:

PURPOSE: We, the undersigned, General Tribal Council members, request a special GTC meeting to review and consider the attached resolutions. In the event that Public Hearings are required we direct the Business Committee to hold the required Public Hearings and bring those resolutions to the GTC in direct submission to the GTC in fact.  
DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: \_\_\_\_\_  
WE REQUEST A SAT. MEETING.

The full petition is available per the Open Records and Open Meetings Law. Contact the Business Committee Support Office for more information at (920) 869-4364.

Resolution 1 - Scheduling GTC Meetings

CERTIFICATION OF SIGNATURES

M. Genskow (6) resolutions

**TOPIC:**  
**PETITIONER**  
**MADelyn GENSKOW**  
**REVIEW AND CONSIDER SIX**  
**(6) RESOLUTIONS**

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# RESOLUTION 1

## SCHEDULING GTC MEETINGS

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### Resolution 1

Whereas the General Tribal Council meeting held on January 19, 2015 to approve the Oneida Tribal budget did not end until 12:00-midnight, and

Whereas the GTC may place the whole blame for such a long meeting on how the meeting was conducted by the Chair, and

Whereas the entire Oneida Business Committee, who should know better, set up an agenda that placed "old Business"- The Oneida One stop on Hwy 54 on the Agenda, BEFORE the \$409, \$79, 723 Budget for 2015 and

Whereas the GTC had no idea what would all be involved in addressing the "old Business" regarding the Hwy 54 gas station, and voted to approve the Agenda as presented by the entire Business Committee, and

Whereas GTC meetings allow the Oneida people to be the supreme power of the Oneida Tribe Now Therefore be it resolved that meetings to approve the yearly Tribal Budget must be held on a Saturday starting at 10:00 am.

Be it resolved that the only item that can be offered at the Annual GTC Budget meeting after the Adoption of the Agenda is the Annual Oneida Tribal Budget.

Be it further resolved that Annual Tribal Budgets must be presented to the GTC in September before the spending of the Budget starts on the first of October.

Be it further resolved that there will be to acceptable excuse for not presenting an annual budget on time.

Be it further resolved the GTC meetings must be held on a Saturday except for the Constitutionally required (at this time) annual and Semi-annual meetings and also Emergency meetings.

Be it resolved that Monday night GTC meetings cannot go past 10:00 p.m.

Be it further resolved that the Business Committee may not remove items from an agenda that the GTC approved but was not completed but must schedule a GTC meeting to complete the agenda.

Be it further resolved that The Business Committee may not limit the number of GTC meetings per year, which causes over packed agenda which cause GTC meetings that challenge the endurance of GTC members who are disabled.

Resolution 1 - Scheduling GTC Meetings

RESOLUTION

M. Genskow (6) resolutions

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**M E M O R A N D U M**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** June 12, 2015  
**SUBJECT:** Genskow - Petition - Scheduling General Tribal Council Meetings

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains six resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

The resolution contains five Whereas sections.

- "the General Tribal Council meeting held on January 19, 2015 to approve the Oneida Tribal budget did not end until 12:00-midnight"
- "the GTC may place the whole blame for such a long meeting on how the meeting was conducted by the Chair"
- "the entire Oneida Business Committee, who should know better, set up an agenda that placed "old Business", The Oneida One stop on Hwy 54 on the Agenda, BEFORE the \$409,579,723 Budget for 2015"
- "The GTC had no idea what would all be involved in addressing the "old Business" regarding the Hwy 54 gas station, and voted to approve the Agenda as presented by the entire Business Committee"
- "GTC meetings allow the Oneida people to be the supreme power of the Oneida Tribe"

Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.

The resolution contains eight Resolve sections.

- "meetings to approve the yearly Tribal Budget must be held on a Saturday starting at 10:00 am."
- "the only item that can be offered at the Annual GTC Budget meeting after the Adoption of the Agenda is the Annual Oneida Tribal Budget."
- "Annual Tribal Budgets must be presented to the GTC in September before the spending of the Budget starts on the first of October."
- "there will be no acceptable excuse for not presenting an annual budget on time."
- "the GTC meetings must be held on a Saturday except for the Constitutionally required (at this time) annual and Semi-annual meetings and also Emergency meetings."
- "Monday night GTC meetings cannot go past 10:00 p.m."
- "the Business Committee may not remove items from an agenda that the GTC approved but was not completed but must schedule a GTC meeting to complete the agenda."

Genskow - Petition - Scheduling General Tribal Council Meetings  
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- "The Business Committee may not limit the number of GTC meetings per year, which causes over packed agenda which cause GTC meetings that challenge the endurance of GTC members who are disabled."

To draft this opinion, I have reviewed prior actions of the General Tribal Council, the minutes and transcripts from General Tribal Council meetings between 2008 and 2015, Tribal policies and procedures, and various other resources. This opinion is broken into sections to address the following issues raised in the resolution - information regarding meetings and scheduling meetings.

**General Tribal Council Meetings**

This section of the opinion will review the General Tribal Council meetings held between January 2010 and March 2015. There were 33 meetings during this time period and of those, 22 meetings had available transcripts, verbatim minutes, or minutes containing a summary of the discussion. The remaining 11 meetings had minutes available which contained the actions taken, but did not yet have the transcripts completed or available. At one of those meetings, no transcript or recording was available as there was an equipment malfunction.

**Chairpersons and Types of Meetings**

The meetings during this time period were presided over by four elected officials - Chairpersons Rick Hill, Ed Delgado, and Tina Danforth. Vice Chairman Greg Matson chaired one meeting during this period.

There were seven Annual meetings, 5 Semi-Annual Meetings, 6 budget meetings, 12 petitioned for meetings, and 4 meetings called by the Oneida Business Committee. Although, a petition or Oneida Business Committee subject may have appeared on any of the meetings held, they are described by the primary purpose for which they were called.

**Length of Meetings**

On average, over all 33 meetings, a meeting lasted about 3.6 hours. The following chart shows the average length of different types of meetings, as well as the longest and shortest meeting time for each group.

	Average	Shortest	Longest
Annual Meetings	3.75	3	4.5
Semi-Annual Meetings	3.80	2.5	5.5
Budget Meetings	3.83	2	6
Petitioned for Meetings	3.38	1	6
OBC Called Meetings	3.25	2	4

The budget and the petitioned for meetings lasting 6 hours occurred on a Monday starting at 6:00 p.m. and on a Saturday starting at 10:00 a.m., respectively. The following chart shows when meetings were scheduled to begin.

	10:00 a.m.	1:00 p.m.	6:00 p.m.
Monday	3	0	16
Saturday	9	0	0
Sunday	1	4	0

M. Genskow (6) resolutions

LEGAL ANALYSIS

Resolution 1 - Scheduling GTC Meetings

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**Agenda Items**

Reviewing the meetings between January 2010 and March 2015, there is no indication that just because a meeting begins at 6:00 p.m. or at 10:00 a.m. that it will last longer than about 4 hours. A review of the agendas of the three meetings lasting 5.5 to 6 hours identifies the following subjects at each meeting.

July 5, 2010, Semi-Annual Meeting, 5.5 Hours

- 3 sets of minutes
- Treasurer's Report
- GTC Stipend Petition
- Organizational Report
- Legislative Procedures Act
- Land Acquisition Plan
- Acquire Land Parcel
- Judiciary Act Status Report
- Constitutional Amendments Report
- GTC Directives Update Report

November 15, 2014, Petition for Meeting, 6 Hours

- Secretarial Election Update
- Petitions
  - o Land Use Plan
  - o Tribe to Pay Real Estate Taxes
  - o Signatories on Petitions
  - o Petitioners Respond to Questions
  - o Develop Staff Mail

January 19, 2015, Budget meeting, 6 Hours

- One Stop Remodel
- Budget

Looking at other agendas during this time period, it appears that it is consistent with the types of agendas presented above. For example, the November 20, 2010, agenda contained a presentation of the Judiciary Law and the Legislative Procedures Act and was 4 hours long; compared to the May 23, 2011, agenda which contained three proposed amendments to the Personnel Policies and Procedures and two petitions and was also four hours long. On the other hand, the September 21, 2013, agenda which contained only the budget and was 2 hours long; compared to the November 21, 2011, agenda contained a single petition with nine separate resolutions and lasted only 7.5 hours.

Based on the above information, it is not clear when a meeting will last 2 hours, 4 hours, 6 hours or potentially even longer. It appears that the number of subjects and the type of subjects (reports, budgets, petitions, legislation) are not indicators of matters the membership will take an interest in and have a great deal of discussion.

Recalling discussions with prior Oneida Business Committee's regarding setting agendas and a review of the agendas identifies that the Oneida Business Committee is guided by two competing directions. First, the agenda is set up consistently in a specific order – adopt agenda, minutes, new business, old business, tabled business, adjourn. If there are no items in one of those categories, it is not included. Second, the Oneida Business Committee attempts to place similar items on the same agenda where that is possible. For example, at the budget meeting in 2010, the agenda also contained petitions that had a financial impact regarding a hyperbaric oxygen chamber, a pay increase, and a game farm; at the budget meeting in 2015, the agenda contained a request to authorize the cost of the Highway 54 One Stop remodel project. At the 2013 Semi-Annual meeting, the agenda contained two 2012 referendums and a petition regarding boards, committees and commissions; at petitioned for meeting in July 2013, the agenda contained petitions and 2012 referendum questions all related to child custody and support matters; and finally, at a October 2013 petitioned for meeting, the agenda contained both petitions and remaining 2012 referendum questions regarding employment and SEOTS.

However, there have also been numerous occasions where there were petitions or referendums that were ready for presentation to the General Tribal Council, but there was no grouping of subjects or ideas that could be brought forward. In those circumstances, the petitions and referendums were placed on agendas in chronological order of receipt of the petition or referendum. Most agendas contain four to six items for action.<sup>1</sup> It also appears that most agendas are completed.

There have been occasions where a meeting has been adjourned prior to concluding an agenda. In those cases, the General Tribal Council has taken action to defer the items to another meeting or agenda. In very few cases, the General Tribal Council has adjourned a special meeting without taking action on the agenda items. In each of those circumstances, the Chair has notified the members that this would result in the items not being brought back to the General Tribal Council. This has resulted in the motion to adjourn being withdrawn to table the remaining items or to direct when the remaining items should be brought back.<sup>2</sup>

*Budget Meeting Agendas*

This petition discusses agendas specifically regarding budget meetings. The chart below shows this information for all budget meetings between January 2010 and March 2015.

Meeting Date	Agenda	Length of Meeting	Modify Agenda	Limit Discussion
Saturday, January 30, 2010	Budget Presentation Higher Education Resolution	5	No	Yes
Saturday, September 18, 2010	Budget Action P- Hyperbaric Oxygen Chamber P- Wage Increase Game Farm	4	Yes	No
Monday, November 28, 2011	Land Acquisition - Deferred Item Budget Adoption Organization Restructure Update Budget Presentation	3	No	No
Monday, September 17, 2012	Budget presentation Budget Action	3	No	No
Saturday, September 21, 2013	Per Capita Plan Update Budget Presentation	2	No	No
Monday, January 19, 2015	Budget Action Hwy 54 One Stop Financing Budget Presentation Budget Action	6	No	Yes

<sup>1</sup> This excludes actions such as adjourning the meeting and minutes as these generally do not generate significant discussion. As identified below, adoption of the agenda can generate significant discussion, however, this is not counted in the number as an action item.

<sup>2</sup> Note, as identified in the summary of Rules of Order for General Tribal Council, an item not addressed at an Annual or Semi-Annual meeting is automatically moved to the next Annual or Semi-Annual meeting. However, an item on a special meeting automatically dies if not addressed and not moved to another agenda.

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The one budget meeting in which the agenda was modified resulted in the Budget Presentation and the Budget Adoption items being moved to last on the agenda. This resulted in members not hearing about the budget and then having discussion/action regarding additional impacts on the budget – i.e. services, wages, business expenses, and a deferred item from a prior meeting. However, since the agenda was already technically set up to address the additional items before acting on the budget, it is not a significant impact procedurally.

**Motions to Limit Discussion – Budget Meetings and In General**

A motion to limit discussion was made in a little less than half of the 33 meetings reviewed. Across the board, it is more likely that discussion will be limited to a petitioned for meeting than on any other occasion. When a motion to limit discussion to a specific time period and repeat opportunities to speak is presented, they are generally accepted. Most of those motions call for a range of 2 to 3 minutes per speaker. A very few of these motions also limit the amount of time for presentations, even fewer attempt to limit the amount of time for discussion. The chart below identifies this information regarding motions made to limit discussion.

	Motion to Limit Discussion		
	Yes	No	Failed
Annual Meetings	1	5	0
Semi-Annual Meetings	1	3	1
Budget Meetings	2	4	0
Petitioned for Meetings	7	3	2
OBC Called Meetings	0	4	0

However, what is interesting is that if members take action to limit discussion by setting a time limit per person and when members can speak a second time, it appears to cause budget meetings to last longer. Both of the budget meetings in which this occurred resulted in meetings that were 1 to 2 hours longer than the average meeting or average budget meeting length. This may be because more members felt they had an ability to speak, or members were more likely to listen to a greater number of speakers with a broader array of questions than if fewer speakers were recognized with more specific technical questions.

A review of the remainder of the meetings identifies no relationship between a motion to limit discussion and the length of the meetings.<sup>7</sup> Listed below are subjects appearing on the agenda of meetings lasting 5 or more hours which have both motions to limit discussion and no motion to limit discussion. Nothing in this list would indicate that a meeting is likely to last longer than other meetings. Every type of meeting, except Annual meetings, has both long and short meetings.

Budget	Judiciary Update	Waste to Energy-OSGC Petition
Higher Education Scholarship	Constitutional Amendments	Real Estate Taxes Petition
Semi-Annual Reports	General Tribal Council Directives	Publication of Signatures Petition
Minutes	Vision and Priorities Report	Presenters Responding Petition
Legislative Procedures Act	Per Capita Options	Staff Mail Petition
Land Acquisition Plan	Per Capita Petition	Hwy 54 One Stop Financing

<sup>7</sup> In addition, there appears to be no relationship between who is chairing the meeting and the length of the meeting.

M. Genskow (6) resolutions

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**Action on Adoption of the Agenda**

A review of the meeting minutes for the 33 meetings between January 2010 and March 2015 identifies that at 17 of those 33 meetings the members modified the agenda. These modifications involved shifting items from one part of the agenda to another. In a few instances, this included deleting items from the agenda. Finally, one motion attempted to add an item to the agenda. A database has been developed containing all of these motions and related actions. Because it is a large document, it has been forwarded to the Secretary's Office to place on the Tribe's website on the Member's Only pages.

A review of the 23 motions made to modify the agenda identify that 5 failed and 2 were ruled out of order.<sup>4</sup> Of the 23 motions, 11 of those motions were made by a single person.<sup>5</sup> The table below shows how the motion to amend the agenda ranges across different types of meetings.<sup>6</sup>

	Pass	Fail	Adopt
Annual Meetings	5	2	2
Semi-Annual Meetings	1	1	5
Budget Meetings	2	0	4
Petitioned for Meetings	8	3	4
OBC Called Meetings	0	1	4

Agenda items have been moved for various reasons. In budget meetings, it has been to move items affecting the budget prior to adoption of the budget. In Annual meetings, the purpose has generally been to move the Treasurer's Report to the beginning of the agenda, or action regarding the Judiciary or Legislative Procedures Act, or the Secretarial Election and 2014 Comprehensive Plan. At a petitioned for meeting, the reasons are much more diverse, but generally involve moving petition items up or down on the agenda before other petitions, to move reporting before petitions, the opposite action, to move petitions before reporting.

Almost half of the meetings reviewed had the agenda modified. Of the 7 motions to amend the agenda which have failed, in all but one circumstance, the agenda was adopted as presented. The petitioner has made almost half of the motions to amend the agenda between January 2010 and March 2015. Those motions have occurred in all types of meetings except Semi-Annual meetings, two of the motions failed and one of the motions was ruled out of order.

**Discussion**

As identified above, 11 of the 33 meetings did not have transcripts or extended information in the minutes. The discussion in this section reflects all of the actions identified in all 33 meetings. However, in some circumstances, such as when reviewing discussion in the meetings, the review reflects only the 22 meetings in which a transcript or extended set of minutes were available.

<sup>4</sup> One motion was ruled out of order because it attempted to table an item during adoption of the agenda; the second was ruled out of order because it attempted to add an item to the agenda in violation of the Ten Day Notice Policy.

<sup>5</sup> The remainder of the motions were made by one individual making three motions, one individual making two motions, and five individuals making one motion each.

<sup>6</sup> Note, these numbers do not add up to the total number of meetings because some motions failed to pass, and on some occasions there was more than one motion or amendment regarding the adoption of the agenda.

This analysis looks at five elements – speakers, points of order or privilege question, motions, seconds, and discussion. Each speaker is identified the first time they speak and given a number in sequential order to try to track changes in who is speaking. Every point of order or privileged question is identified to try to determine interruptions to the flow of a meeting. Each motion and second to a motion is identified to determine the level of involvement in a meeting. Finally, discussion is identified to determine who is involved in asking questions or providing comments in a meeting. Discussion was defined as the set of questions or comments regarding a single subject, not each time an individual spoke.

An attached chart provides detail regarding each meeting for the above elements – “*General Tribal Council Meetings Summary Information*.” The chart also includes the day and date of the meeting, the type of meeting, the Chair, when the meeting started and the length of the meeting. Below are highlights of that information. A table is also included which shows this information regarding speakers in graph form – “*Speech at General Tribal Council Meetings January 2010 to March 2015*.”

In 20 of the 22 meetings, there was more discussion than motions or procedural actions. During 6 of the 22 meetings, there were more procedural actions than motions.<sup>7</sup> At three of the 22 meetings, there were more procedural actions than motions or discussions.

- Petition - 31 procedural actions, 26 discussion groups, and 18 motions.
- Petition - 14 procedural actions, 13 discussion groups, and 9 motions.
- Business Committee Called - 34 procedural actions, 14 discussions, 13 motions.

Of the 22 meetings analyzed, there were 10 meetings with less than 10 procedural actions. Of those ten meetings, only one was a petitioned for meeting, two were budget meetings, the remainder were Annual or Semi-Annual meetings.

The three meetings with the highest procedural actions include two petitioned for meetings and one meeting called by the Oneida Business Committee. Those meetings occurred on a two Monday evenings and a Sunday morning, respectively. The petitioned for meetings lasted 3 and 4 hours. The Business Committee called meeting lasted 2 hours and had 34 procedural actions.

#### Speakers

At the 33 meetings, there were 264 speakers identified for all meetings. The number of speakers at each meeting fluctuates greatly. Further, looking at all meetings, a total quorum of 49,500 members was present at the meetings, 555 instances of discussion, 322 motions, and 205 procedural actions. A chart showing this information is included with this memo – “*Speakers at General Tribal Council Meetings*.” Some additional brief facts regarding speakers at General Tribal Council meetings follow.

- 17 – speakers who participated in discussion at 10 or more times.
- 82 – speakers who have participated in a meeting only through a motion, a second to a motion, or a procedural action.
- 53 – speakers who have participated in a meeting only by seconding a motion.
- 5 – speakers who have raised 18 or more procedural actions.

<sup>7</sup> A procedural action is a privileged question or point of order which takes precedence and can interrupt recognized speakers. These procedural actions are often misused in order to gain the floor to ask questions or make a motion.

- 10 – speakers who have spoken only once raising a procedural action.
- 97 – speakers who spoke only once and that was for discussion.
- 32 – average number of speakers at each meeting.
- 23 – average number of speakers recognized to speak at least once at each meeting.

Looking at the top ten most frequent speakers it appears that most of those speakers spend half of their opportunities to speak in discussion, or 8 of the 10 speakers. Two speakers used 62% and 46% of their speaking opportunities in raising privileged questions.

Across the 33 General Tribal Council meetings reviewed it appears that there are a consistent 20 to 25 members, those who have potentially spoken at every General Tribal Council meeting since January 2010. The next 50 or so members appear infrequently during that period, or have a brief period where they were very active, but are not consistently active. The vast majority of members, a little over 200, have spoken less than ten times over the last 33 meetings.

This chart is quite large. An Adobe Acrobat (\*.pdf) version of the file has been forwarded to the Secretary’s Office to place on the Member’s Only website for review by members.<sup>8</sup> The document is sorted with the highest total speaking opportunities to the lowest total speaking opportunities. There may be errors and misspellings regarding names. Further, some names may be erroneously combined. The chart contains the following columns and information which is available to all members by reviewing and combining information across General Tribal Council meeting minutes.

- Name – the Tribal member’s name as it appears in the minutes.
- Appear – this number represents the first occurrence of the member in the minutes beginning in January 2010. Each member is consecutively numbered.
- Totals – the total number of speaking opportunities for procedural actions, discussions, motions, and seconds to a motion.
- PQ/PO – the use of a privilege question or point of order.
- Discussion – each group of related speaking opportunities within a subject matter.<sup>9</sup>
- Motions – a motion made is included whether passing or failing, whether it received a second, and whether it was called out of order.

In addition to this information, each meeting date between January 2010 and March 2015 has received individual analysis and is included in the document.

#### Scheduling General Tribal Council Meetings

This section of this legal opinion will review scheduling General Tribal Council meetings. Over the years, there have been many petitions submitted which attempt to direct that a meeting be scheduled at a specific date and time. In each of those occasions, the review of those petitions has identified that scheduling General Tribal Council meetings is in the nature of an

<sup>8</sup> As of finalization of this memo the Adobe Acrobat (\*.pdf) file is ready to be forwarded. I am attempting to identify how a working version of the database can be placed on the Member’s Only website so that it can be sorted and reviewed from different issues. If this is accomplished, it will be posted in place of the Adobe Acrobat (\*.pdf) file.

<sup>9</sup> It should be noted that others may come up with a different number in “counting” discussion opportunities during a meeting. The goal of this definition was to not over count members who may have been in a dialogue thus “speaking” several times during a single recognized time period. Thus, a question and answer opportunity may have six questions could have been identified as six speaking opportunities it counted as only one discussion opportunity because it was considered a single discussion.

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administrative responsibility of the Oneida Business Committee to meet the needs of limited time and space available for those meetings. This becomes more problematic in light of the stipend payment, restriction to conduct meetings on the reservation, and the size of quorums at General Tribal Council meetings. A November 4, 2014, opinion titled "Legal Opinion – Scheduling and Setting Agenda – GTC Meeting" provides a detailed analysis of this issue. A copy of this opinion is included with this opinion.

There are three General Tribal Council actions that affect scheduling a meeting. Two of those actions are regarding the payment of stipends and one action is in regards to where meetings can be held.

In 2007, the General Tribal Council adopted a motion to pay a stipend to members who attend a duly called meeting.

"Motion by Madelyn Genskow that a stipend of \$100 be paid to any General Tribal Council member who attends a GTC meeting and is eligible to vote and stays until the end of the meeting effective in calendar year 2008 and for all time, seconded by Nancy Skenandore."

This resulted in meetings with a large quorum. This meant that existing spaces needed to be reviewed for new issues, not just sufficient seating. The Secretary's Office and Oneida Business Committee looked at various facilities and initially utilized the Turtle School gymnasium. While this space could hold a sufficient number of members, it provided concerns regarding the safety of that number of members exiting in the case of an emergency and parking limitations. This left the Radisson as the only available space.

However, as the meeting quorums stabilized toward 1400 to 1800 members, this resulted in the meeting being held across two different rooms. Members recognized this may in part be the result of the members and their children attending meetings. As a result, in 2011, a petition was brought by Madelyn Genskow to amend the GTC Stipend Payment Policy to address some of the experiences over the three years of the stipend payments being made. Resolution # GTC-11-21-11-A was made. The Resolve directed the following.

- That until facilities can be identified that seat 2,500 or more people that individuals in a General Tribal Council meeting shall be limited to members age 21 and over.
- That members leaving the ballroom area and related bathroom facilities shall not be eligible for a stipend payment.
- That the Oneida Business Committee is directed to adopt these amendments in a timely manner and given the abuse identified regarding the stipend payment, that such amendments rise to the level of an emergency.
- That the Oneida Business Committee shall have such amendments in place no later than six months after adoption of this resolution and shall notify members of this change when implemented.
- That the policy amendments shall be presented to the General Tribal Council for final approval.

This resulted in video cameras and microphones being available in all meeting spaces. Although this relieved some stress on meeting space, the Secretary continued to review alternatives that would allow members to be present in a single room. There were several locations identified that were in the area but outside of the Reservation. The Oneida Business Committee originally considered this request. As a result of this action, a petition was brought in 2012 that would

restrict scheduling meetings only within the Reservation. A motion and amendment were adopted as follows.

"Motion by John Orrie to approve the petition that GTC meetings only be held within the boundaries of the reservation and direct the OBC to hold community meetings on this subject over the next 90 days on strategies to alleviate GTC overcrowding, seconded by Yozina Jarvis. Motion carried by a show of hands."

"Amendment to the main motion by Corinne Zluockkahosee that the Business Committee and Chief Financial Officer find the money to make sure that all technical components (audio/visual) are available for all rooms used in each forum, that all voting Tribes members can see and hear all of the meeting and be able to vote all at the same time, wherever we have our meetings, seconded by Tina Dantforth. Motion carried by a show of hands."

*Available Space for Meetings*

Much of the difficulty in scheduling meetings involves available space. As identified in the November 2014 opinion, the average quorum is approximately 1400 to 1800 members. There is one facility within the Reservation boundaries which can house a General Tribal Council meeting, the Radisson Hotel and Conference Center.

The Radisson has three groups of conference rooms available – Three Clans Ballroom, the Iroquois Complex, and the Great Lakes Conference Center. Based on how the seating is set up prior to the meeting, this allows for 1935 to 2035 seats. When reviewing the materials, the Three Clans Ballroom is generally referred to as the "main meeting room" and the Iroquois Complex is generally referred to as the "satellite meeting room." The Secretary generally reserves all three groups of conference rooms for a General Tribal Council meeting in order to have sufficient seating for each meeting. The Oneida Business Committee has set processes for when each meeting room will be opened and available for seating. The purpose for these rules is to avoid over-capacity in any of the rooms, attempting to have all members in the same meeting room, managing the check-in/check-out process, and managing the meeting itself.

The main meeting room is opened at the time the check-in for the meeting begins. The purpose for this is to avoid members "reserving" seats and moving seats around in the room. Members placing blankets and other items on the seats have caused confusion regarding available space to other members coming into the meeting. However, more importantly, this avoids having the seating moved around in the room. For safety and accessibility reasons, the room is set up with a specific number of seats, width of aisles, width of walkways and keeping chairs from blocking thoroughways. The meeting room can seat a maximum of 1500 members. The Oneida Business Committee has reduced this seating to approximately 1350 seats to provide greater comfort.

Once the check-in has reached 1250 members, the satellite room is opened for seating. The satellite room can be broken into three sections. The moveable wall has been closed on a third of the room and generally stanchions have been placed to cut off a second section of the room. This is to allow the video and microphones to be set up and make the room more visible to the main meeting room and the Chairperson managing the meeting. It has not been required to date, however, should the sign-in identify a need the moveable wall can be pushed back and open additional seating. This makes seating available in groups of 125 as additional seating is needed.

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The final room, the Great Lakes Conference Center, has been reserved but used only once. This set of rooms can hold 210 seats. It is also set up with a video feed and microphone access. These doors are locked until the room is needed.

Because a General Tribal Council meeting requires the use of all of the available meeting space it becomes more difficult to schedule those meetings. The Radisson is also trying to fill available conference space to generate revenue. The Secretary's Office has pre-reserved the conference rooms for the Annual and Semi-Annual meetings because those dates are already known. The remainder of any meetings would be scheduled around activities already scheduled and contracted for by the Radisson and other vendors/groups. The impact of this is that "popular" dates for conferences, weddings, meetings, and other large group activities are generally filled.

General Tribal Council meetings have typically been held on Saturdays. Since adoption of the stipend in 2008, because of the size of the quorum, meetings have been scheduled on Monday evenings and Sundays. The size of the quorum has remained consistent regardless of the date of the meeting, and, as identified above, the length of the meeting is not affected by the day or time of week the meeting is scheduled.

#### Analysis

This resolution proposes two groups of actions regarding budget meetings and all other General Tribal Council meetings.

- Budget meetings – held on a Saturday in September at 10:00 a.m. with only the budget as a subject and there are no exceptions to presenting the budget in September.
- General Tribal Council meetings – held on a Saturday, except for constitutional meetings, if held on a Monday must end before 10:00 p.m., cannot limit the number of meetings, and cannot remove an item from an agenda if the agenda is not completed.

The reasons for this resolution are identified in the Whereas sections and can be summarized as follows.

- The January 19, 2015, budget meeting concluded at midnight because of:
  - How the Chair conducted the meetings;
  - An old business item was placed on the agenda before the budget; and
  - The members did not know what the old business item was about.

The information above shows that a budget meeting has been called three times on a Saturday and three times on a Monday since 2010. Of those meetings, 5 of the 6 agendas had more than one subject. The meeting with only the budget on the agenda lasted two hours, two of the meetings with update reports lasted 3 hours, and the three meetings with action items lasted 4 hours (4 extra agenda items), 5 hours (1 extra agenda item), and 6 hours (1 extra agenda item). Of those meetings, only one went until midnight.

There is no indication that the subject of the Hwy 54 One Stop remodel project would take any longer than any other subject presented at a budget meeting. In the case of the January 19, 2015 budget meeting, one hour was spent on adoption of the agenda. This involved primarily discussing placing limits on speakers, 2.5 hours was spent on the Hwy 54 One Stop remodel project and 2.5 hours was spent on adoption of the budget. The discussion shows that the members who were recognized to speak had an understanding of the question being asked and

had additional requests to be made regarding the project. Requests regarding gaming activities, restaurants, smoking and tobacco sales were some of the items discussed.

Given the above, the Whereas sections do not appear to accurately identify support for the requested actions. These sections should be clarified or deleted from the resolution in order to provide an accurate legislative history of why the resolution was adopted if that action is taken. In the event interpretation of the Resolve sections are necessary, the information in the Whereas sections would not be helpful and would appear to actually conflict with the historical record.

The Resolve sections identify restrictions regarding scheduling meetings, placing a time to adjourn Monday meetings at 10:00 p.m., placing restrictions on agenda items for budget meetings, and directing that the budget be presented in September. However, as identified above, these additional restrictions may result in further delay of the ability to schedule a General Tribal Council meeting and result in not adequately utilizing the limited time available at General Tribal Council meetings.

As identified above, the Radisson schedules conferences and other activities in its meeting spaces in order to generate revenue. It is in the Tribe's interests to have the Radisson generating revenues from third parties to cover costs of operation that may otherwise be requested from the Tribe. Further, given the size of the General Tribal Council meetings, the Three Clans Ballroom and the Troquois Complex, at a minimum, will be needed at any scheduled meeting. If the meeting can only be held on a Saturday, then the Oneida Business Committee is either limited to available Saturdays when the conference centers are not booked by third parties, or, book Saturdays throughout the year in anticipation of a meeting and ask the Radisson to forgo that revenue for those dates.

During the five year time period that was reviewed, the budget was delayed in presentation until after the start of the fiscal year on two occasions. However, it has happened infrequently in the past. The most recent delay was the result in a new Oneida Business Committee presenting a budget for approval. This Oneida Business Committee has six new members who were going to be responsible for a budget they had not had the opportunity to develop. As a result, the new Treasurer, Patricia King, asked that the budget adoption be delayed to review and finalize in accordance with the directions of the current Oneida Business Committee. This budget was eventually presented in January 2015. Prior newly elected Oneida Business Committees have asked for the same consideration in presenting a budget immediately following an election. This is not inconsistent with prior actions. If the proposed resolution is acted upon, this may pose difficulties in presentation of a budget immediately following a General Election.

The proposed resolution would limit the number of items placed on a budget meeting agenda. As identified above, all but one of the budget meetings in the past five years have had multiple items on the agenda. One agenda had only the budget as an item, that meeting lasted two hours. Given the cost of publication, gathering members together to attend a meeting, and the subjects waiting to be presented to the General Tribal Council, it would appear that limiting a budget meeting to a single item would not be the best use of the membership's time. Further, this would result in items related to the budget which are ready for presentation being presented after the budget is adopted making approval of those items subject to a two-thirds vote instead of a simple majority.

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In the alternative, this would potentially push back implementation of items presented after adoption of the budget to the next fiscal year in order to avoid a two-thirds vote.

The proposed resolution would prohibit the Oneida Business Committee from limiting the number of meetings per year. It is unclear if there is a proposal being developed or presented regarding limiting the number of meetings per year. I am aware that Secretary Hoeft discussed this with the intention of better managing the General Tribal Council schedule and managing the reservation of space at the Radisson in order to preserve the Radisson's ability to generate revenue. However, it was never formally acted upon.

If the reference is to the draft General Tribal Council Meetings Law initial presented at the July 7, 2014, Semi-Annual meeting, there is nothing in this law which would create such a restriction. The closest this proposed law comes to this restriction is in section 11.4-3 which pre-schedules two Special meetings per year, but allows that "additional special meetings may be called in accordance with the Constitution." This action by the General Tribal Council does not appear to be necessary, since any proposal to do so would require action by the General Tribal Council to enforce.

Finally, the proposed resolution would prohibit the Oneida Business Committee from removing items from an adopted agenda if the meeting is concluded prior to the agenda being completed. It is presumed that this is in reference to the proposed General Tribal Council Meetings Law which was presented on the July 2014 Semi-Annual agenda. That agenda was not completed at the meeting and the agenda items were moved to another agenda to conclude. However, the proposed law was not brought back to the subsequent meeting.

The law was originally presented for adoption in the materials mailed to the membership. Prior to the July meeting, members of the Oneida Business Committee had received many comments about the law and suggested amendments and the Oneida Business Committee had determined that they would request the legislation not be adopted. Because the materials were brought to the General Tribal Council by action of the Oneida Business Committee and was not directed to be developed or presented by the General Tribal Council, removal of the item would be at the discretion of the Oneida Business Committee. I.e., that body had developed and presented legislation that it determined required further review and revision based on the comments made by members. Discussion about the item at subsequent General Tribal Council meetings proved consistent with this decision of the Oneida Business Committee that the legislation required further work.

This proposed action does not identify whether it affects only Annual and Semi-Annual meetings, or all General Tribal Council meetings. As identified in prior rulings of the Parliamentarian and presented in "Robert's Rules of Order as Used at General Tribal Council Meetings"<sup>10</sup>, agenda items from Annual and Semi-Annual meetings are carried over to the next agenda, items from Special meetings which are not addressed are considered closed and no further action required. This last result has been notified to the members at General Tribal

<sup>10</sup> This is a compilation of procedural rules utilized by the General Tribal Council derived from the minutes of that body. There are deviations from Robert's Rules of Order specifically identified in this document that are consistent with either Tribal law, such as the Ten Day Notice Policy, as well as past practice of the General Tribal Council.

Council meetings since 2008 at least twice to allow the body to add direction regarding the remaining agenda items prior to adjourning the meeting. The rule had greater impact prior to 2008 when a General Tribal Council meeting frequently failed to meet the quorum requirements. This should be clarified prior to action being taken on this rule.

**Conclusion**

This resolution proposes restrictions on scheduling General Tribal Council meetings and setting agendas. There are no rules in place regarding this, as a result the resolution would require a simple majority vote to adopt. However, if the resolution is considered for adoption, the Whereas sections should be deleted because they are inaccurate.

If you have further questions, please contact me.

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DRAFT

Chair	Type of Meeting	Meeting Date	PO/PQ	Motion	Second	Discussion	Started	Length	Agenda	Discussion
Delgado	Semi-Annual	Monday, July 07, 2014	4	10	8	44	6:00 PM	4	No	No
Delgado	BC Called	Sunday, October 26, 2014	34	13	10	14	10:00 AM	2	No	No
Delgado	Petition	Saturday, November 15, 2014	1	13	13	0	10:00 AM	6	Yes	No
Delgado	Budget	Monday, January 19, 2015	0	21	18	0	6:00 PM	6	No	Yes
Delgado	Annual	Monday, February 09, 2015	0	16	20	0	6:00 PM	4	Yes	No
Delgado	Petition	Saturday, March 28, 2015	0	14	12	0	10:00 AM	4	Yes	Yes

\*Meetings in italics do not have transcripts or extended minutes.

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Chair	Type of Meeting	Meeting Date	PO/PQ	Motion	Second	Discussion	Started	Length	Agenda	Discussion
Hill	Annual	Monday, January 04, 2010	0	13	14	25	6:00 PM	4.5	Yes	No
Hill	Budget	Saturday, January 30, 2010	12	16	8	17	10:00 AM	5	No	Yes
Hill	Petition	Saturday, April 10, 2010	9	9	7	38	10:00 AM	3.5	Yes	Yes
Hill	Semi-Annual	Monday, July 05, 2010	11	18	17	52	10:00 AM	5.5	Yes	No
Hill	BC Called	Saturday, August 21, 2010	0	15	9	2	10:00 AM	3	No	No
Hill	Budget	Saturday, September 18, 2010	12	10	9	50	10:00 AM	4	Yes	No
Hill	BC Called	Saturday, November 20, 2010	10	6	6	34	10:00 AM	4	No	No
Hill	Annual	Monday, January 03, 2011	4	20	19	39	6:00 PM	3	No	No
Hill	BC Called	Saturday, February 05, 2011	12	5	8	59	10:00 AM	4	No	No
Hill	Petition	Monday, April 11, 2011	13	11	8	34	6:00 PM	3	Yes	No
Hill	Petition	Monday, May 23, 2011	18	15	14	30	6:30 PM	3.5	No	Yes
Hill	Semi-Annual	Monday, July 04, 2011	3	14	14	42	10:00 AM	4	No	No
Delgado	Petition	Monday, November 21, 2011	13	15	12	28	6:00 PM	2.5	Yes	No
Delgado	Budget	Monday, November 28, 2011	8	9	6	21	6:00 PM	3	No	No
Delgado	Annual	Monday, January 02, 2012	9	20	19	40	10:00 AM	3.5	No	No
Delgado	Semi-Annual	Monday, July 02, 2012	6	16	14	36	6:00 PM	2.5	No	No
Delgado	Budget	Monday, September 17, 2012	7	11	6	18	6:00 PM	3	No	No
Delgado	Petition	Monday, November 19, 2012	31	18	11	26	6:00 PM	4	No	Yes
Delgado	Annual	Monday, January 07, 2013	0	14	14	0	6:00 PM	4.5	Yes	Yes
Delgado	Petition	Sunday, May 05, 2013	0	14	13	0	1:00 PM	5	Yes	Yes
Delgado	Semi-Annual	Monday, July 01, 2013	0	20	18	2	6:00 PM	3	No	Yes
Delgado	Petition	Monday, July 08, 2013	0	6	7	0	6:00 PM	1	Yes	No
Delgado	Budget	Saturday, September 21, 2013	0	5	5	0	10:00 AM	2	No	No
Delgado	Petition	Sunday, October 27, 2013	0	9	10	0	1:00 PM	3	Yes	No
Delgado	Petition	Sunday, December 15, 2013	14	9	7	13	1:00 PM	2	No	Yes
Delgado	Annual	Sunday, February 16, 2014	9	13	9	36	1:00 PM	3	Yes	No
Mason	Petition	Monday, June 16, 2014	25	18	12	32	6:00 PM	3	No	Yes

General Tribal Council Meetings Summary Information

Type of Meeting	Meeting Date	PQ/PO	Motions	Second	Discussion	Total Speakers
Annual	Monday, January 04, 2010	0	10	13	18	26
Budget	Saturday, January 30, 2010	8	12	7	14	30
Petition	Saturday, April 10, 2010	6	6	7	16	24
Semi-Annual	Monday, July 05, 2010	9	13	13	25	38
BC Called	Saturday, August 21, 2010	0	12	7	2	17
Budget	Saturday, September 18, 2010	10	9	9	33	35
BC Called	Saturday, November 20, 2010	5	5	6	25	29
Annual	Monday, January 03, 2011	3	12	16	23	33
BC Called	Saturday, February 05, 2011	5	4	7	47	49
Petition	Monday, April 11, 2011	7	9	7	29	37
Petition	Monday, May 23, 2011	13	10	12	24	42
Semi-Annual	Monday, July 04, 2011	3	9	10	31	41
Petition	Monday, November 21, 2011	7	7	11	19	31
Budget	Monday, November 28, 2011	4	7	5	16	24
Annual	Monday, January 02, 2012	5	10	12	26	34
Semi-Annual	Monday, July 02, 2012	6	7	9	27	34
Budget	Monday, September 17, 2012	4	8	5	13	20
Petition	Monday, November 19, 2012	13	10	10	19	33
Annual	Monday, January 07, 2013	0	12	11	0	23
Petition	Sunday, May 05, 2013	0	11	10	0	19
Semi-Annual	Monday, July 01, 2013	0	12	12	1	22
Petition	Monday, July 08, 2013	0	6	6	0	12
Budget	Saturday, September 21, 2013	0	5	4	0	12
Petition	Sunday, October 27, 2013	0	5	9	0	13
Petition	Sunday, December 15, 2013	9	5	6	12	19
Annual	Sunday, February 16, 2014	8	10	8	19	27
Petition	Monday, June 16, 2014	10	13	11	19	37
Semi-Annual	Monday, July 07, 2014	3	8	6	29	38

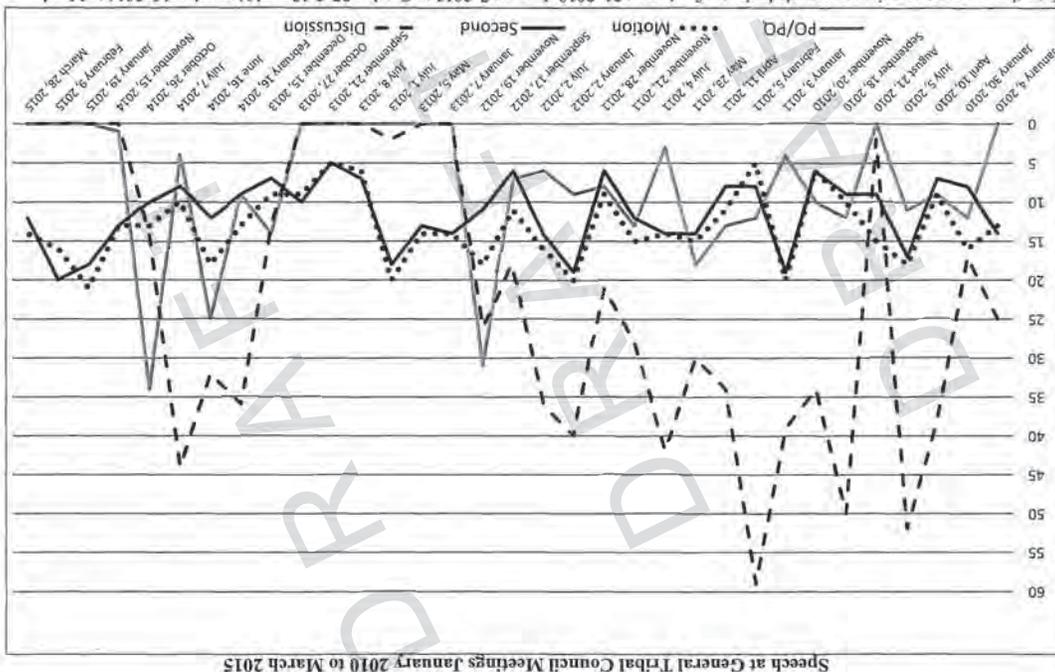
Speakers at General Tribal Council Meetings

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Speech at General Tribal Council Meetings January 2010 to March 2015

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**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Lynn A. Franzmeier, Staff Attorney  
Taniquele J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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**Statement of Effect**  
*Petition Resolution 1: GTC Meetings*

**Summary**

On February 10, 2015, the Tribal Secretary's Office received a petition which and states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The Petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 1, pertaining to the budget meeting and how other General Tribal Council (GTC) meetings should be held.

*Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office*

**Legislative Analysis**

According to the Resolution, the GTC meeting held on January 19, 2015 to approve the budget did not end until after midnight due to how the meeting was conducted by the Chair and because old business regarding the Highway 54 One Stop was placed on the agenda before the budget. In addition, the Resolution states GTC did not know what would be involved in addressing the old business when they approved the agenda as presented.

The Resolution directs a variety of action be taken upon its adoption. With regards to future budget meetings and the annual budget, the Resolution states:

1. The budget meeting must be held on a Saturday, starting at 10:00 a.m.
2. Only the budget can be on the agenda.
3. The budget must be presented to GTC in September before spending begins in October.
4. There are no acceptable excuses for not presenting the budget on time.

As to other GTC meetings, the Resolution directs the following:

1. Except for meetings required to be held on a Monday by the Constitution or emergency meetings, GTC meetings must be held on a Saturday.
2. Monday night GTC meetings cannot go past 10:00 p.m.
3. If an item is on a GTC approved agenda, but that item is not completed, the OBC may not remove the item from the agenda, but must schedule a GTC meeting to complete the agenda.

Resolution 1 - Scheduling GTC Meetings

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*Explanation of Charts*  
The columns in this chart reflect the individual speaker, not how many times he or she spoke. For example, On January 4, 2010, there were 25 instances of discussion. The chart above shows those 25 instances of speaking at that meeting; those instances were made by 26 different people. If you reviewed the chart posted on the website titled "Discussion - January 2010 to March 2015", you would see that 14 of those 26 people, a little over half, only spoke once during that meeting and ten those occurring as "discussion." That would mean that of the 18 people speaking in discussion, 8 people accounted for half of the discussion.

	Average of 22 meetings					
	Total	160	193	198	495	713
BC Called	22	9	8	11	32	32
Sunday, October 26, 2014	1	10	10	0	19	19
Saturday, November 15, 2014	0	13	14	0	26	26
Monday, January 19, 2015	0	17	14	0	18	18
Monday, February 09, 2015	0	10	14	0	16	16
Saturday, March 28, 2015	0	10	10	0	16	16

ONEIDA TRIBE OF INDIANS  
OF WISCONSIN

ONEIDA FINANCE OFFICE

Office: (920) 869-4325 | Toll Free: 1-800-236-2214  
FAX # (920) 869-4024



MEMORANDUM

DATE: August 26, 2015

FROM: Larry Barton, Chief Financial Officer

TO: Tina Danforth, Treasurer  
Oneida Business Committee

RE: **Financial Impact of Petition – Scheduling of General Tribal Council Meetings**

**I. Background**

Under consideration is draft resolution which would provide some limitations as to when certain General Tribal Council meetings could be scheduled and would also limit the duration of the GTC meetings.

**II. Executive Summary of Findings**

This petition stems from the General Tribal Council meeting held on January 19, 2015 to approve the FY 2015 Budget. The Petitioners take exception that the meeting was not held before the start of the fiscal year and that the meeting, when held, did not conclude until midnight.

The therefore be it resolved sections of the draft resolution stipulate that the Budget Meeting must be held on a Saturday at 10 AM each year, and must be held before October 1<sup>st</sup> of each year. Further, no other agenda items can be placed for consideration when the annual budget is to be considered. The draft resolution further stipulates that all meetings shall be held on Saturdays, except the Annual, Semi-Annual and Emergency meetings, but when meetings are held on Mondays, they cannot go past 10 PM. If the agenda is not completed, the draft resolution states that another GTC meeting must be scheduled to complete the agenda. Lastly, the draft resolution stipulates that the Business Committee may not limit the number of GTC meetings per year. For the calendar years 2013 – 2015, the cost of each General Tribal Council meeting has averaged \$210,657 over the 17 meetings held during this time.



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4. The OBC cannot limit the number of GTC meetings held in a year because this causes an over packed agenda and results in GTC meetings that challenge the endurance of disabled GTC members.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

**Conclusion**  
Adoption of this Resolution would not affect any current Tribal legislation.

**III. Financial Impact**

There is no direct financial impact of adoption of this draft resolution, as written. There is a potential that the number of GTC meetings convened each year would increase. However, this cannot be ascertained definitively. As noted above, the last 17 meetings have averaged a cost of \$210,657. The highest meeting cost in that time frame was \$266,460, while the lowest meeting cost was \$169,318.

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council  
Subject: GTC meeting

The Resolution is self explanatory.

We should also motion that the B.C. must not place more than four (4) complicated issues on a petitioned GTC agenda.

*Madelyn Sanderson*



Resolution 1 - Scheduling GTC Meetings

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PETITIONER'S SUPPLEMENTAL MATERIALS

FINANCIAL ANALYSIS

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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 Nation BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



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

M. Genskow (6) resolutions

#### MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016

RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Scheduling General Tribal Council Meetings

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding scheduling General Tribal Council meetings, including budget meetings specifically.

The General Tribal Council has changed significantly since the adoption of the stipend payments in 2008. Primarily, we never have to be concerned about obtaining a quorum. With this change, we have over 1400 members show up for meetings. We have space on the reservation to hold a meeting with almost 2200 members present. However, that meeting space is also used to generate revenues by the Airport Hotel Corporation through weddings, conferences, meetings, and other events. As such, we are competing with outside revenue generating for the same space. We do not have unlimited access, the hotel must generate revenue to cover the expenses of its own operations. Each year the Secretary asks the Radisson to reserve all available meeting rooms for the Annual, Semi-Annual and Budget meetings. The Secretary is also constantly monitoring available dates to schedule Special meetings. The prior Secretary established a process to "reserve" two or three dates during the following 12 months to have meeting dates available, Secretary Summers has continued this action.

The materials identify that there is nothing that will indicate whether the General Tribal Council will take one hour or six hours for a meeting or how long a subject will be discussed. In addition, contrary to the assertions made in the resolution, almost every budget meeting has had multiple items on the agenda, and the members have taken the

Resolution 1 - Scheduling GTC Meetings

BUSINESS COMMITTEE RECOMMENDATION

M. Genskow (6) resolutions

opportunity to amend the agenda as it feels necessary. There is no political method in creating the agenda, we try to be as logical as we can – the agenda is in a standard order, petitions are presented chronologically, and related items are grouped together.

We have spent time analyzing the meetings, the materials and the agenda at work meetings and through the Legislative Operating Committee to try to develop procedures that provide for General Tribal Council meetings that are informative, operated consistently, and create an environment in which members feel comfortable in speaking by giving and formulating their opinions. This "General Tribal Council Meetings Procedures" law is being developed by the Legislative Operating Committee for consideration by the General Tribal Council. We believe that this is a better way to address the concerns raised by the Petitioner.

**Recommendation: Motion to accept the resolution as information and to forward the resolution, analysis and today's discussion to the Legislative Operating Committee to consider when finalizing the GTC Meetings law.**

# RESOLUTION 2

## FEE TO TRUST PROCESS

BUSINESS COMMITTEE NOTICE ..... 126



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 Nation**  
BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



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

### MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Fee-to-Trust Process

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution that would direct some employment related qualifications be instituted as well as some disciplinary actions be carried out.

Historically, the General Tribal Council has delegated and directed employment related activities be managed through the Human Resources Department in accordance with the Oneida Personnel Policies and Procedures and reviewed by the Personnel Commission. Throughout the years, the General Tribal Council has respected this delegation and direction and the decisions of the Oneida Business Committee regarding petitions which impact individual employees. The resolution presented by Ms. Genskow presents a combination of actions which can be taken by the General Tribal Council and are part of that delegated authority.

In addition, the resolution presented by Ms. Genskow asks to terminate employees for actions carried out in years past, some by individuals no longer working for the Tribe. Further, the direction to terminate the employee is based on actions for which there was no previously prohibited action or notice that the employee could have been terminated to allow them to change their course of action. These types of actions are in violation of the due process requirements in the Tribe's Constitution.



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We believe that the discussion regarding the fee-to-trust process should occur. But, it should not be shadowed by discussions and issues that would impede the General Tribal Council's ability to discuss the matter freely and openly. We are placing this resolution on the June 23, 2016, Special General Tribal Council meeting and requesting the petitioner to work with us to revise the proposed resolution to fall within the guidelines of the Tribe's Constitution and the delegations of the General Tribal Council.

**Recommendation: No action needed, this resolution will appear on the June 23, 2016, Special General Tribal Council agenda.**

**OR**

**Recommendation: Motion to direct the Petitioner to work with the Oneida Business Committee to present a resolution to the General Tribal Council at the June 23, 2016, Special General Tribal Council meeting or to withdraw the resolution if desired by the Petitioner.**

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BUSINESS COMMITTEE NOTICE

Resolution 2 - Fee to Trust Process

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# RESOLUTION 3

## ELDER SERVICE MEANS TESTING

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### Resolution 3

Whereas on January 11, 1994, the Oneida Commission on Aging (ONCOA) took action to establish priority of serving older and/or handicapped elders, older elders are identified as age 70 and over, and

Whereas there are no income guidelines or mean testing connected to the 70 year old Priority and the ONCOA Board may not have realized the effect this would have.

Whereas there are Oneida Elders living in the reservation boundaries age 70 and over who are prioritized because of their age, who have good incomes and/or land holdings and/or own more than one home. And

Whereas there is no consideration given as to the combined income of the persons living in the home, or whether the people living in the home are capable of doing the work being requested, the priority is till 70 years old. And

Whereas the services being offered are Emergency response system-lifetime, snow removal and plowing, minor home repair, Benefits specialist assistance, Home Care, major home repair (roofs), lawn care, furnace repair and replacement, Elder Abuse Services and Assessment, and

Whereas there are Oneida Elders age 55 up to 70 who live in the reservation boundaries who are poor and/or not in good health who may not get any help from the Oneida Elder Services program if there is not any money left after the age 70 year olds request have been met.

Now therefore be it resolved that there shall be income and means testing of all Oneida Elders living in the reservation boundaries who apply for services from the Elder Services Program and an analysis as to whether there are able bodies people living in the house who can do the work.

Be it further resolved the Emergency response system-lifetime, Benefits Specialist Assistance and the Elder Abuse Services and Assessments must be provided to all Oneida Elders upon request who live in the reservation, regardless of income.

Be it further resolved that roof repair or replacement shall be available to Oneida Elders living in the reservation boundaries who meet the income guidelines and means testing of the household.

Be it further resolved that a generalist employee shall be hired to fill in when a regular staff member is ill or on vacation in the Elderly Services Program.

Be it finally resolved the Oneida GTC shall vote to determine the Income Guidelines in cases where there are several people living in the same house, the entire income of the household must meet the income guidelines. The Economic Support Program shall recommend options regarding income guidelines for the GTC to vote on.

Resolution 3 - Elder Service Means Testing

RESOLUTION

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**MEMORANDUM**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** July 22, 2015  
**SUBJECT:** Genskow – Petition – Elder Services Means Testing

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains six resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

- The resolution contains six Whereas sections.
- “...on January 11, 1994, the Oneida Commission on Aging (ONCOA) took action to establish priority of serving older and/or handicapped elders, older elders are identified as age 70 and over.” and”
  - “...there are no income guidelines or mean testing connected to the 70 year old Priority and the ONCOA board may not have realized the effect this would have.”
  - “...there are Oneida Elders living in the reservation boundaries age 70 and over who are prioritized because of their age, who have good incomes and/or land holdings and/or own more than one home. And”
  - “...there is no consideration given as to the combined income of the persons living in the home are capable of doing the work being requested, the priority is till 70 years old. And”
  - “...the services being offered are Emergency response system-lifetime, snow removal and plowing, minor home repair, Benefits specialist assistance, Home Care, major home repair (roofs), lawn care, furnace repair and replacement, Elder Abuse Services and Assessment, and”
  - “...there are Oneida Elders age 55 up to 70 who live in the reservation boundaries who are poor and/or not in good health who may not get any help from the Oneida Elder Services program if there is not any money left after age 70 year olds request have been met.”
- Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.
- The resolution contains five Resolve sections.
- “...there shall be income and means testing of all Oneida Elders living in the reservation boundaries who apply for services from the Elder Services Program and an analysis as to whether there are able bodies people living in the house who can do the work.”
  - “...the Emergency response system-lifetime, Benefits Specialist Assistance and the Elder Abuse Services and Assessments must be provided to all Oneida Elders upon request who live in the reservation, regardless of income.”

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- “...roof repair or replacement shall be available to Oneida Elders living in the reservation boundaries who meet the income guidelines and means testing of the household.”
- “...a generalist employee shall be hired to fill in when a regular staff member is ill or on vacation in the Elderly Services Program.”
- “...the Oneida GTC shall vote to determine the Income Guidelines in cases where there are several people living in the same house, the entire income of the household must meet the income guidelines. The Economic Support Program shall recommend options regarding income guidelines for the GTC to vote on.”

To draft this opinion, I have reviewed prior actions of the General Tribal Council, federal law and regulations regarding grants and funding received, Tribal law, policies and procedures, and various other resources. This opinion is broken into sections to address the following issues raised in the resolution – elder population description and Elder Services Program.

**Elder Population**

The Older Americans Act, 42 USC Sec. 3001, et seq., sets up a comprehensive program for developing and implementing programs for older Americans. In its current form, the federal law addresses income, health, housing, long and short term care facilities, employment, and quality of life. 42 USC sec. 3001. A primary goal of the legislation is the focus on coordinated care. 42 USC 3003. This federal legislation provides for grants to state and Tribal governments for the purposes of providing for the needs of the elder population. The Oneida Tribe receives funds in the form of federal grants under the Older Americans Act.

The Older Americans Act does not define older or elder population. The regulations implementing this law requires Tribes applying for funding to assure that there are at least 50 members age 60 or over living in the defined service area. 45 CFR sec. 1326.19(d)(1). Older or elder population is to be defined by the Tribe. 45 CFR 1326.3.

Within the Tribe, the “elder population” is defined by program depending on where the funds are derived. Oneida Nation Commission on Aging set the definition of elder as age 70 or older or disabled in relation to elder services. Other programs have set the definition of elder based on various directives. For example, the per capita approved by the General Tribal Council identifies two different groups of elders – age 62 and older, and age 65 and older. For purposes of this opinion elder is defined as any member age 65 and older or any person age 65 and older.

The Oneida Nation Commission on Aging made this determination based on the limitations in available funds, the nature of that population having lived through the Great Depression, world wars, limited employment and educational opportunities affecting their ability to earn and develop retirement savings. In addition, the Commission felt that elders age 55 and older were still gainfully employed and that the definition of elder should begin at age 62 and older. However, even at that point, the Commission felt that there were insufficient resources and that the focus should remain on age 70 and older and disabled.<sup>1</sup>

<sup>1</sup> These were the primary reasons identified in a meeting with the Oneida Nation Commission on Aging. When questioned about whether the age requirements should be changed, the Commission felt comfortable about the age requirements and the population being impacted as those in greatest need.

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There are two current sources to review in order to determine the ongoing validity of the determinations of the Oneida Nation Commission on Aging – the reports issued by the Federal Interagency Forum on Aging-Related Statistics (*Older Americans 2012: Key Indicators of Well-Being*) and the Tribe's Quality of Life Surveys (2014 Report).

As part of the Older Americans Act, a comprehensive report is directed to be published. The latest report was published in 2012. This report is based on data received from the U.S. Census, Social Security Administration, various federal health (Center for Medicaid and Medicare Services) and housing programs (Department of Housing and Urban Development), labor surveys (Bureau of Labor Statistics and Department of Labor), and surveys conducted by universities (University of Michigan for example), to name a few. The report consolidates the data into six different areas – population, economics (which includes income, consumer costs, housing), health status, health risks and behaviors, health care, and end of life. The report is available on-line at [www.agingstats.gov](http://www.agingstats.gov). Although the report focuses on the national elder population, the Tribal population would be reflective of this population. In some circumstances, where a minority population is shown, I have included references to this information as potentially being indicative of the Tribal population.

*Quality of Life Surveys – Oneida Specific Information*

The Tribe conducts a survey of members living on the Reservation and Brown and Outagamie Counties. This survey is similar to the Older Americans report summarized in this section of this opinion. However, it differs in that it is not specifically addressed to elders. However, the survey results are indication of elder opinions. Summary information from the Quality of Life Surveys will be inserted in this section by indentations to present Oneida specific information. The Quality of Life Survey information can be found on the internal Tribal website or requests can be made for the publication by contacting the Development Division, Statistics Department at [stats@oneidanation.org](mailto:stats@oneidanation.org).

*Population*

The elder population is expected to double in 2030 as the Baby Boomer generation (1942-1964) ages. This impacts all aspects of life – health, housing, and income/employment. The Tribal population mirrors the United States population in the expansion of elders through the year 2030. There are 1699 members age 65 and older, or 9,96% of the Tribal population. As can be seen in the chart below, the approximately 12% of the Tribe's membership will be impacting elder related programming in the next ten years.<sup>2</sup>

Age	# Members	% of Membership
55-64	270	11.88%
65-69	112	3.99%
70-74	69	2.46%
75-79	51	1.77%
80-84	37	1.03%
85-89	20	.47%
90+	7	.24%

<sup>2</sup> This information can be obtained from the Tribe's internal website or e-mailing [stats@oneidanation.org](mailto:stats@oneidanation.org).

As a result of various programs for returning veterans, the education levels of elders moved from 24% of elders having a high school diploma to 80% and 5% having a bachelor's degree to 23% having a bachelor's degree. This increase in education levels impacted employment opportunities and income for younger elders.

*Quality of Life Surveys – Oneida Specific Information*

*Education.* The Quality of Life Survey identifies that 87% of members living in Brown and Outagamie Counties have a high school diploma. On the other hand, 45% have graduated college, and 13% have a graduate or professional degree. In comparison with elders across the nation, the Oneida members (all members age 25 and older), have a greater percentage of members with high school diplomas (87% versus nationwide elder population at 85%) and a greater percentage of members having a college degree (45% versus a nationwide elder population of 23%). These differences are based on comparing elders in the 2012 Older Americans report against members all ages in the Quality of Life Survey.

*Economics*

The elder population income has changed positively between the years 1974 to 2010. The average household income is \$31,410; this is up from \$21,100 in 1974. Based on the federal poverty rates, the number of elders whose household income is at or below poverty has been reduced from 15% to 9%, with over 50% of elder's household income at or above middle income. However, it should be noted that minorities are more likely to have a household income at or below poverty level.

The composition of what makes up household income differs greatly depending on income levels. Those elder households in the lowest income group derive 84% of their income from Social Security. On the other hand, household income in the middle income group derives only 66% of their income from Social Security, with 16% of the income from retirement funds and 10% from earned income. This may be the result of younger elders continuing to be fully employed and the increasing participation in retirement plans earlier in their careers that were not otherwise available to the older group of elders.

This is supported by how household income is allocated. Those elders age 75 and older allocate 36% of their household income to housing, while elders age 55-64 allocate only 32% of their household income to housing. The general recommendation is that 30% of household income should be allocated to housing. The most common problems for elders are in the cost of housing rents or mortgages and utilities. The remaining housing problems include major home repairs (such as roof and plumbing repairs) and crowded housing.

*Quality of Life Surveys – Oneida Specific Information*

*Household Income.* The Quality of Life Survey identifies that the median income on the Reservation is \$42,750. This is higher than in previous years. The on-Reservation median income is also higher than Brown and Outagamie Counties median income of \$37,779. In light of elders working longer, this may also result in increased household income of Oneida elders. This is consistent for all survey periods except 2008.

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*Poverty.* The Quality of Life Survey also identifies that the rate of Oneida member households at or below poverty is at 20%. This is less than the 23% rate for Brown and Outagamie Counties. However, it is almost twice as high as that for the elder population in the United States. This is likely to be the result of a broader group surveyed and a difference in the definition applied to "poverty." This would also be consistent with the survey results regarding family income satisfaction; 68% of those surveyed were satisfied with their family income.

*Housing.* The survey also asks questions about housing. The survey identifies that 70% of the respondents rated their housing conditions as good or better. Further, 78% of the respondents thought the Reservation was an excellent or good place to retire. Although only 52% of the respondents were satisfied with the variety of available housing.

*Health Status*

The elderly are living longer and healthier. Since 1981, rates of disease have been cut in half for strokes, influenza, pneumonia, and diabetes. Since 1997, there has been no change in overall levels regarding functional limitations such as eating, walking, bathing, housework, shopping, and similar activities. The number of functional limitations per elder increases with age; 41% of elders have at least one functional limitation. From a different perspective, 61% of elders living at home and 35% of elders living in community housing having no functional limitations, but 68% of elders in long term care have three or more functional limitations.

*Health Risks and Behaviors; Health Care*

Health risks and behaviors involve eating habits and physical exercise. Elders age 75 and older eat healthier than elders ages 65-74. Eating healthy includes a diet of whole grains, dark green and orange vegetables, legumes, lower sodium, fewer calories from solid fats, less alcohol and added sugars.

The federal government recommends at least 2.5 hours per week of moderate activity, such as walking. About 11% of elders meet this standard. Consistent with the trend in all age groups, 38% were obese. This is up from 22% of the elders being identified as obese in 1988.

Although smoking has decreased overall, the rate of decrease differs between men and women. Since 1964, smoking among men has decreased from 29% to 10% and women remain relatively constant at 9% over the same time period.

Elders age 55-64 spend 22% of their time in leisure activities and 16% of their time working. On the other hand, elders age 75 and older spend 32% of their time in leisure activities and 1% of their time working. In both of these groups, they spend 58% of their leisure time watching TV and about 5% of their time exercising. Elders age 75 and over tend to spend twice as much time reading than younger elders.

Over time, there has been an increase in short term hospice stays, outpatient visits, and prescriptions. The average cost of prescriptions has increased from \$650 per year in 1992 up to \$3000 per year in 2008. On the other hand, there is been a decrease in nursing home, long term care and inpatient hospital visits. 95% of elders between the ages 65-84 live at home and 14% of

elders age 85 and older live in long term care, with 8% of this last group living in community housing.

*Quality of Life Surveys – Oneida Specific Information*

*Health.* In the 2014 survey, 81% of the members responding are satisfied with their personal health. Two-thirds of that group also rank the quality of their diets as excellent or good. Almost 90% of the respondents believe that there is satisfactory access to locally grown food.

*Health Care.* Respondents to the 2014 survey, 83%, also believe that there is satisfactory access to health care, and 81% are satisfied with the services provided at the Health Center. 80% of those responding believe that the quality of health care is good to excellent.

*Leisure/Recreation.* 70% of the respondents believe the Reservation is a good place to raise a family. Respondents, 76%, also believe there is a good to excellent quality of green space within the Reservation. 77% of the respondents feel the quality of recreational opportunities is good to excellent. The Oneida Fitness Center regularly conduct customer surveys and ranks consistently "very good" to "excellent" across all categories surveyed. Although a lower number, 46%, ranked trails as good to excellent.

*End of Life*

The report also provided brief information regarding end of life and elders. 41% of elders pass on in hospitals, 27% at home, 19% at home, and 14% while receiving emergency services.

**Elder Services Programming**

The Elder Services Program operates under federal and tribal funding. It provides programming in accordance with the Older Americans Act. This means that the goal of the program is to provide all elder resources through a single contact. However, this applies to elder programming, not necessarily the entire Tribe. It is the goal of the Governmental Services Division to be able to provide this type of service. Unfortunately, given the diversity of programs and technical program requirements, it may be possible only to provide referrals and not assistance from a single resource.

The Quality of Life Survey regularly surveys satisfaction with elder services programming. In 2010, the satisfaction level was 81% which rose to 82% in 2014. On reservation respondents rated satisfaction at 80%, while off-reservation members rated satisfaction at 87%.

The Elder Services Program funding is allocated to most services provided based on funding limitations. Federal funding is allocated until fully expended, then Tribal contribution is allocated. The program provides a booklet on services provided with an explanation as well as contact numbers. In addition, the information is located on-line on the Tribe's website. The list below contains a brief description of the services provided. Those services in italics are supported by federal funding.

- Elder Abuse – Elder Abuse Coordinator contacts elder and investigates allegations. For purposes of this program, an elder is defined as age 55 or older.
- *Native American Family Caregivers Program* – providing assistance to caregivers to access available services, including classes, assistance to enable caregivers relief from role, support groups, and equipment loan program.
- *Benefit Specialist* – provides assistance in identifying available services, filling out forms, and advocacy.
- *Foster Grandparents & Senior Companions* – volunteering by elders age 60 and older to homebound elders and foster grandparent services for children.
- *Outreach* – identification of elders and caregivers to identify potential services and programs to assist them.
- *Respite Care* – temporary assistance to caregivers.
- *Homemakers* – assistance in preparing meals, shopping, assistance with the telephone, or light housework.
- *Loan Closet* – lending equipment for living assistance such as walkers, and shower chairs.
- *In-Home Emergency Response System* – a 24 hour/7 day a week system to call for emergency services.
- *Home Chore* – minor home and yard maintenance, snow shoveling and plowing.
- *Home Repair* – low cost minor home repair based on health and safety concerns.
- *Congregate Meals* – lunch served Monday through Friday.
- *Home Delivered Meals* – homebound or medical directive service for delivery of lunches Monday through Friday and a delivery of Saturday/Sunday lunches on Friday.
- *Elder Services Transportation* – pick-up for congregated meals, elder activities, and scheduled weekly shopping to Walmart, banks and lunch.
- *Activities* – planned activities, elder specific exercises.
- *Volunteer Services* – elders 55 and older volunteer opportunities.

There are some services that are not listed in the benefit book. The Major Home Repair program focuses on roof repair/replacement and furnaces. This program is a tribally funded program. The legal opinion titled "Genskow – Petition – Elder Services – Home Repair," dated April 10, 2015, is, or will be, located on the Tribe's website under the General Tribal Council petition links. Members are encouraged to review that opinion in conjunction with this opinion.

#### Analysis

The resolution proposes five actions for modifying the Elder Services programs and supports that by presenting the reasons for those changes in the Whereas sections. The Whereas sections allege that the Oneida Nation Commission on Aging did not consider household combined income or whether a member of the household was capable of doing the work they were requesting from the Elder Services programs. The Whereas sections allege that there are members between the age of 55 and 70 that are poor and need assistance and there are elders age 70 and over who have "good incomes and/or land holdings and/or own more than one home" that do not need the Elder Services programs.

Based on the information provided in discussions with the Oneida Nation Commission on Aging, program staff, and federal law, it appears that the Commission has authority to identify an age category to be targeted. Further, based on the federal interagency report and the Tribe's Quality of Life Surveys, it appears that the target population may be accurately identified as those most in need of services.

A review of the federal law and regulations does identify some prohibited actions. The program supported by federal funding cannot provide services based on income (i.e. means testing), and the program cannot require the recipient to pay a fee or costs for the services provided. However, this would not apply to Tribal funds allocated for program services. To that extent, it may be possible to reallocate federal and tribal funds to allow income based means-tested services. If such testing were to occur, it should be noted that there are costs associated with testing, reporting, and implementing the test results. Those administrative costs are currently not accounted for in the Elder Services Program. The federal funds and tribal contributions are presented in the financial analysis. Further, whether federal or tribal funding, the determination of who is an elder to be served is the responsibility of the Tribe, in this case, the Oneida Nation Commission on Aging.

However, it is not clear how a program to determine whether someone living in the household has the skills to accomplish what has been requested in services. It is presumed that this would refer to services such as providing lunch, preparing meals, shopping, housework, minor and major home repairs, lawn care, snow shoveling or plowing, as examples. In light of that, it is not surprising that the Oneida Nation Commission on Aging or the Elder Services Program has no policy or statement regarding these abilities. It is not clear if such a "test" would violate federal law or regulation regarding services for which federal funding is provided.

Finally, the resolution suggests that elders age 55 to age 70 do not receive services from the Elder Services Program. However, the Benefits Specialist, Congregate Meals, Elder Abuse, and Native American Family Caregivers Program all provide services to this age group. Further, elders in this age group are eligible for general services provided by the Tribe.

The resolution asks for five actions from the General Tribal Council.

1. Conduct income means testing of all elders living on the Reservation and conduct an analysis of whether a person living in that household can do "the work."
2. All elders living on the Reservation shall have access to the emergency response system, the Benefits Specialist, the elder abuse services and "assessments."
3. Roof repair or replacement is available to elders who meet income guidelines and means testing.
4. Hire a "generalist employee" to fill in when regular staff member is out.
5. General Tribal Council to approve income guidelines developed by the Economic Support Program.

#### Resolve #1. Means Testing and Ability Testing

As identified above, it is not possible to conduct means testing for services that are federally funded. Further, it is also not possible to charge fees or use any income based guidelines for federally funded services. If implemented, this would require the Tribe to set up duplicate

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programming - one federally funded and one Tribally funded. In the alternative, to shift federal funds to a limited number of services and identify the age group to receive services for each set of federal and Tribal funded services. Based on the information above, it is not likely that this would change the group eligible to receive services. The Oneida Nation Commission on Aging has identified a group of elders most in need which appears to be supported by outside studies and reports.

For example, the reports regarding the elder population clearly identify that elders age 70 and above have a household income based on federal programs such as Social Security, while younger elders still generate household income from employment and continue to contribute to retirement plans that create larger household incomes. Further, that elders age 70 and over have fewer retirement plan resources and little ability to create this external source of income.

It is not clear how the Elder services Program would "analyze ability to do work provided" by an elder service program. Looking only at functional abilities, as reported above, 68% of elders living at home have no functional limitations. This same report identifies that the major problems facing elders is the cost of housing and major repairs such as roof replacement/repair and plumbing. It is possible the Elder Services Program could test to see if a person in the household has these skills, however it is not clear at this time what type of testing would occur and the costs of that testing. Although, it may be the elder request is from the perspective of cost of repairs, not necessarily the ability to do the repairs. Further, functional limitations increase as the elder ages thus creating additional barriers to repair beyond cost.

If means testing and ability testing were allowed, it is not clear how you would conduct this testing on every elder living on the Reservation. The 2012 membership information from the Enrollment Department identifies 1969 members age 55 and older, 451 live on the Reservation and 647 live in Brown or Outagamie Counties. The Quality of Life Survey for 2014 was mailed to 2807 members living on the Reservation and received 361 responses. The survey was self-reporting and the answers were not independently verified. A survey in which the information is verified through tax returns and medical or other examinations for functional ability may not be possible and may not be financially feasible. Notwithstanding the above, an elder may be functionally able to turn a screwdriver or hammer a nail, yet not have the capability to change a faucet or replace a disposal. In may not be possible to conduct means testing and ability testing of "all" elders living on the Reservation.

It is also not clear if every elder on the Reservation participates in elder programming. As a result, the survey may capture information from some elders who have made a decision to not participate in elder programming. This may result in the information being skewed in regards to income/means testing or ability testing; especially where such elders may reside with a family member who is financially and physically able to do the home repairs.

*Resolve #2, All Access to Specific Programs*  
Although it is not clear in this Resolve sections, the resolution appears to identify an elder as an individual age 55 or older. This means access to the listed programs (emergency response system, Benefits Specialist, elder abuse services and "assessments") would be to a significantly larger population. Again, many of whom may not need the services. However, it should be

pointed out that some of these services are already available to that population – Benefits Specialist and elder abuse services.

The emergency response system is intended to support elders who wish to live at home but who have some functional limitations. For example, difficulty getting up from a crouched position or dialing phones. In those circumstances, the emergency response system allows the individual to call for help (or in some circumstances for the system to automatically respond) and obtain emergency services or contacting non-emergency support services for assistance. Elders who live with others or who have no functional limitations could benefit from an emergency response system, however, given the limited resources, addressing only those with an identified need would appear to be an appropriate allocation of funding. As identified above, the Oneida Nation Commission on Aging has identified a group of elders, age 70 and above, who are likely to need such resources because of functional limitations.

This Resolve also identifies that "assessments" would be available to all elders. It is not clear what "assessments" is referring to. A review of the Elder Services Program booklet and website does not identify a program or service called "assessments."

*Resolve #3, Roof Repair or Replacement*

The Major Home Repair program is fully Tribal funded. The program also covers more than roof repair or replacement. Either resolution is attempting to limit a specific group of repairs under this program, or limit the program to only roof repair or replacement. This should be clarified prior to adoption of the resolution.

Because the Major Home Repair program is Tribally funded, this would allow the program to be conducted on an income based requirement. The end result may still focus the services on elders age 70 and older, but would allow for younger elders to participate. It would be important to clearly define "elder" for this purpose. For example:

- The resolution suggests an elder is defined as age 55 and older;
- The Older American's Act suggests age 60 and older is an elder;
- The Oneida Nation Commission on Aging talked about age 62 and older should be how elder is defined; and
- The Oneida Nation Commission on Aging has set the program guidelines at age 70 and older is an elder.

There remains a limitation on the amount of funding for this program. As a result, some priority may still be necessary. Further there may still be a strong element of first-come-first-served in program services. This would all be affected by how household is defined and what income levels are chosen to set eligibility requirements. This is addressed further below.

*Resolve #4, Generalist Employee*

The Elder Services Program has multiple employees who are engaged in administrative services, specialized benefits counseling, home repairs, lawn maintenance, and snow shoveling/plowing. At a meeting with the Oneida Nation Commission on Aging and program personnel, it was identified that there are current vacancies in both office staff and maintenance staff. It is not clear how a "generalist" employee can provide assistance when existing staff is out of the office, on

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vacation, or out ill. Especially in light of the broad range of services that are being provided. For example, it is presumed this same "generalist" employee would be expected to cover the duties of the Benefits Specialist as well as cover the duties of a lawn maintenance/snow removal employee. These are two different skill sets.

It is not clear what this requirement is intended to address. Almost every employee has an office phone on which to leave a message, an e-mail to send a message to, or an office to send correspondence to. When the employee is off, or otherwise out of the office, procedures should be in place to cover the activities of that employee. This is a matter of reviewing the Standard Operating Procedures and scheduling processes for the department. However, it is not reasonable to presume that 24 hour availability, without any gaps, would be normal. At some point, when the Benefit Specialist is with a client, he or she would not be available to take a call. Would this require the "generalist" employee to step in, or would it be acceptable to simply leave a message?

*Resolve #5. Income Guidelines*

The Economic Support Program maintains income guidelines based off federal poverty level guidelines which are set based on the size of the family. These guidelines are then used for each service provided under the Economic Support Program ranging from 130% of poverty level to 200% of poverty level. These percentages of poverty level are based on funding guidelines.

Attempting to understand what income guidelines should be set for elderly services may not be easy to accomplish. Primarily because most elder programs are prohibited from using means testing or income guidelines in providing services. As a result, the Economic Support Program would not be able to rely on existing programs to provide guidance. In the alternative, the Economic Support Program could simply just identify an income level based on its own programs.

Further, these guidelines would need to take into account homeownership, rental, living with children or others, and the source of external income. For example, is Social Security, disability, retirement, or other resources such as per capita or foster care subsidies, counted as income?

**Conclusion**

The proposed resolution contains some directives that would be in violation of federal law by imposing income guidelines on federally funded programming. In addition, the current programming activities recognize the limitation in funding and attempts to fund those determined to be most in need.

If adopted, the proposed resolution would require reallocation of funding program services in order to avoid federal funding prohibitions and identification of costs to conduct income based means testing and ability testing. Members are encouraged to review the financial analysis regarding this issue. This opinion does not address the cost of services currently provided and the cost of services that would be required to be provided should this resolution be adopted. It is possible that there is insufficient funding available for the directives in the resolution.

As proposed, the resolution contains errors in the Whereas sections, specifically Whereas #2 and #5. In discussions with the Oneida Nation Commission on Aging it was clear they were aware of the decisions they were making and the effect of those decisions.

Finally, unless clarification is provided in the resolution, the resolution proposes actions which violate federal law and cannot be considered by the General Tribal Council. It is possible to modify programming to accommodate the resolution, however such action would require additional time to implement and verify that this would comply with the federal funding requirements. Amendments proposed during the General Tribal Council meeting or by other methods after finalization of this opinion must be addressed separately.

If you have further questions, please contact me.

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## Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Staff Attorney  
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### Statement of Effect Petition Resolution 3: Elder Services Program

#### Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The petition was verified by the Enrollment Director on February 11, 2015 and on February 25, 2015, the Oneida Business Committee directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 3, pertaining to the services offered by the Oneida Elder Services program.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

#### Legislative Analysis

According to the Resolution, the Oneida Commission on Aging (ONCOA) has established a priority of serving elders age 70 and older and handicapped elders before other elders. The Resolution states income guidelines or means testing is not used and some elders age 70 and older have good income, land holdings and/or own their own home. In addition, ONCOA's priority list does not take into consideration the combined income of persons living in the home or whether the elder is capable of doing the work being requested from the Oneida Elder Services program. The Resolution lists various services being offered by the Oneida Elder Services program and states that elders age 55 to 70 who live on the Reservation and are poor or not in good health may not get any help from the program if no money is available after the 70 and older elders receive services.

The Resolution directs the following upon its adoption:

1. All Oneida elders who live on the Reservation and apply for elder services will be subject to income and means testing and an analysis as to whether there are people living in the house who can do the work.
2. All Oneida elders who live on the Reservation must be provided with emergency response system-lifeline, Benefits Specialist Assistance and Elder Abuse Services and Assessments upon request and regardless of income.
3. Oneida elders who live on the Reservation and meet the income guidelines and means testing will be eligible for roof repair or replacement.
4. A generalist employee will be hired to fill in when a regular staff member is ill or on vacation in the Elderly Services Program.

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5. The Economic Support Program will be responsible for recommending options regarding income guidelines to General Tribal Council. General Tribal Council will determine the income guidelines and when several people live in the same house, the entire income of the household must meet the income guidelines.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

#### Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

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# ONEIDA TRIBE OF INDIANS OF WISCONSIN



Oneida's bringing several hundred bags of corn to Washington's starving army. The British and American colonists had consistently refused to aid them.



LIGWA DEMOLUN-YATEHE  
Chief of the Oneida Tribe of Indians  
commenting a friendship  
between the Oneida Tribe  
and the colony of  
Pennsylvania. The  
nation, the United States  
was made possible.

## ONEIDA FINANCE OFFICE

Office: (920) 869-4325 • Toll Free: 1-800-236-2214  
FAX # (920) 869-4024

## MEMORANDUM

DATE: November 4, 2015  
FROM: Larry Barton, Chief Financial Officer  
TO: Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 3 of 6, Elder Means Testing**

### I. Background

The above referenced petition was submitted to the Tribal Secretary's Office on February 10, 2015, and signatures verified by the Enrollment Department. The petition contains the following resolution:

*“Whereas on January 11, 1994, the Oneida Commission on Aging (ONCOA) took action to establish priority of serving older and/or handicapped elders, older elders are identified as age 70 and over. And Whereas there are no income guidelines or mean testing connected to the 70 year old Priority and the ONCOA Board may not have realized the effect this would have.*

*Whereas there are Oneida Elders living in the reservation boundaries age 70 and over who are prioritized because of their age, who have good incomes and/or land holdings and/or own more than one home. And*

*Whereas there is no consideration given as to the combined income of the persons living in the home, or whether the people living in the home are capable of doing the work being requested, the priority is till 70 years old. And*

*Whereas the services being offered are Emergency response system-lifetime, snow removal and plowing, minor home repair, Benefits Specialist assistance, Home Chore, major home repair (roofs), lawn care, furnace repair and replacement, Elder Abuse Services and Assessment. And*

*Whereas there are Oneida Elders age 55 up to 70 who live in the reservation boundaries who are poor and/or not in good health who may not get any help from the Oneida Elder Services program if there is not any money left after the age 70 year olds request have been met.*

*Now therefore be it resolved that there shall be income and means testing of all Oneida Elders living in the reservation boundaries who apply for services from the Elder Services Program and an analysis as to whether there are able bodied people living in the house who can do the work.*

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*Be it further resolved the Emergency response system-lifetime, Benefits Specialist Assistance and the Elder Abuse Services and Assessments must be provided to all Oneida Elders upon request who live in the reservation, regardless of income.*

*Be it further resolved that roof repair or replacement shall be available to Oneida Elders living in the reservation boundaries who meet the income guidelines and means testing of the household.*

*Be it further resolved that a generalist employee shall be hired to fill in when a regular staff member is ill or on vacation in the Elderly Services Program.*

*Be it finally resolved the Oneida GTC shall vote to determine the Income Guidelines in cases where there are several people living in the same house, the entire income of the household must meet the income guidelines. The Economic Support Program shall recommend options regarding income guidelines for the GTC to vote on.*

### Oneida Demographics

Age 65 is used because the demographic information is not available specifically for age 70+. Based on the census data, poverty levels double after age 65 and quadruple after age 75. According to the Oneida Quality of Life Survey, the average household size is 2.7. Therefore, for comparison, we will assume a household size of 2-3 or an estimated income under \$19,999, which would be at the poverty level. Given that scenario, 41% of those over 65 years of age fall within the poverty level while only 21% of those 55-65 years of age would. The survey shows that members between the ages of 55-65 have significantly higher household incomes than those over the age of 65.

2015 Federal Poverty Guidelines	Household Income
1	\$ 11,770
2	\$ 15,930
3	\$ 20,090
4	\$ 24,250
5	\$ 28,410
6	\$ 32,570
7	\$ 36,730
8	\$ 40,890

### American Indian and Alaskan Native Residents in Brown & Outagamie Counties below Poverty (US Census)

Age	Percent below the Poverty Line
55-64	11%
65-74	23%
75+	42%

### 2014 Oneida Quality of Life Survey of Elders in Brown & Outagamie Counties.

Household Income	Age 55-64	Age 65+
Less than \$10,000	9%	8%
\$10,000-\$19,999	12%	33%
\$20,000-\$29,999	10%	21%
\$30,000-\$39,999	14%	11%

\$40,000-\$49,999	13%	11%
\$50,000-\$74,999	15%	11%
\$75,000-\$99,999	21%	3%
\$100,000 or more	6%	3%

**Age Population Demographics of enrolled Oneida's**

Age	On Reservation
55-69	704
70+	323
<b>Total</b>	<b>1,027</b>

\*10 year projection not adjusted to population projections.

**Elder Specific Budget Information**

2015 funding	Total	TC	Grants	Other	External Sales
Senior Center	\$ 1,130,743	\$ 1,126,743	\$ 118,860	\$ 4,000	
Title VI	\$ 122,360		\$ 7,167	\$ 3,500	
DHHS	\$ 7,167		\$ 3,600		
Transportation Senior CIT	\$ 31,917	\$ 28,314	\$ 1,000	\$ 3,000	\$ 123,000
GWAAR	\$ 126,000		\$ 3,000		
Elder apartments	\$ 3,000		\$ 124,185	\$ 6,890	
GWARR ship	\$ 296,507	\$ 165,432	\$ 40,170		
GWARR	\$ 40,170		\$ 10,733		
Caregiver	\$ 10,733		\$ 1,000		
GWARR NSIP	\$ 1,000		\$ 2,500		
Scholarship	\$ 45,000	\$ 45,000			
Elderly Major Home Repair	\$ 4,404,583	\$ 614,493			\$ 3,790,090
Anna John RCCC	\$ 4,632,000	\$ 4,632,000			
Elder Per cap 62	\$ 500,000	\$ 500,000			
Per cap trust	\$ 2,245,000	\$ 2,245,000			
General Per Cap*	\$ 693,117	\$ 253,060	\$ 440,057		
Community Options Program	\$ 108,112	\$ 108,112			
ONCOA	\$ 14,398,409	\$ 9,718,154	\$ 748,772	\$ 20,890	\$ 3,913,090
<b>Total</b>					

\*General per cap refers to the \$1,000 available to all Tribal Members. The \$2,245,000 is the portion of the General Per Capita specifically for members 62+

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**Elderly Services 2016 Budget Adjustments for Supportive Services**

Senior Center	\$ 43,350	Furnace, Ans Serv, Solo-Life, Minor Home Repair
Title VI	\$ 24,000	All ERS-Solo
Title VI	\$ 4,000	Minor Home Repair
GWAAR	\$ 17,000	Minor Home Repair
GWAAR	\$ 3,500	Minor Home Repair
GWAAR-SPAP	\$ 1,000	Senior Care

**Age Requirements**

To reiterate the points made in the July 16, 2015 Fiscal Impact of Genskow Petition – Resolution 4, Elder Services (home repair), Elder Service Programs and eligibility requirements are dependent on the funding sources. The following are a few examples of the varying requirements.

- Elder Services priority age 70.
- Elder Services will serve those ages 55 through 69 to meet an immediate economic, social, health and/or safety issue.
- Federal Housing and USDA programs define the elderly as a person who is at least 62 years of age.
- Eligibility for Elder Abuse Prevention Programs in the State of Wisconsin define an elder at risk at age 60, Oneida defines an elder at risk at age 55.
- Native American Family Caregivers Program: (NAFCG) eligibility begins at age 55.
- Criteria for both programs: SCSEP and WISE require a person to be 55 years or older.
- Senior Meal Sites are for age 55 or older.
- Oneida Elder per capita is issued at age 62 and then again increased at age 65.

As a separate matter, the regulations for many of the grant funded services allow a Tribe to define, based on its own criteria, the age at which the Tribe will consider a person to be an "older Indian" for purposes of eligibility to receive services.

**Elder Services**

In addition to the programs and services available to all Tribal members, Elder Services provides the following support services specifically to Elders:

- Information and referral to services available at Local, State and Federal levels.
- Elder abuse prevention
- Native American Family Caregiver Program
- A Benefit Specialist who provides information, assistance and administrative representation
- Foster Grandparents and Senior Companions
- Outreach
- Respite Care
- Homemakers to assist with activities of daily living: preparing meals, shopping, using the telephone, or doing light house work.
- Loan Closet provides equipment (when available) on a loan basis to elders and the disabled
- In-Home Emergency Response
- Home Chore provides minor home and yard maintenance, lawn raking and mowing, snow shoveling and plowing.

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- Home Repair
- Congregate Meals
- Home Delivered Meals
- Elder Services Transportation
- Activities
- Volunteer Services
- 24 Hour Answering Services
- Senior Employment Program
- Events
- Drums Across Oneida Newsletter

The following chart displays Fiscal Year 2015 programs, services, and elders served.

Program or Service	
Personal Care	7
Homemaker Care	92
Home Chore	235
Home Delivered Meals	118
Congregate Meals	309
Transportation	85
Nutrition Education	137
Information and assistance	16
Outreach	48
Public Information (newsletter)	10
Counseling and Training	9
Temporary Respite Care	16
Assessments for Care	86
Health Promotion	147
Assistive Devices & Technology	6
Recreation and socialization	54
Support groups	8
Care Program Visiting	35
Care Program Telephoning	55
<b>Sub-Total (contacts)</b>	<b>1473</b>
<b>Consumers</b>	<b>597</b>

*Service Period from 10-1-14 to 9-30-15*

**Customer Satisfaction - 2014 Oneida Quality of Life survey**

- 73% of respondents believe that Oneida is fair in the amount of services and benefits offered to members.
- 78% of respondents believe that the Oneida Tribe is making improvements to enhance the quality of life of Tribal Members.
- 64% of respondents rated the quality of social services available from the Oneida Tribe as excellent or good.
- 82% are satisfied with Oneida Elderly Services.
- 81% are satisfied with Oneida Veteran's Services.

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**Specific Services identified by the petitioner to be available upon request.**

**Emergency Response System**

There are several providers of an emergency response system for seniors and disabled individuals needing in home assistance. They usually consist of equipment for two way communication such as a speaker phone or a cell phone, a pendant or wristband and a monitored call center. Costs for the service are described in the following table.

Monthly service cost	Life Alert	LifeStation	Medical Alert	MobileHelp	Philips LifeLine	Rescue Alert
Landline/Cellular	\$50/\$60	\$26/\$33	\$30/\$35	NA/\$35	\$30/\$42	\$29/\$43
GPS mobile	\$70	\$30 (\$50 device fee)	\$40	\$38	\$55 (landline) \$65 (cell)	\$45 (\$90 device fee)

The Elder Service Benefit book does not list any requirements or restrictions on the program. However, the book itself does contain the statement of Services listing those over the age of 70 as the priority for those services.

**Benefits Specialist Assistance**

Anyone who is 55 years of age or older and is having a problem in securing a public or private benefit is eligible for the Elder Benefit Specialist Program.

**Elder Abuse Services**

Under Wisconsin law, Chapter 46.90 (1) a, an "elder adult at risk" is a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, financial exploitation, neglect or self-neglect. Within the Oneida Reservation the elder abuse lead agency accepts elder abuse reports for those Oneida Tribal members who are 55 years of age and older. Reports that are received for Oneida Tribal members residing outside of reservation boundaries are referred to their county of residence. Elder Abuse Prevention Coordinator makes contact and investigation begins within 24 hours, excluding weekends and holidays.

**Elder Services Staffing**

Elder Services has a total of 33 full, half, and part-time employees. Four positions are currently vacant. Of those, the following provide direct or in home care:

- 6 Home Chores (two vacant)
  - 2 Outreach workers
  - 1 Benefits Specialist
  - 2 Respite Care
  - 2 Home Chore
  - 1 Service Specialist
  - 1 ½ FTE Home Delivered Meals
  - 1 Activity Specialist
- Remaining employees are supervisory and administrative. Every position has a designated back up listed.

**Paid Time Off (Blue Book Requirements)**

According to the blue book, paid time off can be used for any reason so long as the request is approved by

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the employee's supervisor:

- A. For personal days, the employee must notify the supervisor at least 24 hours in advance (unless the absence is due to illness or unforeseen circumstances).
- B. In the case of illness or unforeseen circumstance, the supervisor shall be notified no later than 15 minutes before the scheduled starting time.
- C. Programs and enterprises may institute stricter standards of notification. These standards will be submitted to and approved by the Personnel Department.
- D. An employee shall notify his/her supervisor of an intent to use personal days in the following ways:
  - 1. Three (3) to five (5) days - one (1) week advance notification;
  - 2. Six (6) days or more - two (2) weeks advance notification.
- E. An employee shall notify his/her supervisor one (1) day in advance if he/she will take off one (1) to two (2) days of vacation. Programs and enterprises may institute stricter standards of notification.
  - 1. Three (3) to five (5) days of vacation require a one (1) week advance notification.
  - 2. Six (6) or more days of vacation require at least two (2) weeks advance notification.

The burden shall be on the supervisor to show that a denial of a personal day or a vacation day is based upon interference with the business of the Tribe.

**Program & Service Funding Requirements - Older Americans Act (OAA)**

Congress passed the Older Americans Act (OAA) in 1965 in response to concern by policymakers about a lack of community social services for older persons. The original legislation established authority for grants to States for community planning and social services, research and development projects, and personnel training in the field of aging. The law also established the Administration on Aging (AoA) to administer the newly created grant programs and to serve as the Federal focal point on matters concerning older persons.

**Older Americans Act: Title III Regulations for Public Welfare**

The purpose of services under Title III of the Older Americans Act authorizes the distribution of Federal funds to the State agency on aging by formula for the following categories of services: (1) Supportive services; (2) Congregate meals services; (3) Home delivered meals services; (4) In-home services; (5) Ombudsman services; (6) Special needs services; (7) Elder abuse services; (8) Preventive health services; and (9) Outreach services.

**Grants to State and Community Programs on Aging - Service contributions**

For services rendered with funding under the Older Americans Act, the area agency on aging shall assure that each service provider shall:

- A. Provide each older person with an opportunity to voluntarily contribute to the cost of the service;
- B. Protect the privacy of each older person with respect to his or her contributions; and
- C. Establish appropriate procedures to safeguard and account for all contributions.

Each service provider shall use supportive services and nutrition services contributions to expand supportive services and nutrition services respectively. To that end, the State agency shall:

- A. Permit service providers to follow either the addition alternative or the cost sharing alternatives as stated in 45 CFR 92.25(g) (2) and (3); or
- B. A combination of the two alternatives.

Each service provider under the Older Americans Act may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the provider shall consider the income ranges of older persons in the community and the provider's other sources of income. However, means tests may not be used for any service supported with funds under this part. State agencies, in developing State eligibility criteria for in-home services under section 343 of the Act, may not include a means test as an eligibility criterion. A service provider that receives funds under this part may not deny any older person a service because the older person will not or cannot contribute to the cost of the service.

**Older Americans Act: Title VI Regulations for Nutritional Services**

In addition to providing nutrition services to older Indians, a tribal organization may:

- A. Provide nutrition services to the spouses of older Indians;
  - B. Provide nutrition services to non-elderly handicapped or disabled Indians who reside in housing facilities occupied primarily by the elderly, at which congregate nutrition services are provided;
  - C. Offer a meal, on the same basis as meals are provided to older Indians, to individuals providing volunteer services during meal hours; and
  - D. Provide a meal to individuals with disabilities who reside in a non-institutional household with and accompany a person eligible for congregate meals under that part.
- Each tribal organization may receive cash payments in lieu of donated foods for all or any portion of its funding available under section 311(a)(4) of the Act. To receive cash or commodities, the tribal organization shall have an agreement with the U.S. Department of Agriculture's Food and Nutrition Service (FNS) to be a distributing agency. Where applicable, the tribal organization shall work with agencies responsible for administering other programs to facilitate participation of older Indians.

**Grants to Indian Tribes for Support and Nutritional Services - Contributions.**

Each tribal organization shall:

- A. Provide each older Indian with a free and voluntary opportunity to contribute to the cost of the service;
- B. Protect the privacy of each older Indian with respect to his or her contributions;
- C. Establish appropriate procedures to safeguard and account for all contributions;
- D. Use all services contributions to expand comprehensive and coordinated services systems supported under this part, while using nutrition services contributions only to expand services as provided under section 307(a)(13)(c)(ii) of the Act.

Each tribal organization may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the tribal organization shall consider the income ranges of older Indians in the service area and the tribal organization's other sources of income. However, means tests may not be used.

- A. A tribal organization that receives funds under this part may not deny any older Indian a service because the older Indian will not or cannot contribute to the cost of the service.
- B. Procedures to ensure that all services under this part are provided without use of any means tests;

**Contractual Obligations**

In 2016, the Oneida Tribe anticipates receiving a total of \$53,110,130 in grant funds.

Grants	Funding
Self-Governance	\$ 21,385,783
Additional Federal Grants	\$ 30,781,434

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State Grants	\$	537,503
Miscellaneous Grants	\$	405,410
<b>Total</b>	<b>\$</b>	<b>53,110,130</b>

Funding agencies require that a grant agreement be signed upon notice of award. The grant programs associated with the services discussed by the petitioner total approximately \$ \$234,900 annually. The grant agreements contain the following similar language:

**Non-Compliance, Sanctions, and Remedial Measures.**

- A. Failure to comply with any part of this agreement may be considered cause for revision, suspension; or termination of this Grant Agreement. Suspension includes withholding part or all of the payments that otherwise would be paid the Grantee under this agreement, temporarily having others perform, and receive reimbursement for, the services to be provided under this agreement and any other measure that suspends the Grantee's participation in the agreement if the Grantor determines it is necessary to protect the interests of the State of Wisconsin.
- B. The Grantee shall provide written notice to the Grantor of all instances of non-compliance with the terms of this agreement by itself or its subcontractors, including non-compliance with allowable cost provisions. Notice shall be given as soon as practicable but in no case later than 30 days after the Grantee knows, or should have known, about the non-compliance. The written notice shall include information on reason(s) for and effect(s) of the non-compliance. Grantee shall provide Grantor with a plan to correct the non-compliance. At its sole discretion, the Grantor may take whatever action it deems necessary to protect the interests of the State of Wisconsin, including withholding part or all of Grantees funding, if it reasonably believes that the non-compliance is continuing or will recur.
- C. If Grantor determines that non-compliance with the requirements in this agreement has occurred, or is occurring, it shall demand immediate correction of continuing non-compliance and it may impose whatever sanctions or remedial measures it deems necessary to protect the interest of the State of Wisconsin. Such sanctions and measures may include termination of the agreement, suspension of the agreement as deemed in Paragraph I above, imposing additional reporting requirements and monitoring of subcontractors and any other measures it deems appropriate and necessary.

In addition to the sanctions and measures listed in the grant agreement. The Department of Health and Human Services Grants Policy Statement includes the following under their Terms and Conditions of Award;

- Will undertake any such action in accordance with applicable statutes, regulations, and policies.
- May take proactive steps to protect the Federal government's interests, including placing special conditions on awards or precluding the recipient from obtaining future awards for a specified period, or may take action designed to prevent future non-compliance, such as closer monitoring.
- Share this information with other HHS components.
- May decide not to make a non-competing continuation award within the current competitive segment for one or more of the following reasons:
  - o A recipient failed to show satisfactory progress in achieving the objectives of the project.
  - o A recipient failed to meet the terms and conditions of a previous award.
  - o For whatever reason, continued funding would not be in the best interests of the Federal government.

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- May temporarily withhold payment or convert the grant from an advance payment method to a reimbursement method.
- May suspend the grant, pending corrective action, or may terminate the grant for cause. i.e. recipient materially fails to comply with the terms and conditions of an award.
- Other options available include suspension or debarment.

**Alternative Resources**

**Purchased/Referred Care (OCHC)**  
Emergency Response System – Lifeline is an eligible service under Purchased/Referred Care at the Oneida Community Health Center. Availability depends on priority restrictions (IA and IB), eligibility and compliance with PRC guidelines.

In addition to Elder Services, any Tribal member over the age of 60 also has access to their counties resources.

**Aging & Disability Resource Center of Brown County**

The purpose of the Brown County's ADRC is providing advocacy, information, and access to services and opportunities that support independence and individual choice.

300 South Adams Street, Green Bay, WI 54301  
Phone: (920) 448-4300 Fax: (920) 448-4306

Services include; Information & Assistance Specialist, Elder and Disability Benefit Specialist, Volunteer Opportunities, Nutrition Program - Dining Sites - Homebound Meals, AddLife Centers, Information available 24 hours a day, 7 days a week. Clients are connected to options for the following:

- Prevention - Health & Wellness
- Recreation - Meet People, Have Fun
- In-Home Care
- Housing - Independent & Assisted Living
- Caregiver Supports
- Adult Day Programs and Respite Care
- Memory Screening
- Dementia and Alzheimer's Care
- Benefit Advocacy - Public & Private
- Medicare and Other Insurance
- Maintaining Your Home
- Transportation
- Food and Nutrition Programs
- Students with Disabilities Post High School
- Veterans Services
- Screening for Public
- Long-Term Care Funding

**Aging & Disability Resource Center Serving Calumet Outagamie and Waupaca Counties**

Outagamie County  
Human Services Building, Entrance 3, Level 2  
401 S. Elm St., Appleton, WI 54911  
Phone: 920-832-5178

Support for Adults in Need, Families, and Caregivers  
The Aging & Disability Resource Center serves adults living in Wisconsin's Calumet, Outagamie, and Waupaca Counties who are in need of information about maintaining independence, long-term care options, disabilities services, mental health care, Social Security and Medicare benefit programs, and much more. This includes people who meet one or more of the following criteria:

- Are over age 60
- Have a developmental disability
- Have a physical disability
- Have mental health issues
- Have substance abuse issues
- Are young adults with a disability who are transitioning to adulthood
- Are families, caregivers, or advocates for any of these individuals

At the Aging & Disability Resource Center, a team of professionals is available to assist you. They include Information and Assistance Specialists, Elderly Benefit Specialists, and Disability Benefit Specialists who are specially trained to help:

- Assess your personal situation
- Maintain your independence
- Answer questions about Medicare and Social Security benefits
- Sort out other health-related benefit questions
- Understand the long-term care system and services that are available

Providing assistance and counseling at no cost, the ADRC is also the access point for a variety of support services, including:

- Congregate meal sites and meal delivery
- Access to senior transport services
- Peer companionship programs
- Telephone reassurance

The goal is to help individuals preserve your personal resources, maintain your independence, and avoid the need for long-term care services for as long as possible.

**USDA Rural Housing Repair and Rehabilitation - Section 504 Grants**

Similar to the Elder Services Major Home Repair program, which is funded by 100% Tribal Contribution (TC), the USDA offers Section 504 Rural Housing Repair and Rehabilitation Grants for elderly households. The Section 504 grant program makes home repair and improvement grants available to rural elderly homeowners that have very low incomes. Repairs and improvements must remove health and safety hazards or provide disabled access. Grants may not exceed a lifetime amount of \$7,500. Homeowners apply for program funds through local USDA offices, where staff determine eligibility and repayment ability. If USDA determines that an applicant cannot repay a loan, then grant funds may be awarded. Applicants must generally obtain at least three bids from contractors for the work that needs to be done. USDA pays for repairs only after they are completed and have been inspected. USDA may also make site visits before and after repairs are completed.

**HUD Program for very low or low incomes individuals to build, repair, renovate, or relocate a home or purchase and prepare sites. Section 502 Direct Loans**

This loan is to help households that have very low or low incomes purchase homes in rural areas. Applicants may obtain 100-percent financing directly from USDA to build, repair, renovate, or relocate a home or purchase and prepare sites, including providing water and sewage facilities. Section 502 direct loans have terms of up to 33 years (38 for those with incomes below 60 percent of area median income and who cannot afford a 33-year term). The interest rate and amount of subsidy are determined by family income as percentage of area median income, so that a family pays from 22 to 26

percent of their income for principal, interest, taxes, and insurance up to an amount not exceeding the promissory note rate.

**Income Guidelines**

**Housing and Urban Development (HUD)**

HUD offers programs that are very similar to the Elder Home Repair program and the program uses a means testing to target families with incomes that are: extremely low, very low, and low. The following table displays the household size and the area guidelines for income.

Green Bay, WI MSA FY 2015	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
EX-TR LOW INCOME	\$ 14,400	\$ 16,450	\$ 20,090	\$ 24,250	\$ 28,410	\$ 32,570	\$ 36,730	\$ 40,890
VERY LOW INCOME	\$ 24,000	\$ 27,400	\$ 30,850	\$ 34,250	\$ 37,000	\$ 39,750	\$ 42,500	\$ 45,250
LOW- INCOME	\$ 38,400	\$ 43,850	\$ 49,350	\$ 54,800	\$ 59,200	\$ 63,600	\$ 68,000	\$ 72,350

**Elder Services**

The State of Wisconsin Department of Health Services recommends to all County and Tribal Aging Units that the poverty guidelines listed below be used for reporting purposes for the Older Americans Act State Aging Programs. The Department of Health Services revises the poverty guidelines each year.

**2015 Poverty Guidelines**

Persons in Family or Household	48 contiguous States and DC
1	\$ 11,770
2	\$ 15,930
3	\$ 20,090
4	\$ 24,250
5	\$ 28,410
6	\$ 32,570
7	\$ 36,730
8	\$ 40,890

For each additional person add \$4,160

**Economic Support**

Economic Support administers multiple programs with multiple guidelines. Below are a listing of the programs and their requirements. This is also a list of additional programs available to any Tribal Member that meets the requirements. Income eligibility is based on the percentage of the Federal Poverty Guidelines.

- 185% N.E.W – Native Employment Works
- 100% CSSF – Community Support Services Fund
- 175% CSBG – Community Services Block Grant
- 200% TANF – Temporary Aid for Needy Families

- 150% OFC - Oneida Food Card Program

2015 Federal Poverty Level/Monthly Guidelines									
Family Size	PERCENT OF POVERTY GUIDELINE								
	100%	120%	133%	150%	175%	185%	200%		
1	\$ 981	\$ 1,177	\$ 1,305	\$ 1,324	\$ 1,471	\$ 1,716	\$ 1,815	\$ 1,962	
2	\$ 1,328	\$ 1,593	\$ 1,766	\$ 1,792	\$ 1,991	\$ 2,323	\$ 2,456	\$ 2,655	
3	\$ 1,674	\$ 2,009	\$ 2,227	\$ 2,260	\$ 2,511	\$ 2,930	\$ 3,097	\$ 3,348	
4	\$ 2,021	\$ 2,425	\$ 2,688	\$ 2,728	\$ 3,031	\$ 3,536	\$ 3,739	\$ 4,042	
5	\$ 2,368	\$ 2,841	\$ 3,149	\$ 3,196	\$ 3,551	\$ 4,143	\$ 4,380	\$ 4,735	
6	\$ 2,714	\$ 3,257	\$ 3,610	\$ 3,664	\$ 4,071	\$ 4,750	\$ 5,021	\$ 5,428	
7	\$ 3,061	\$ 3,673	\$ 4,071	\$ 4,132	\$ 4,591	\$ 5,356	\$ 5,663	\$ 6,122	
8	\$ 3,408	\$ 4,089	\$ 4,532	\$ 4,600	\$ 5,111	\$ 5,963	\$ 6,304	\$ 6,185	
9	\$ 3,754	\$ 4,505	\$ 4,993	\$ 5,068	\$ 5,631	\$ 6,570	\$ 6,945	\$ 7,508	
10	\$ 4,101	\$ 4,921	\$ 5,454	\$ 5,536	\$ 6,151	\$ 7,176	\$ 7,587	\$ 8,202	

**II. Executive Summary of Findings**

A. Means testing & “able-bodied” household members  
 In 2015, Elder Services received approximately \$ **\$234,900** in funding that would fall under the guidelines of the Older Americans Act (OAA). Under OAA, services for any programs funded under this act cannot be denied based upon means testing. Implementing means testing would be deemed as non-compliant and potentially lead to a loss of all future funding for these programs.

The consequences for non-compliance with granting agencies can be significant to the Tribe overall. Of the \$53,110,130 of the grant funds anticipated in 2016, approximately \$30,781,434 is federally funded. It is unknown if additional funds may be impacted.

It is unclear what criteria would be used to approve or deny a requested service based on the other members of the household. Elder Services offers a large variety of programs and services, including home repairs. It is unknown how the program would make the determination if a household member had the skills and physical ability to complete the work requested through the program.

B. **Services available upon demand; Emergency Response System (ERS) -lifetime** – There are currently 82 individuals who utilize the emergency response system through Elder Services. The cost is approximately \$29 per system or an average expense of \$2,378 per month. The following table represents the potential impact if all those eligible under the conditions of this petition utilized the service.

Number of members	Cost per unit	Cost per month	Annual cost	Total cost over 10 years
1072	\$29.00	\$ 31,088	\$ 373,056	\$ 3,730,560
*Not adjusted for projected population growth				

**Benefits Specialist Assistance** is already available to anyone over the age of 55.

**Elder Abuse Services** are already available to anyone over the age of 55.

C. **Roof Repair or Replacement** - It is unclear if “roof repair or replacement” is meant to apply specifically to the Elder Repairs line item. The elder repair budget was funded with \$45,000 of Tribal Contribution in 2015. In 2016, this line item has been eliminated and \$25,000 that has been moved to Supportive Service line of the Senior Center budget. The intent is that these funds will only be used for furnace repair, roof replacement and minor home repair. Because the budget for the Senior Center does not contain any grant funding for the services provided, it is possible that means testing could be utilized.

D. **Hiring a Generalist** – Finance was unable to locate a job description or salary information for a “generalist” in this field. It is the responsibility of management to work to ensure that services are uninterrupted in the event of an employee absence and every position at Elder Services has a designated back up.

E. **Income Guidelines** – While different programs have a variety of requirements, in general, the Federal Poverty Level is utilized.

**III. Financial Impact**

A. Implementing means testing would place Oneida out of compliance with OAA Federal grant requirements and may impact any future OAA funds. Currently, approximately \$234,900 of Elder Services total budget comes through Title III & Title IV, which are programs funded through the Older Americans Act. It is unknown if the \$30,781,434 of Federal grants received by the Tribe would be impacted.

B. Providing ERS to every eligible member could potentially have an annual cost of \$373,056 and a long range cost over 10 years of \$ 3,730,560. This figure has not been adjusted for the population growth of the upcoming Baby Boomers.

C. There is no fiscal impact to means testing services for home repair that utilize Tribal Contribution.

D. Finance was unable to locate a job description for a “Generalist” position; therefore, the specific salary information is unknown. An estimated salary range would be \$32 - \$40,000.

E. Utilizing a Tribally defined income guideline for services utilizing Tribal Contribution has no financial impact.

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council  
Subject: The Elderly Services Program Income Guidelines

I am recommending that the Tribal Funds to Assist Tribal Elders within the reservation boundaries go through the Community Support Program so the really poor Elders will have priority

At this time, because of the Older Americans Act, this can not happen in the Elder Services Program

The "target" or priority is 70 and older regardless of how much money you have

*Madelyn Genskow*



Resolution 3 - Elder Service Means Testing

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 Nation BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040

UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations of the Delaware, Pennsylvania, Maryland, a new nation, the United States was made possible.

### MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Elder Services Means Testing

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution that would require the Tribe to conduct elder means testing and apply that as the measure for qualification to receive services. We believe this would adversely affect the delivery of services to elders as federal law prohibits the use of means testing in federally funded programs. We also defer to the decision of the Oneida Nation Commission on Aging in setting priority need status to elders age 70 and older.

Since this resolution would be limited to Tribal contribution only, it would prohibit the program from combining federal and tribal funding in a form that would best meet elder needs. We also believe that means testing and setting income limits is likely to reduce the overall population being serviced. We understand that there will always be individuals who may not be able to receive assistance; however, there are limited funds that must be utilized to meet many health, housing and education priorities. As a result, we rely on the Oneida Nation Commission on Aging to provide some guidance in how those funds should be prioritized.

The petitioner has suggested that Tribal funds be allocated by the Community Support Fund which is not consistent with the proposed resolution. We believe that this would result in an elder needing assistance having to go to multiple locations in order to obtain funding. This runs counter to our goal, and ONCOAs goal, to have all resources for elders in a single location.

BUSINESS COMMITTEE RECOMMENDATION

M. Genskow (6) resolutions



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BUSINESS COMMITTEE RECOMMENDATION

Resolution 3 - Elder Service Means Testing

**Recommendation:** Motion to accept the resolution as information and direct the Oneida Nation Commission on Aging to review its priorities for funding on an annual basis to determine that the priorities are still meeting membership needs.



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**Resolution 4**

Whereas the Business Committee in 2014/2015 has started allowing meetings where just the Officers-Chair, Vice-Chair, Treasurer and Secretary meet to discuss topics. And

Whereas these meetings have not been recorded which has caused confusion. And

Whereas in 2008, two Officers signed a contract for \$575,500 without the consent of the full Business Committee and when it was discovered the Full Business Committee decided to cancel the Contract.

Now therefore be it resolved any sub Committee of the Business Committee must be voice recorded and the recordings kept in records management.

Resolution 4 - Record BC subcommittee meetings

RESOLUTION

M. Genskow (6) resolutions

# RESOLUTION 4

## RECORD BC SUBCOMMITTEE MEETINGS

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PATRICIA M. STEVENS GARVY  
CAROL J. LONG  
KELLY M. MCANDREWS  
MICHELLE L. MAVS

**M E M O R A N D U M**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** August 3, 2015  
**SUBJECT:** Genskow –Petition –Recording Subcommittees

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains six resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

- The resolution contains three Whereas sections.
- "...the Business Committee in 2014/2015 has started allowing meetings where just the Officers-Chair, Vice-Chair, Treasurer and Secretary meet to discuss topics[.]"
  - "...these meetings have not been recorded which has caused confusion[.]"
  - "...in 2008, two Officers signed a contract for \$575,000 without the consent of the full Business Committee and when it was discovered the Full Business Committee decided to cancel the Contract[.]"

Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.

- The resolution contains one Resolve sections.
- "...any sub Committee of the Business Committee must be voice recorded and the recordings kept in records management."

To draft this opinion, I have reviewed prior actions of the General Tribal Council, Tribal law, policies and procedures, and various other resources. This opinion is broken into sections to address the following issues raised in the resolution – subcommittees and the 2008 contract.

**"Subcommittees"**

The resolution alleges that the Oneida Business Committee has authorized the officers to be a "subcommittee" and that because those meetings are not recorded this has resulted in confusion. These Whereas sections are inaccurate in regards to the "Officer meetings" being a subcommittee, the subjects presented in those meetings, and that they should be tape recorded. This section of the opinion will review the Open Records and Open Meetings Law, identify subcommittees of the Oneida Business Committee, and clarify the establishment and intent of the Officer's meetings.

**Open Records and Open Meetings Law**

The Open Records and Open Meetings Law was established to, "...advance the principle of open government by providing access to information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees[.]" *Section 7.1-1*. The law is written to be, "...construed with a presumption of public access for Oneida Tribal members and Tribal employees, consistent with the conduct of governmental business." *Section 7.1-2*. However, the law also recognizes that there are circumstances, "...where the public's right to a document is outweighed by the public interest in keeping such documents confidential." *Section 7.4-1*. The law identifies 12 specific types of records that are excluded from public access in *section 7.4-1*. In addition to the specific records, the law also recognizes that other laws may restrict access to records; such as the Audit Law and the Personnel Policies and Procedures, for example. Finally, the law does not require that entities provide for recording meetings.

Access to meetings and participation in the government activities is addressed in Sub-Chapter II of the law. The purpose of the law regarding meetings is identified as, "...the policy of this Tribe is that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." *Section 7.12-1*. To implement this purpose, the law directs that, "...all meetings of the Tribe shall be publicly held in places reasonably accessible to members of the Tribe and shall be open to members at all times unless otherwise expressly provided by law." *Section 7.12-2*. This exception to open meetings is identified in *section 7.17-1* as follows – "Closed meetings sessions, or executive sessions, are permissible, if they relate to personnel matters or contract discussion or other exceptions enumerated in *section 7.4-1*.[.]"

Subchapter II, the meetings portion of the Open Records and Open Meetings law, applies to "governmental bodies." This term is defined as any board, committee or commission of the Tribe, excluding the Child Protective Board, the Trust Committee, the Judiciary in limited circumstances, and the Gaming Commission. The law does not apply to subcommittees of boards, committees or commissions.

A subcommittee is not defined in any existing law of the Tribe. Robert's Rules of Order, *section 50*, identifies a subcommittee as consisting of members of the larger committee. Since the Oneida Business Committee is subject to the Open Records and Open Meetings law, it could be interpreted that subcommittees of the Oneida Business Committee would be under the same constraints. This opinion adopts this position in the analysis presented.

The Open Records and Open Meetings law does not require boards, committees or commissions to record the meetings. This is also not required by the Comprehensive Policy Governing Boards, Committees and Commissions. Recording meetings, when it occurs, is done to assist in developing the minutes for the meeting. The minutes then become the official record of any action taken. The recording serves no purpose after the minutes are adopted.

M. Genskow (6) resolutions

LEGAL ANALYSIS

Resolution 4 - Record BC subcommittee meetings

Resolution 4 - Record BC subcommittee meetings

LEGAL ANALYSIS

M. Genskow (6) resolutions

*Subcommittees*

The Oneida Business Committee recognizes “standing committees” and lists them on the Tribe’s website – Audit Committee, Community Development Planning Committee, Finance Committee and Legislative Operating Committee. Each of these entities was created in a unique manner.

Of these standing committees, only the Finance Committee has no delegated authority to authorize action. The Finance Committee reviews requests and makes recommendations in the form of motions. Those motions carry no authority until such time as the Oneida Business Committee has received and “approved” the minutes. That approval of the Finance Committee minutes is the only circumstance in which approval of the document results in approval of all the actions contained in the document. All other standing committees submit minutes for acceptance and information. They are delegated authority to take action within the scope of that delegated authority.

*Audit Committee.* The Audit Committee was created through by-laws adopted by the Oneida Business Committee and charged with managing the internal and external auditing functions of the Tribe. In 1998 the Oneida Business Committee adopted the Audit Law to formalize these functions and delegated authorities. The Audit Committee is made up of members of the Oneida Business Committee and an appointed Tribal member. This entity provides direction to the Internal Audit Department by authorizing internal audits, approving internal audit reports, and approving the external audit contracts.

*Audit Committee meetings* are confidential closed meetings as designated in the Audit Law. These meetings generally involve review of internal audit reports, findings, requests for audits, and discussions with Tribal personnel regarding audited departments. There are minutes taken and approved for each meeting. The minutes are forwarded to the Oneida Business Committee which are received and accepted in executive session.

*Community Development Planning Committee.* The Community Development Planning Committee was created by the Oneida Business Committee on February 25, 2009, is made up of appointed Oneida Business Committee members. This standing committee was intended to be a round-table for the broadest input on community development and community projects. This is one of four standing committees presented to the Oneida Business Committee. The other two were the Quality of Life, Resources, and Finance and Business. The Quality of Life standing committee has only recently become active and scheduling meetings.

Community Development Planning Committee meetings are recorded, except for executive session. There are minutes taken for each meeting which are submitted to the Oneida Business Committee in open session. The minutes are accepted for the record.

*Finance Committee.* It is not clear when the Finance Committee was created. The Finance Committee is made up of members of the Oneida Business Committee, the Tribal Treasurer, Chief Financial Officer/designate, and one Tribal member who is also an elder. The committee receives information regarding certain types of financial activities and the Community Fund. After review and discussion, the committee makes a motion to approve or deny the request. The minutes are then forwarded to the Oneida Business Committee for approval. No action of the

Finance Committee to approve or deny a request is valid until acted upon by the Oneida Business Committee.

Finance Committee meetings are recorded, except for executive session. There are minutes taken for each meeting which are submitted to the Oneida Business Committee in open session. As identified above, the minutes are approved to authorize the actions in the minutes to be carried out.

*Legislative Operating Committee.* The Legislative Operating Committee was created in 1991 with the adoption of the Administrative Procedures Act. It is made up of the Council Members of the Oneida Business Committee and is delegated responsibility regarding drafting, amending, and maintaining the laws of the Tribe. The Legislative Operating Committee was “reauthorized” under the Legislative Procedures Act.

Legislative Operating Committee meetings are recorded, except for executive session. There are minutes taken for each meeting which are submitted to the Oneida Business Committee in open session. The minutes are accepted for the record.

There are no other listed standing committees or subcommittees of the Oneida Business Committee. Members of the Oneida Business Committee do participate as liaisons, representatives or delegates in various external entities of the Tribe. These are not considered subcommittees or standing committees. Further, members of the Oneida Business Committee are appointed to task forces or groups to work on a specific subject matter, a historical example would be land claims. These are also not considered subcommittees of the Oneida Business Committee.

*“Officer’s Meetings”*

In July 2000, the General Tribal Council adopted a resolution which directed re-organization of the Tribal government. Because the resolution had not been properly noticed to the membership for the General Tribal Council meeting, the Chair had ruled that resolution out of order. The Oneida Business Committee adopted resolution # BC-8-02-00-B, *Interpretation of July 27, 2000 Special General Tribal Council Action Regarding Re-Structure ‘Plan B’*. This resolution re-affirmed the Chair’s ruling at that meeting and the Oneida Business Committee had determined that it was not able to carry out an action in violation of tribal laws and rules.

This remained in place until resolution # BC-9-28-11-D was adopted which rescinded the Oneida Business Committee resolution # BC-8-02-00-B. The result was that the Oneida Business Committee was now required to implement Plan B adopted in July 2000. However, at the same time, the Oneida Business Committee also recognized that it was not possible to simply implement an action that was over ten years old and did not recognize the changes that had taken place since that time. The Oneida Business Committee reported out to the General Tribal Council on at least two occasions its actions in regards to implementing a re-organization plan.

The Oneida Business Committee did take some immediate action by adoption of resolution # BC-9-28-11-E. This resolution removed the position of General Manager and some related positions from the organizational structure. In addition, they took action to remove the position

M. Genskow (6) resolutions

LEGAL ANALYSIS

Resolution 4 - Record BC subcommittee meetings

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LEGAL ANALYSIS

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of Chief of Staff and related positions from the organizational structure. These actions required other steps to be taken to implement supervision of the direct reports which had expanded to include all Division Directors.<sup>1</sup> This responsibility was delegated to the Chairman, or in his absence, the Vice-Chairman.

The 2014 elected Oneida Business Committee made two determinations. First, that re-organization was going to become a priority. Second, that supervision of the large number of direct reports was unwieldy for a single officer. As a result, the Oneida Business Committee adopted resolution # BC-10-22-14-A, *Setting Supervision and Management of Direct Reports to the Oneida Business Committee*.<sup>2</sup> This resolution delegates to the officers of the Oneida Business Committee joint responsibility to supervise direct reports by majority vote, preferably by consensus. The meetings regarding this joint responsibility have been informally titled "Officers Meetings." To provide direction regarding this supervision, the Oneida Business Committee adopted two Standard Operating Procedures on January 14, 2015 – *Complaint Process for Direct Reports to the Business Committee* and *Disciplinary Process for Direct Reports to the Oneida Business Committee*.

The Vice-Chairwoman's assistant is designated as providing administrative management of the Officers Meetings. This involves receiving complaints, requests, reports and other issues to be placed on the schedule for the Officers Meetings. This schedule is maintained on-line showing each topic presented, the action taken, which officer is responsible for follow-up, and the recommended action. A report is then generated which the Vice-Chairwoman submits to the Oneida Business Committee agenda in executive session as needed.

Officers meetings are not recorded. They are scheduled for the purpose of managing employment related activities. As a result, if the officer's meetings were a committee meeting, they would be exempt under the Open Records and Open Meetings law. However, these are not committee, standing committee or subcommittee meetings. Notwithstanding the above, there is a record of the materials and actions maintained by the Vice-Chairwoman's assistant regarding officers meetings.

**2008 Contract**

The resolution alleges that "two officers of the Oneida Business Committee signed a contract for \$575,000 without the consent of the full Business Committee and when it was discovered the Full Business Committee decided to cancel the contract." A review of contracts in 2008 identified only one contract close to that amount. The contract was with Strateglobe, LLC, contract # 2008-0662. Research identifies that the Whereas above is incorrect, the information is set forth below.

In 2007 the Human Resources Department contracted with Valliant, Inc. to conduct a wage study and organizational job description analysis in order to bring the Tribe's grade/step wage chart up

<sup>1</sup> There were other positions which became direct reports as a result of this action. For simplicity, this opinion will refer to the Division Directors as inclusive of all other direct reports.

<sup>2</sup> This resolution was amended by resolution # BC-11-26-14-C to include direct reports that had been left off the original resolution.

to market standards. On December 5, 2007, as a result of the Valliant, Inc. compensation study, the following motions were made:

"Motion by Patty Hoelt to approve the Compensation Philosophy statement, "the Oneida Tribe is committed to providing a fair and equitable compensation package enabling the Tribe to build a world class organization embracing our core values in support of our vision and mission," seconded by Trish King."

"Motion by Trish King to approve the Four Wage Scales: Non-Exempt, Exempt, Teachers, Professionals as presented, seconded by Paul Ninham."

"Motion by Paul Ninham to direct the JET team to bring back an implementation plan within thirty days inclusive of: a communication plan that celebrates a compensation philosophy and a plan that's based on market; final report on minimums; 3% wage adjustment recommendations; accrual of vacation and personal time; and labor code, seconded by Melinda J. Danforth."

On February 5, 2008, the Oneida Business Committee received the implementation plan and made the following motion.

"Motion by Patty Hoelt to accept the Implementation Plan of Initial Phase, Next Phase, Mid Term Phase, Long Term Phase and Communication Plan, seconded by Trish King."

As a result of the approval of the compensation plan, the Human Resources Director began attempting to identify a vendor which could fully implement the compensation plan which required a strong performance measurement and review element. The Human Resources Department director reviewed the vendor list of the Tribe as well as the Indian Preference vendor list and determined that there was only one vendor on the list which could implement the project. Strateglobe, LLC is a licensed vendor with the Tribe and recognized as an Indian preference vendor. In addition, Strateglobe is a federal Section 8(a) minority business. The company had been previously utilized to provide an analysis of the Tribe's Print Shop.

The Strateglobe, LLC contract was presented by the Human Resources Department for legal review on April 15, 2008. All contracts entered into by the Tribe are forwarded for a legal review by the Law Office and the sent to Purchasing Department for a review of the deliverables and contracting process. The legal review looks for consistency in the terminology, conflict with Tribal laws, and waivers of sovereign immunity. In addition, in 2008, if a contract is entered into with a beginning date before the legal and Purchasing Department review, it was forwarded to the Tribal Secretary's Office. The Tribal Secretary would place the monthly report in the Oneida Business Committee agenda and the direct reports (General Manager, Gaming General Manager, Chief of Staff, Chief Financial Officer, and Chief Counsel) would be directed to report on why the contract was presented in violation of the policies and procedures and how this would be avoided in future contracts.<sup>3</sup>

The legal review identified that the Strateglobe, LLC contract was in appropriate legal form. The 16 month contract was set up in two phases. The purpose of the contract was to identify, tailor to

<sup>3</sup> This report is now presented from the Law Office to the direct reports. If trends are identified, the assigned attorney is expected to follow-up with the Tribal employee and direct report to correct the problem.

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the Tribe's needs, and implement an electronic performance management system. Phase 1 would review the organization, identify market based best practices, establish base level requirements for the performance management system and identify at least two different electronic systems that would meet the Tribe's needs. Phase 2 would involve training the organization on the new performance management system, monitoring the implementation and review the results of the initial implementation with the Human Resources Department.

The contract was forwarded for review by the Purchasing Department and ultimately was approved to be entered into. The contract was signed by the Human Resources Director and the vendor on April 16, 2008. The Human Resources Director sent the contract to the Purchasing Department to develop the Purchase Order. The request included the following documents.

- Purchase Order which identified the contract, the payment schedule and contained the authorizing signatures.
- The signed contract.
- The Oneida Business Committee minutes from February 2008 approving implementation of the project.
- The Human Resources Director memo explaining how the vendor was identified and the sole source justification.

This contract, a memo explaining the process by which the sole source and budgeted contract was identified, and the Oneida Business Committee meeting motions of February 5, 2008 approving the project was forwarded with a Purchase Order for setting up the vendor payment in the Tribe's accounting system.

Under the Independent Contractor Policy in place in 2008, sign-off authority to obligate funds were set in different increments. A budgeted sole source contract required approval by the Area Manager, General Manager, Tribal Treasurer and the Finance and Appropriations Committee. Although, the Purchase Order Form identified a different set of approvals – Area Manager, General Manager, and Treasurer. There is no clear indication of why additional signatures were required on the Purchase Order Form.<sup>4</sup> Based on the Independent Contractor Policy, these signatures were not approval of the contract, but were intended to verify that the action followed the proper processes for identifying a vendor, obtaining appropriate reviews, and budgeting. The Purchase Order Form contained signatures from the Human Resources Area Manager, the General Manager, the Treasurer and the Vice-Chairwoman.<sup>5</sup>

Because the start date of the contract was on April 14, 2008, we referred the contract to the Tribal Secretary's Office. This referral was placed on the May 14, 2008, Oneida Business Committee meeting agenda as a part of the Chief Counsel report. The following motion was made.

"Motion by Patty Hoefft to direct the General Manager to bring back an explanation of the Strateglobe contract of \$875,000.00 to the May 28<sup>th</sup> Business Committee meeting and the explanation should include reasons for using Sole Source, seconded by Ed Delgado."

<sup>4</sup> Different Treasurers have interpreted this responsibility based on their understanding of the applicable laws, policies, adopted job descriptions and constitutional responsibilities.  
<sup>5</sup> A review of the Finance Committee minutes submitted to the Oneida Business Committee for the period of January 2008 to April 2006 identified no references to this contract.

A review of the May 28, 2008, Oneida Business Committee packet does not identify any materials regarding report on Strateglobe, LLC. However, the minutes contain the following motion.

"Motion by Patty Hoefft to direct the Treasurer to provide a report on a monthly basis to the Business Committee listing all contracts and purchases that are \$250,000 or more starting June 25, seconded by Vince DelaRosa."<sup>6</sup>

On June 11, 2008, the Oneida Business Committee, in open session, discussed a request from Ed Delgado, Council Member, to review the Strateglobe, LLC contract. The following motion was made.

"Motion by Kathy Hughes to approve the request that the Oneida Business Committee have access to the Strateglobe LLC contract for information, seconded by Vince DelaRosa."<sup>7</sup>

At that same meeting, in Executive session, the materials identify that the General Manager had provided notice that the Strateglobe LLC contract had been terminated effective June 13, 2008. The following motion was made.

"Motion by Kathy Hughes to accept the Strateglobe contract update as FY1 with the contract terminated as of June 13, 2008, seconded by Paul Ninkham."<sup>8</sup>

The General Manager and Human Resources Manager utilized alternative resources to identify, approve and implement a performance management system and the remainder of the compensation system. Most of these activities occurred using in-house personnel.

**Analysis**

The proposed resolution contains three Whereas sections which identify reasons for implementing the single Resolve section. This Resolve requires that all subcommittees of the Oneida Business Committee record meetings and maintain that recording in Records Management.

As identified above, the Whereas sections are inaccurate. The officers meetings are not a subcommittee of the Oneida Business Committee. The officers meet as a supervisor to direct report to address personnel related issues. The actions in these meetings are maintained in documented form and can be reviewed by the officers. As needed, reports and requests are submitted to the Oneida Business Committee in executive session. For this particular set of actions, regardless of where the minutes or reports are stored, the actions remain confidential in accordance with the Open Records and Open Meetings law and the Oneida Personnel Policies and Procedures.

The officers are governed in their supervisory capacity by resolution # BC-10-22-14-A, as amended by resolution # BC-11-26-14-C, and two adopted Standard Operating Procedures

<sup>6</sup> At the June 25, 2008, meeting, the report on this item by the Treasurer requested the implementation date be pushed back a month.

<sup>7</sup> Records Management is responsible for managing long-term record storage on behalf of the Tribe. However, the records remain the responsibility of the "custodian" of the records as identified in the Open Records and Open Meetings law. It is presumed that a Standard Operating Procedure or other delegation of authority is in place regarding Oneida Business Committee meeting records which remain the responsibility of the Tribal Secretary.

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governing complaints and grievances. If further direction is needed to avoid confusion, it would be more appropriate to develop clarifying standard operating procedures which would guide processes rather than recording meetings. Recording meetings simply provides a record of past discussion and does not provide direction on how to proceed in the future.

The last Whereas identifies a 2008 contract regarding a contract presumably arguing that if a subcommittee meeting had been recorded that the contract would not have been entered into by the officers. However, this Whereas is also incorrect. The contract was actually entered into by the Human Resources Manager to implement a project approved by the Oneida Business Committee at a meeting of the Oneida Business Committee. The signatures of the officers were, under the Independent Contractor Policy in place at that time, for the purposes of verifying the appropriate procedures were taken to identify the vendor and the funds to pay the vendor were budgeted. Further, the Oneida Business Committee did not terminate the contract. As the record identifies, the contract was terminated by the Human Resources Manager and reported on to the Oneida Business Committee by the General Manager. Notwithstanding the errors in the third Whereas, the actions regarding the contract which occurred in a meeting of the Oneida Business Committee were recorded in the minutes, however the discussion was not recorded, since that occurred in executive session.

The Resolve directs that any meeting of a subcommittee "of the Oneida Business Committee" must be recorded. This should be subject to an exception for executive session discussions. The purpose of executive session is limited to specific authorized topics under the Open Records and Open Meetings law. The purpose of not recording executive session is to allow a candid and open discussion regarding matters generally related to personnel, litigation and contracts. If such conversation were recorded, the parties may be reluctant to have a full discussion of the topic. However, the action to be taken as a result of the discussion is recorded in the minutes, and the documents presented regarding the subject are maintained in a confidential manner.

Further, the Resolve may be unnecessarily limiting. It refers only to the Oneida Business Committee. However, it may be that there are boards, committees, and commissions that create subcommittees for specific subjects. For example, the Election Board has created subcommittees to review and update Standard Operating Procedures. If subcommittees are directed to be recorded, it may be appropriate to remove the specific reference to the Oneida Business Committee.

Finally, the Resolve may also be unnecessarily narrow. As drafted this only applies to subcommittees. However, as identified above, there is no requirement that any board, committee, commission, the Oneida Business Committee or even the General Tribal Council record (whether audio or video) meetings. It may be that the proposed resolution presumes in error that this directive exists in some form.

**Conclusion**

If considered for adoption by the General Tribal Council, the Whereas sections in the proposed resolution should be deleted as they contain erroneous information. Further, if considered for adoption, the General Tribal Council may want to consider deleting reference to the "Oneida Business Committee" in the Resolve. However, the resolution does not adequately address how

confidential matters and other restricted topics (such as personnel matters) will be exempt from the resolution. It is presumed that this resolution recognizes existing law, policy and actions protecting confidentiality. With this presumption in place and the corrections identified above made, the resolution would take a simple majority vote to adopt. It is recommended that if the General Tribal Council wishes to make such a directive, that it considers the following motion.

Motion to direct the Oneida Business Committee to amend the Open Records and Open Meetings Law and the Comprehensive Policy Governing Boards, Committees and Commissions to require that meetings of boards, committees, commissions, standing committees, subcommittees, and task forces be recorded recognizing the exceptions in section 7.4-1 of the Open Records and Open Meetings Law.

This motion would allow the Oneida Business Committee to draft the appropriate language to incorporate into these laws and policies, make amendments to by-laws of existing boards, committees and commissions, and make directives to task forces to record meetings. This motion would require a simple majority vote to adopt.

If you have further questions, please contact me.

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## Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Staff Attorney  
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<https://oneida-nsn.gov/Laws>

### Statement of Effect Petition Resolution 4: Recording Sub-Committee Meetings of the Oneida Business Committee

On February 10, 2015, the Tribal Secretary's Office received a petition which states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The petition was verified by the Enrollment Director on February 11, 2015 and on February 25, 2015, the Oneida Business Committee directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 4, pertaining to the recording of sub-committee meetings of the Oneida Business Committee.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

#### Legislative Analysis

According to the Resolution, the Oneida Business Committee (OBC) has been holding Officer meetings in 2014 and 2015 and there has been confusion after these meetings because they are not recorded. In addition, the Resolution states that in 2008, two Officers signed a contract for \$575,500 without the consent of the full OBC and, after discovering the contract, it was canceled by the full OBC.

Based on these statements, the Resolution directs any sub-committee of the OBC be voice recorded and Records Management keep the recordings. Under the Open Records and Open Meetings law, the Tribal Secretary is named as the legal custodian of all records of the Oneida Business Committee. The Records Management Office, an area under the Tribal Secretary's Office, has been delegated this responsibility and the Resolution is in line with how records of the Oneida Business Committee are currently being stored.

Although the Resolution would now require sub-committee meetings to be recorded, the Open Records and Open Meetings law sets out the rights of requesters to inspect any record, including voice recordings, and would continue to govern the limitations that apply to the release of those records. There are currently four standing committees of the OBC that meet regularly – Audit Committee, Community Development Planning Committee, Finance Committee and Legislative Operating Committee. Out of these four, two of the Committees record their meetings. The Resolution does not define "sub-committee of the OBC" and it may be beneficial to define this term as the Resolution implies that a contract signed by two members of the OBC could constitute a sub-committee of the OBC.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

#### Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

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# ONEIDA TRIBE OF INDIANS OF WISCONSIN



Oneida bringing several hundred bags of corn to Washington's starving army. Colonists had consistently refused to aid them.



LIGWA DEMOLUK YATSEHE  
Chief of the Oneida Tribe of Indians  
commenting a friendship  
and the sobriety of  
the Oneida Nation  
was made possible.

## ONEIDA FINANCE OFFICE Office: (920) 869-4325 • Toll Free: 1-800-236-2214 FAX # (920) 869-4024 MEMORANDUM

DATE: January 5, 2016  
FROM: Larry Barton, Chief Financial Officer  
TO: Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 4 of 6 Recording Officer Meetings**

### I. Background

The above referenced petition was submitted to the Tribal Secretary's Office on February 10, 2015, and verified by the Enrollment Department. The petition contains the following:

*Whereas the Business Committee in 2014/2015 has started allowing meetings where just the Officers-Chair, Vice-Chair, Treasurer and Secretary meet to discuss topics. And*

*Whereas these meetings have not been recorded which has caused confusion. And*

*Whereas in 2008, two Officers signed a contract for \$575,500 [Five Hundred and Seventy-Five Thousand Dollars and No Cents] without the consent of the full Business Committee and when it was discovered the Full Business Committee decided to cancel the Contract.*

*Now therefore he it resolved any Sub-Committee of the Business Committee must be voice recorded and the recordings kept in Records Management.*

### ONEIDA BUSINESS COMMITTEE Officers Meetings

Resolution 10-22-14-A Setting Supervision and Management of Direct Reports to the Oneida Business Committee delegates to the officers (Chairwoman, Vice-Chairwoman, Treasurer and Secretary) the authority and responsibility of administrative supervision of direct reports. This responsibility includes the following:

- Administrative supervision shall be defined as matters involving the individual personnel requests such as use of personal or vacation time, performance tracking and accounting related sign-off activities.
- Administrative supervision requests shall be routed through the Tribal Secretary's Office which shall be responsible for logging in requests and documenting the results of the officer decisions.

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- The Oneida Business Committee delegates to the officers (Chairwoman, Vice-Chairwoman, Treasurer and Secretary) the authority and responsibility of providing direction to direct reports regarding organizational activities. Direction regarding organizational activities shall be defined as providing advice and opinion regarding the policy decisions made by the Oneida Business Committee, and shall exclude the authority to direct specific action.
- The Oneida Business Committee delegation to the officers includes the expectation that the officers will act by majority vote and, in all cases, to attempt consensus decision making as agreed to from the initial strategic planning activities.

### Open Records and Open Meetings Law

The Open Records and Open Meetings Law was adopted "...to advance the democratic principle of open government by providing access to information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this law".

A "Meeting" as defined by the Open Records and Open Meetings Law means the convening of members of a governmental body where (1) there is a purpose to engage in governmental business and (2) the number of members present is sufficient to determine the governmental body's course of action.

According to the Law, "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts, and optical disks.

The Law also provides for limitations upon access and exceptions. It is recognized that Tribal governmental business often includes matters relating to Tribal business enterprises and other generally non-governmental duties. Therefore, the following, along with a total of 13 other specifically identified items, shall be exempt from inspection and copying:

- Proposals and bids for any contract or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contract or agreement with the Tribe, until an award or final selection is made and after deletion of the portions which are exempt from disclosure under this law. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.
- Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties.
- Information that, if disclosed, would constitute an unreasonable invasion of personal privacy, unless the disclosure is consented to in writing by the subject of the information.

Any Tribal member may photograph, tape-record, or otherwise reproduce any part of a meeting required to be open.

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**Finance Committee**

The Finance Committee was created by the Oneida Business Committee on July 19<sup>th</sup> of 1995. The Finance Committee was delegated the authority to regulate, advise, and administer financial matters for the Oneida Tribe as deemed necessary. The Finance Committee consists of these members:

- One (1) Community Elder
- Three (3) Business Committee members
- Chief Financial Officer
- Gaming General Manager
- Purchasing Manager

**Sign Off Authority**

The current levels of sign off authority were approved on February 2, 1994 based on recommendations from Finance Planning on January 27, 1994. Modifications to the existing sign off authority were made on April 24, 1996.

According to Records Management, Treasurer Judy Cornelius placed an item on the 10-03-01 Business Committee meeting agenda for the Chief Financial Advisor, Terry Cornelius to have sign off authority on travel requests. A subsequent motion delegated "two officers sign off on contracts in place of the Treasurer for contracts." Supporting documents indicate this request was made due to the Treasurer going on vacation for a three week period. Also according to Records Management, the motion for two officers to sign off on contracts set the protocol that has been utilized to date. However, the informal process of allowing two signatures was never incorporated into Purchasing's Sign off authority and is not allowed within the Procurement manual.

Sign off authority of each level within the organization is listed below. As the need for a higher level of sign off occurs, it automatically requires the signature of the level below. So, if the Treasurer's signature is required, the Area Director, Division Director and General Manager must all sign off first.

Position	Budgeted w/3 bids	Unbudgeted / Sole Source
Designee	\$ 500	
Program Director	\$ 3,000	\$ 1,000
Assistant Area Manager		
Assistant Gaming Director		
Assistant Enterprise Director/Manager		
Gaming Director	\$ 10,000	\$ 5,000
Enterprise Director/ Manager		
Area Manager		
Assistant Division Director		
Assistant Gaming Manager		
Division Director	\$ 50,000	\$ 10,000
Gaming Manager		
Assistant Chief Financial Officer		
Assistant General Manager		

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Executive Staff	\$	200,000	\$	25,000	
Treasurer					
	<i>Greater than</i>	\$	200,000	\$	50,000
Finance Committee					
	<i>Greater than</i>	\$	N/A	\$	50,000

**Sole Source**

A Sole Source contract is when multiple sources exist but Business Unit is directing Tribe to utilize a specified supplier. Oneida Purchasing requires the following elements for Sole Source & Single Source Justification:

- Justify the use of such in writing
- Project name (if applicable)
- Description of product or service
- Provide cost estimate and the source of cost estimate
- How did Business Unit locate the source?
- What criteria were used to select the supplier?
- Was the market surveyed? Who else competes in this business or technical area?
- What benefits are generated as opposed to the bidding process or selecting the lowest bid?
- Does this product or service establish a new standard?
- Is this product or service considered Phase 1 or a larger long term deal?
- Has the Tribe made prior commitments to this vendor for this specific project?

Oneida Purchasing stresses that the need for sole source and single source purchases should only be used in unusual cases with appropriate due diligence justification. They also state that the need for using sole source and single source can be minimized by proper acquisition planning.

**Indian Preference**

Indian Preference Policy was first enacted with BC-04-03-96-A. Indian Preference is now written in to law and was last adopted by BC-03-27-13-B. The purpose of "the law is to establish an Indian Preference Office and increase economic benefits for the Tribe and Tribal members by providing for the maximum utilization of Indian workers and businesses on Tribal projects which occur on or near the Reservation".

- To ensure that Indian preference provisions are applied fairly in all situations and in such a way that reflects the intent of this law; and
- To undertake reasonable efforts to ensure that all entities that enter into contracts with or on behalf of the Tribe utilize the labor force of Indian workers and businesses by applying Indian preference in all aspects of fulfilling that contract, including but not limited to: hiring, training, business opportunities, labor and/or professional services, and the supply of materials.

**2008 Contract**

In 2007 the Human Resources Department (HRD) was conducting a wage study to review the organization's positions and compensation. From that, the Business Committee approved a compensation Philosophy statement, new wage scales, and directed an implementation plan be brought forward.

In 2008, the Oneida Business Committee accepted the implementation plan presented by HRD and the Treasurer recommended updates on the Executive Staff Meeting agenda for issues, concerns, and

keeping the Business Committee posted of progress during the various phases.

- Oneida HRD reviewed Indian Preference Vendors & developed a scope of work to include two phases.
1. The first was an organizational assessment to review the organization, identify market based best practices, establish base level requirements for a performance management system
  2. The second was support analysis and implementation of a performance management system.
- This included training the organization on the new performance management system, monitoring the implementation and reviews the results of the initial implementation with the Human Resources Department.

The contract was to take place over 15 months and include training to all employees of the Tribe's operations within a 9 month period.

HRD identified a tribally owned company by the name of StrateGlobe, LLC. The contract for services was found to be in appropriate legal form and also included the following:

- Conflict of interest disclosure
- Purchase Order signed by the Area Manager, the General Manager, the Treasurer, and one other BC officer
- The signed contract.
- The Oneida Business Committee minutes from February 2008 approving implementation of the project.
- Sole source justification memo.

In 2008, if a contract was implemented prior to legal review, a copy of the review was sent to the Business Committee and appropriate Executive staff. The start date listed in the contract was prior to the legal review. The following represents the chronology of events related to the contract.

- April 14, 2008 Start date listed in the contract
- April 15, 2008 Sole source justification memo
- April 15, 2008 Legal review
- April 16, 2008 Purchasing review
- April 16, 2008 Signed contract between StrateGlobe LLC and HRD
- May 14, 2008 ONEIDA BUSINESS COMMITTEE agenda - Chief Counsel report
- May 14, 2008 ONEIDA BUSINESS COMMITTEE request for sole source justification
- May 28, 2008 ONEIDA BUSINESS COMMITTEE request for monthly reports of contracts & purchases over \$250,000
- June 11, 2008 ONEIDA BUSINESS COMMITTEE request to review StrateGlobe contract
- June 13, 2008 HRD terminated StrateGlobe Contract

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## II. Executive Summary of Findings

Each point of the petition will be addressed in order. The Officers meetings began in 2014 to address the supervision of a large number of direct reports. They are intended for employment related matters. A record of specific actions are kept and reported in Executive Session. There does not appear to be any evidence of confusion over this supervisory responsibility. The records are kept with the Vice Chair's office or reporting as it is carried forth under Resolution 10-22-14-A. The Executive Committee is not a subcommittee of the Business Committee. Because of the subject matter, this meeting is exempt from the open records and public meetings law.

A contract was approved in 2008 for services to HRD and was signed off by two Oneida Business Committee officers. It appears that in 2001 this became a commonly accepted process. The purchase order form used was last revised on 6-6-97. On that form, the highest level of signatory was the Treasurer. The form was revised on 9-24-08 to include the Finance Committee. The contract did not receive Finance Committee approval.

On October 15, 2012, Oneida Purchasing rolled out a complete Purchasing Policies and Procedures manual that is also available online. This manual and the online systems ensure the consistency and integrity of the process by providing a variety of checks and balances. Any anomalies related to the 2008 contract's approval and processing would have been addressed with today's systems. The contract had an early start date and lacked Finance Committee approval. All remaining steps in the contract approval appear to have followed acceptable process and HRD acted within their authority in executing and terminating the contract.

The Finance Committee is a subcommittee of the Oneida Business Committee and within the purchasing process they are responsible for the approval of any contracts over \$50,000. There are three Business Committee members on the Finance Committee, including the Treasurer. The minutes from the Finance Committee are sent to the Oneida Business Committee for approval and therefore the entire Business Committee is kept informed of all actions. It appears that the information concerns of the petitioner regarding contract approval have been addressed by the Finance Committee and the diligence of the Purchasing Department in updating and upgrading their systems and checks and balances since 2008.

## III. Financial Impact

No Fiscal Impact

## IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

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February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council

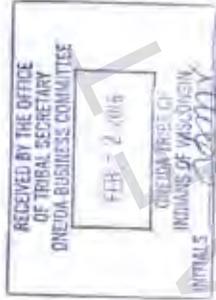
Subject: Sub-Committee meeting of the Oneida Business Committee

This current B.C. has a policy that the officers, Chair, Vice-Chair, Secretary and Treasurer meet in secret and make decisions.

These meetings and the record of what is said in them may not be available to the GTC or even to the rest of the B.C.

This is a dangerous precedent. We elect the full B.C. to make decisions. Too much secrecy is dangerous for our tribe.

*Madelyn Genskow*



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 Nation

BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



UGWA DEMOLUUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations of the Iroquois Confederacy, a new nation, the United States was made possible.

## MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Recording Subcommittees

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding recording subcommittees. Although this may be a good suggestion, the resolution itself is built on errors and misunderstanding for prior and current actions of the Oneida Business Committee and tribal employees. We suggest an alternative action if the General Tribal Council believes that all meetings should be recorded.

First, we encourage you to read the legal and legislative analysis in order to understand the background and current tribal law regarding this issue. Second, we are not clear to what entities would fall under this resolution. The Oneida Business Committee particularly carries out its business through the following types of activities.

- Regular, Special and Emergency Oneida Business Committee meetings which may have both open and executive session activities scheduled in accordance with the Open Records and Open Meetings Law. (Recorded audio/video, minutes, and a meeting packet.)
- Subcommittee meetings - the Legislative Operating Committee managed in accordance with the Open Records and Open Meetings Law and taking action in accordance with the Legislative Procedures Act: (Recorded audio, minutes, and a meeting packet.)
- Standing Committees – Quality of Life and Community Development and Planning Committee managed in accordance with the charter or by-laws made



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BUSINESS COMMITTEE RECOMMENDATION

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- up of Oneida Business Committee members whose purpose is to gather information and create broad discussion. (Minutes and a meeting packet.)
- Board, committee or commission – Audit Committee managed in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.

In addition, we meet in various administrative work sessions to have broad discussions which are not recorded and for which no formal action is taken. These include administrative work sessions, operational round tables, and officer meetings. Some of these administrative work sessions, such as the officer meetings, are used for personnel related matters only. We take notes from these meetings, but there are no minutes as this is not the nature of these meetings. The actions from these administrative work sessions are presented in a memo format presenting a recommendation to the Oneida Business Committee or the appropriate standing committee for formal action.

Because of this confusion regarding the application of the resolution, we would be unable to implement the resolution. Further, we take compliance with the Open Records and Open Meeting law requirements very seriously and attempt to be as transparent as possible to meet or exceed those requirements.

**Recommendation: To accept this resolution as information and to forward the discussion from this meeting to the Oneida Business Committee to review for changes to the Comprehensive Policy Governing Boards, Committees and Commissions and the Open Records and Open Meetings Law.**

# RESOLUTION 5

## GOVERNMENTAL SERVICES CHAIN OF COMMAND

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### Resolution 5

Whereas in December of 2014 after all the departments of the Tribe had turned in their budgets with the 12% cuts required by the Tribal Treasurer, there was \$800,000 remaining to be spent. The Treasurer sent out a memo informing the departments could request more funds by a certain date. And

Whereas because of the Oneida Chain of Command System required that the request for more funds needed to go from the Elder Director to the Area Manager then to the Governmental Services Division Director then to the Oneida Business Committee. And

Whereas the system is not set up to make sure that request sent up the Chain of Command are documented that the request was received at the next stop and forward on to the next stop of the chain of command until it reaches the Business Committee.

Now therefore be it resolved that when important items are sent from a Program Director to the next stop on the chain of command it must be emailed by 9:00 a.m. An email that it has been received must be sent to the sender in two hours and so it must go at each stop including the Business Committee.

Be it further resolved that the person in charge must see to it that if they are ill or on vacation a line of responsibility in their office must be established to make the return email to the sender which confirms that the email was received.

Be it resolved that if the item that was emailed is time sensitive. A line of responsibility must be established in each office of the person in charge so that if the person in charge is not there everything does not stop.

Be it further resolved the Governmental Services Division Directions office which is located in a cottage behind the Fitness Center and where only three people work must be moved to the Little Bear or Norbert Hill Center or Skemandoah Complex where Tribal members can find it if they have concerns about issues in Governmental Services Division Director.

Be it further resolved the Governmental Services Division Director must return phone call to Tribal members who have issues about Governmental Services.

Be it further resolved, the Governmental Division Services must see to it that there is someone to handle issues if each one of the three of them who are that cottage are ill.

Be it finally resolved, if this ever happens again, the chain of command system must be stopped.

Resolution 5 - Governmental Services chain of command

RESOLUTION

M. Genskow (6) resolutions

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 SENIOR STAFF ATTORNEY

**MEMORANDUM**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** September 2, 2015  
**SUBJECT:** Genskow – Petition – Chain of Command

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains six resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

- The resolution contains three Whereas sections.
- “...in December of 2014 after all the departments of the Tribe had turned in their budgets with the 12% cuts required by the Tribal Treasurer, there was \$800,000 remaining to be spent. The Treasurer sent out a memo informing the departments could request more funds by a certain date.”
  - “...because of the Oneida Chain of Command System, required that the request for more funds needed to go from the Elder Director to the Area Manager then to the Governmental Services Division Director then to the Oneida Business Committee.”
  - “...the system is not set up to make sure that request sent up the Chain of Command are documented that the request was received at the next stop and forward on to the next stop of the chain of command until it reaches the Business Committee.”
- Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.
- The resolution contains seven Resolve sections.
- “...when important items are sent from a Program Director to the next stop on the chain of command it must be emailed by 9:00 a.m. An email that it has been received must be sent to the sender in two hours and sit must go at each stop including the Business Committee.”
  - “...the person in charge must see to it, that if they are ill or on vacation a line of responsibility in their office must be established to make the return email to the sender which confirms that the email was received.”
  - “...if the item that was emailed is time sensitive. A line of responsibility must be established in each office of the person in charge so that if the person in charge is not there everything does not stop.”
  - “...the Governmental Services Division Directions office which is located in a cottage behind the Fitness Center and where only three people work must be moved to the Little Bear or Norbert Hill Center or Skenadoah Complex where Tribal members can find it if they have concerns about issues in Governmental Services Division Director.

Genskow – Petition – Chain of Command  
 Page 2 of 7

- “...the Governmental Services Division Director must return phone call to Tribal members who have issues about Governmental Services.”
- “...the Governmental Services must see to it that there is someone to handle issues if each one of the three of them who are at that cottage are ill.
- “...if this ever happens again, the chain of command system must be stopped.”

To draft this opinion, I have reviewed prior actions of the General Tribal Council, Tribal law, policies and procedures, and various other resources. This opinion is broken into sections to address the issues raised in the resolution – chain-of-command and Fiscal Year 2015 Budget actions.

**Supervision and Reporting or Chain-of-Command and Governmental Services Division**

Managing employees and programs requires a method of reporting and supervision. The Tribal government utilizes a nested hierarchy of employees-supervisors, programs-areas-divisions to organize and manage individuals and activities.<sup>1</sup> This is a reference to a chain-of-command system to manage approximately 2700 employees, 500 programs or services, and three enterprises (gaming, farms, and retail). This nested hierarchy arranges activities generally as identified in the following examples.

- Employees managed by supervisors, who are collected and managed by Area Managers, who are then collected and managed by a Division Director.
  - Retail location and subject matter areas.
  - Gaming subject matter areas – i.e. finance, table games, slots, player management.
- The Governmental Services Division is organized as identified in the first bullet above. The structure of the Governmental Services Division is set forth in the attachment.

The Governmental Services Division has adopted two Standard Operating Procedures to address the chain-of-command and chain-of-communication. The purpose of these two procedures are to “help in avoiding the circumvention of staff who are responsible for providing direct oversight and promotes good communication/respect for one another.” *Chain of Command SOP, Sec. 1.* The procedures contain the following direction.

3.1. The staff understands that in order to properly accomplish the work we need achieved, we must always adhere to the Chain of Command. This promotes respect for one another, and eliminates conflicts and time wasted in terms of having only the necessary people involved.

The Governmental Services Division has outlined an organizational hierarchy and employees are notified of this hierarchy through job descriptions and notices by supervisors, Area Managers and the Division Director. Issues which are not addressed by those closest to the program decision-making can be brought to the next level to be addressed until reaching the Division Director. Each level is directed to verify that the issue has been correctly processed through this chain-of-command.

In order to support this chain-of-command, the Governmental Services Division has also adopted a Chain-of-Communication Standard Operating Procedures. The purpose of these procedures is

<sup>1</sup> See general references to this in the Tribe’s Personnel Policies and Procedures in regards to grievances and complaints for example.

Resolution 5 - Governmental Services chain of command

LEGAL ANALYSIS

M. Genskow (6) resolutions

M. Genskow (6) resolutions

LEGAL ANALYSIS

Resolution 5 - Governmental Services chain of command

to, "... outline the chain-of-communication that all Governmental Service employees shall follow with urgent or critical work-related written communication may concern GSD management. Using the chain-of-communication provides consistent and timely notice to GSD management of important matters." Sec. 7.

In addition, the Governmental Services Division Director has identified there are expectations within the administration offices. The Governmental Services Division Director has identified that the administration offices is staffed during normal working hours, barring unforeseen circumstances. When that occurs, voicemail, mobile phones, and e-mail are available as forms of communication and which are encouraged to be utilized in the event staff is in meetings or unavailable. Finally, the Governmental Services Division Director has identified that, consistent with the division's Standard Operating Procedures, he forwards questions and complaints to the appropriate level of the chain-of-command to address.

**Fiscal Year 2015 Budget Actions**

The Fiscal Year 2015 budget was developed during a transition year from one Oneida Business Committee to another. The current Treasurer, upon receipt of updated information and the Oneida Business Committee members having been newly elected, determined that review of the budget was needed. This resulted in the budget being revised by the Tribal organization resubmitting budget requests. The final draft budget proposal resulted in unbudgeted projected revenues in the amount of \$703,448.00.

A December 16, 2014, memo from the Treasurer outlined a process by which programs and operations of the Tribe could request this finding be reallocated back to the program or operational unit. The request must follow three directions.

1. The request for funds must be relative to the 12% budget cut for your specific area.
2. Complete the attached spreadsheet and include an executive summary as support for your application.
3. Submit your applications no later than 4:30 p.m. on December 29, 2014, to the Treasurer's office. Late applications will not be considered.

This memo from the Treasurer was forwarded to the appropriate management in the Governmental Services Division on December 18, 2014. The instructions identified that if the program was interested they should notify the Governmental Services Division administration so the request could be coordinated with other division requests.

The Elder Services Program was aware of the memo, the application requirements and the deadlines for submitting an application. The initial request from the Elder Services Program was forwarded to the Program Manager, the Area Manager, and the Division Director, among other staff later that same day. A review of the request identified that it was missing one of the elements required in the Treasurer's memo and was returned to the program to put together a complete request. The program personnel were also notified in that same e-mail to submit the request directly to the Treasurer and to copy the Treasurer's Legislative Aide. The request was not sent to the Treasurer or the Treasurer's Legislative Aide.

The Fiscal Year 2015 budget was presented to the General Tribal Council and adopted. On the floor of that meeting was discussion of the funding for Elder Services and the request for excess funds that did not get filed before the deadline. The members rejected a motion regarding Elderly Services and the Oneida Nation Commission on Aging. In addition, members did specifically identify that failure to submit a timely request did not require action by the General Tribal Council to increase funding for that program.

An investigation was made by the Division Director and appropriate action was taken to assure that it would not occur again in the future. Specific discussion regarding individual employees and disciplinary action would be in violation of the confidentiality requirements of the Oneida Personnel Policies and Procedures. Under those rules, employment related decisions are delegated to be managed through the organizational processes and the Oneida Personnel Policies and Procedure, the Human Resources Department and the Personnel Commission. Discussion of individuals on the floor would be in violation of the General Tribal Council's delegation of authority and responsibility to various entities of the Tribe. See also Removal Law, historical actions leading up to resolution # GTC-2-25-82.

**Analysis**

*NOTE: This resolution identifies information and actions related to the Governmental Services Division. It is presumed that this resolution will have an effect ONLY on the Governmental Services Division and no other division or organizational group of the Tribe. Research regarding a broad impact of this resolution has not been conducted in regards to development of this opinion and as a result this opinion is limited only to the Governmental Services Division.*

The proposed resolution contains three Whereas sections and seven Resolve sections. The Whereas sections do not accurately reflect the steps taken within the Governmental Services Division regarding the "\$800,000 remaining to be spent" in the development of the Fiscal Year 2015 budget. Based on the information from the Governmental Services Division Director there is a Chain-of-Communication Standard Operating Procedure on what to do in the event of an emergency or urgent communication need. In addition, in this particular instance, it appears that personnel were given instructions to submit the application directly and this did not occur. If this resolution is adopted the second and third Whereas sections should be deleted as they do not accurately reflect the current chain-of-command/communication system in place in the Governmental Services Division. In addition, the correct amount of funding that was subject to reallocation was \$703,448.00, which should be corrected in the first Whereas.

The Resolve sections of this resolution identify three different sets of actions – directing the process by which communication shall be conducted, out of office delegations, and where the administrative offices of Governmental Services Division will be located. In addition, if any of the above are not followed, then the resolution proposes that the chain-of-command system is "stopped."

**Communication**

The resolution proposes that "important" communication be sent by 9:00 a.m. and that a return receipt from the recipient be sent within two hours. Supervisors and others in the chain-of-

command must have the Outlook out-of-office rule turned on when they are ill or on vacation. And finally that the Governmental Services Division Director must return phone calls.

The actions requested in the resolution are administrative actions regarding day-to-day functions of an office. The suggested administrative processes do not take into account the existing protocols the Governmental Services Division already has in place and which appear to be working appropriately. The division has a clear communication protocol for emergency actions which allow for exceptions to the chain-of-command. In addition, the division has a hierarchy of responsiveness which relies on those closest to the issue to respond to contacts with clients and directions for the contacting those next in the hierarchy. The purpose of this process is to resolve the situation as quickly as possible by those closest to the knowledge and information regarding the activity.

The Tribe has, in every office, a phone, voicemail and e-mail system for contacting and/or leaving messages. Further, some employees are issued mobile phones for work use to respond to questions or receive voicemails. Finally, voicemail and e-mail are accessible from any mobile phone or internet connection.

The resolution proposes that emergency actions must be noticed before 9:00 a.m. and a return receipt presented. This is presuming this is an e-mail, phone call, voicemail, or paper memo sent. However, emergencies occur at all times of the normal operating hours of the Tribe, as well as after normal operating hours. The programs within the Governmental Services Division are set up to address these emergencies in an appropriate fashion which this directive may interfere with causing disruption in service provision.

It is recommended that these Resolves (numbered 1, 2, and 5) not be adopted. These directives are a daily function of the Governmental Services Division and do not take into account the daily actions of the personnel in the various programs within that division. Further, the directives do not allow for the various emergency, urgent, or programming responsibilities and technical knowledge of the personnel, their supervisors, and area managers. If there is a concern regarding the communication within the Governmental Services Division it would be more appropriate to request the Oneida Business Committee to review the processes within that division and direct that appropriate changes be made.

*Out of Office Delegations*

The resolution proposes that an e-mail response regarding vacation or personal time is sent, that a "line of responsibility" is established in the event of the absence of a "person in charge" and that "someone" must be available to "handle issues" if the employees in the administrative offices are all ill.

As identified above, the Governmental Services Division has adopted a Standard Operating Procedure identifying a chain-of-command and communication. In addition to the above, every job description clearly identifies supervisors setting up a hierarchy of responsibility. The question is whether the resolution is requesting these actions on behalf of the employees or the clients. Such out-of-office notices will not be sent to clients unless they contact employees. At which point, the client will receive the information from the voicemail message or the e-mail

message set up when the employee is out of the office. If the client comes into the office, they would be referred to another employee or requested to leave a message for the absent employee. However, this would not normally be the case if the employee simply stepped away from his or her desk. They would simply be requested to leave a voicemail message. Those brief times when an employee is in a meeting, stepped out of the office, or on another phone call would not be addressed by these proposed Resolves. As a result, it may appear that an employee did not leave the required notices but would still be unavailable.

The Governmental Services Division is set up such that clients are routed to those who perform the services. It appears that out-of-office messages are set up on both phones and e-mails. It can therefore be presumed that if an employee does not answer, he or she is merely temporarily away from their desk and a message should be left.

It is recommended that these Resolves (numbered 2, 3, and 6) not be adopted. The Resolves do not accomplish any additional actions that are not already in place through job descriptions, program organization within the Governmental Services Divisions or the existing Standard Operating Procedures. However, adoption of the Resolves could result in unnecessary confusion when addressing client and employment related issues arising within the division since the expertise of the Division Director are that those with the expertise in the program should handle programming activities.

*Location of Governmental Services Division Offices*

The resolution proposes that the Governmental Services Division administration offices must be moved to one of three locations so "Tribal members can find it." The locations are the Little Bear Development Center, the Norbert Hill Center, or the Skengandoh Complex.

The Governmental Services Offices are located in the Cottages on the Social Services Building/Family Fitness Center grounds. The entrance to the cottages is identified by signage on Packerland Drive. Once in the parking lot, a map of the cottages is posted identifying each program or office located in that area. A significant number of programs provided by the Governmental Services Division are located in the Social Services Building, the Family Fitness Center and the Cottages. The second primary area where Governmental Services programs are located is on the Cultural Heritage grounds off Hillcrest Drive/County FF. Finally, there are scattered programs such as the Oneida Library and recreation facilities located in various housing subdivisions.

The three identified locations are likely to have space for the three positions in the Governmental Services Division administration offices. In addition, all three locations have meeting space available for program meetings. There is a cost to moving staff between buildings, for example - Department of Public Works regarding equipment and furniture, MIS in reassigning phones and printer sharing, as well as staff down-time during the move. However, these costs are not extraordinary. Further, it is not clear if moving the administrative offices will make the personnel easier to locate as the three locations do not offer signage for individual programs within the buildings as the current location does. Finally, there is no indication that the offices are currently difficult to locate, or that members typically physically go to an office and not use the available phone or e-mail systems or U.S. mail.

M. Genskow (6) resolutions

LEGAL ANALYSIS

Resolution 5 - Governmental Services chain of command

Resolution 5 - Governmental Services chain of command

LEGAL ANALYSIS

M. Genskow (6) resolutions

**"Stopping" Chain-of-Command**

The final Resolve of this resolution directs that "if this ever happens again" that the Governmental Services Division can no longer use the chain-of-command system. This Resolve is not clear as to what "this" is referring to in regards to happening again. It is possible this refers to not responding to phone calls, not submitting a budget request timely, not setting an out-of-office notice, not sending a time sensitive e-mail before 9:00 a.m., not responding to an e-mail with a receipt within two hours, or if all three employees in Governmental Services Administration are simultaneously out of the office because of illness.

Given the supporting Whereas' in the resolution and the content of the Resolves, this appears to be a fairly harsh response to any potential misstep from the directions in the resolution. Notwithstanding that, it is not clear what the alternatives are to the chain-of-command system within the Tribe as a whole. As identified above, the Governmental Services Division is made up of a significant number of programs and services that are grouped together under program directors and area managers. These positions in turn report to the Division Director. If this system is no longer available, this would result in approximately 300 employees reporting to the Division Director comprising over 50 programs from libraries and museums, to arts, culture and language, to transportation, to name a few. While it may be possible to manage such a diverse array of services, it is likely to result in delays and confusion given the amount of time necessary to devote to simple things such as time-keeping and budgeting (these activities are currently managed within the nested set of programs or the chain-of-command). This would likely leave little time available to monitor programming activities for the purposes of managing, improving or making modifications to services to meet the needs of clients.

It is recommended that Resolve #7 not be adopted. The Resolve does not clearly identify when it is applicable and may lead to greater confusion in responding to client concerns and/or needs.

**Conclusion**

There are three Whereas sections in the resolution. The first Whereas should more accurately reflect \$703,448.00 as the funds to be re-allocated back to programs and services. The second two Whereas sections do not reflect the processes and procedures in the Governmental Services Division nor the action which occurred in regards to the Fiscal Year 2015 Budget development.

This resolution proposes seven different directives. Most of those directives are daily activities and processes already addressed by Standard Operating Procedures. In addition, one of the Resolves may result in an unwieldy system that reduces the effectiveness of the services being provided.

This resolution would require a simple majority vote to adopt.

If you have further questions, please contact me.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**



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**Statement of Effect**

*Petition Resolution 5: Chain of Command System*

**Summary**

On February 10, 2015, the Tribal Secretary's Office received a petition which states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 5, pertaining to the Chain of Command System.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

**Legislative Analysis**

According to the Resolution, in December of 2014 after all the departments of the Tribe had turned in their budgets with the cuts required, there was \$800,000 remaining to be spent. The Treasurer sent out a memo informing departments they could request more funds by a certain date. The Resolution states the Oneida Chain of Command System required that the request for more funds go from the Elder Director to the Area Manager, Governmental Services Division Director, then the Oneida Business Committee. The Resolution further states this system is not set up to make sure that a request sent up the Chain of Command is documented as received at the next stop and forwarded on to the next stop of the chain of command, until it reaches the Business Committee.

The Resolution directs various action be taken upon its adoption, including:

1. Important items sent from a Program Director to the next stop on the chain of command must be emailed by 9:00 a.m. and an email that it has been received must be sent to the sender in two hours and so it must go at each stop including the Business Committee.
2. If a person in charge is ill or on vacation, he or she must ensure a line of responsibility in their office is established to make the return email to the sender which confirms that the email was received.
3. If the item that was emailed is time sensitive, a line of responsibility must be established in each office of the person in charge so that if the person in charge is not there everything does not stop.
4. The Governmental Services Division office, which has three employees, must be moved from the cottage behind the Fitness Center to Little Bear, Norbert Hill Center or Skenandore Complex where Tribal members can find it if they have concerns about issues in Governmental Services Division Director.

Page 1 of 2

5. The Governmental Services Division Director must return phone calls to Tribal members who have issues about Governmental Services.
6. The Governmental Division Services must ensure someone handles issues if all of it's employees are ill.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

**Conclusion**

Adoption of this Resolution would not affect any current Tribal legislation.



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## MEMORANDUM

DATE: January 22, 2016  
 FROM: Larry Barton, Chief Financial Officer  
 TO: Patricia King, Treasurer  
 Oneida Business Committee  
 RE: **Financial Impact of Resolution– Chain of Command**

### I. Background

Under consideration is a submitted petition which contains three (3) “whereas” sections and seven (7) “resolved” sections. As indicated by a Legal Analysis, the “whereas” sections may not be enforceable, so we will not assess. The main focus of the resolved sections deals with operational procedures within the Governmental Services Division. Only one of the “resolved” sections is not purely operational in nature, and could possibly incur costs if the proposed Resolution were adopted. That is a directive to move the Governmental Services Division Director and related staff.

### II. Executive Summary of Findings

The only portion of the proposed Resolution that could potentially have a direct financial impact would be the requirement of moving the Governmental Services Division Director and staff from their current office space, if the proposed Resolution were adopted. The draft would call for them to be moved to either the Norbert Hill Center, the Little Bear Development Center or the Skenadoah Complex.

We had contacted the Facilities Management Director within the Department of Public Works. It was indicated that there was no room for the staff at the Little Bear Development Center at that time. Further, the only space left at Skenadoah Complex contained only cubicles, with no office space. The Facilities Management Director suggested that might not fit the needs of the Governmental Services Division Director. It was suggested that the 3<sup>rd</sup> floor of the Norbert Hill Center might fit the space needs.

M. Genskow (6) resolutions

LEGISLATIVE ANALYSIS

Resolution 5 - Governmental Services chain of command

Resolution 5 - Governmental Services chain of command

FINANCIAL ANALYSIS

M. Genskow (6) resolutions

February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council  
Subject: Chain of Command

In the days leading up to the GTC budget meeting for the 2015 FY tribal budget, the Chain of Command for the Elderly Services to the B.C. totally broke down. As a result, the Elderly Services Dept. did not get the extra funds that other departments received.

*Madelyn Genskow*



Resolution 5 - Governmental Services chain of command

PETITIONERS SUPPLEMENTAL MATERIALS

M. Genskow (6) resolutions

M. Genskow (6) resolutions

FINANCIAL ANALYSIS

Resolution 5 - Governmental Services chain of command

However, we did not receive a final notification of estimated costs to move the staff mentioned. We note that there would be costs to move the furniture, fixtures and equipment of the Governmental Services staff. There would also be the potential of additional phone or data lines, but we cannot determine if this would be necessary.

**III. Financial Impact**

As noted above, the only potential financial impact of the proposed Resolution is the movement of the Governmental Services Division Director and Staff from their current location to a new location – presumably the Norbert Hill Center. However, we were unable to get a total estimated cost when contacting the Facilities Management Director at the Department of Public Works. We do note that this move could presumably be facilitated utilizing all internal staff from DPW and from the MIS Department. Therefore, the total cost estimate should not be significant. Further, there would likely be a differential in space costs charged to the Department when moving from one location to another, but we did not receive the quotation.

**TOTAL ESTIMATED FINANCIAL IMPACT: Indeterminable**

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.



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 Nation**  
BUSINESS COMMITTEE



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Telephone: 920-869-4364 • Fax: 920-869-4040

M. Genskow (6) resolutions

Resolution 5 - Governmental Services chain of command



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

**MEMORANDUM**

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Chain of Command

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding setting requirements regarding the chain of command for the Governmental Services. We believe that this resolution is attempting to address a personnel issue which the General Tribal Council has delegated to the Personnel Commission and identified processes on the Oneida Personnel Processes and Procedures.

We have been addressing the issue of "customer service" throughout the Tribe and directing that every employee, program, service, and business unit review their processes and procedures to provide greater information to the membership and greater access to their activities. We have also, by adopting resolution # BC-11-26-14C setting the initial supervision responsibilities to the officers of the Oneida Business Committee and by approval of the Standard Operating Procedure, effective on October 6, 2015, which sets forth the processes by which individuals can file complaints regarding the direct reports.

We have also reviewed the operating procedures for the Governmental Services Division and found that there are adequate processes in place which address when a director, manager, supervisor is unavailable. However, no procedure can address every occasion. There will be times when no one is available to answer calls or be in the office. However there is e-mail and voice-mail available for every office which can be utilized. The resolution suggests that the entire "chain-of-command" system be rejected

if there is an occurrence where an employee is unavailable. We find that this one-strike-your-out requirement to be overly harsh and unduly restrictive.

In the instances described in the resolution we have not received a complaint from any party which we could address. If the complaint had been filed, we would have reviewed this concern and likely would have forwarded it to the Division Director to address as this is a personnel issue.

**Recommendation: To accept the resolution as information only and to direct the Oneida Business Committee to continue to monitor customer service and the availability of information throughout the Tribe.**

BUSINESS COMMITTEE RECOMMENDATION

M. Genskow (6) resolutions

# RESOLUTION 6

## UNCLAIMED PER CAPITA PAYMENTS

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### Resolution 6

Whereas sufficient numbers of home sites for Oneida Tribal members which are located on water and sewer lines have not been provided by the Tribe.

Now therefore be it resolved that unclaimed funds from per capita payments shall go into a fund to provide more sewer and water home sites for Oneida Tribal members who do not qualify for HUD. Tribal members who can get their own funding can build their own homes.

Resolution 6 - Unclaimed Per Capita Payments

RESOLUTION

M. Genskow (6) resolutions

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MICHELLE L. MAYS

**M E M O R A N D U M**

**TO:** Oneida Business Committee  
**FROM:** Jo Anne House, Chief Counsel  
**DATE:** August 19, 2015 *Corrected February 4, 2016*  
**SUBJECT:** Genskow – Petition – Unclaimed Per Capita Fund Allocation

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains six resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

The resolution contains a single Whereas section.

• "...sufficient numbers of home site for Oneida Tribal member which are located on water and sewer lines have not be provided by the Tribe."  
Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.

The resolution contains one Resolve section.

• "...unclaimed per capita funds from per capita payments shall go into a fund to provide more water and sewer home sites for Oneida Tribal members who do not qualify for HUD. Tribal members who can get their own funding can build their own homes."

To draft this opinion, I have reviewed prior actions of the General Tribal Council, Tribal law, policies and procedures, and various other resources. This opinion is broken into sections to address the following issues raised in the resolution – Per Capita Ordinance, current use of unclaimed funds, directions regarding housing and the Reservation, water and sewer infrastructure.

**Per Capita Ordinance**

The Per Capita law was adopted in July, 2000, to set forth procedures regarding per capita payments. The law identified that, "it is the policy of the Oneida Tribe of Indians of Wisconsin to have a consistent methodology for issuance of per capita payments." *Section 9.1-2.* The law sets out deadlines for new enrollment applications to be filed and acted upon in order to be eligible to receive a per capita, when payment forms are mailed and deadlines for the forms to be returned, when missed per capita payments can be claimed and when the missed payment will be

<sup>1</sup> Correction in Conclusion indicated by struck-through and italicized language.

made, and what happens to unclaimed per capita payments. In addition, the law sets forth responsibilities by different parties to manage aspects of the per capita payment.

The Tribe budgets for every potential per capita payment in a fiscal year. This includes payments that may be made to new members as well as payments that would have been made to deceased members. The law sets forth deadlines for claiming payments in order to identify a time period for liability for making the per capita payment. This one year statute of limitations – unclaimed payments, missing payments, minors' trust fund, and deceased members – allows the Tribe to identify when the funds should no longer be held aside for potential payment. Once a per capita payment reaches the statute of limitations period it becomes eligible for re-allocation in accordance with the Per Capita law.

The current allocation of unclaimed per capita was made in 2004 by the Oneida Business Committee adoption of resolution # BC-01-28-04-A in accordance with the Per Capita law, section 9.5-6. This Special Business Committee meeting took up the General Tribal Council agenda from a meeting which did not have a quorum. After 2008, this is no longer an action the Oneida Business Committee undertakes because General Tribal Council meetings regularly meet and exceed the quorum requirements.

The 2004 resolution identified that approximately \$1.7 million had been collected in the unclaimed per capita pooled account. The resolution directed that the interest from the account would be used for the Oneida Language Revitalization Program each year. The principle of the fund would be untouched and future unclaimed per capita payments would be added to the principle. No changes to this directive have been located in the records.

From Fiscal Year 2012 to Fiscal Year 2015, the following amounts have been allocated from the unclaimed per capita fund to be used by the Language Revitalization Program.

FY2012	\$41,442.80
FY2013	\$35,001.33
FY2014	\$57,580.82
FY2015	\$52,197.20

The allocation is placed in a fund which carries over from year to year if all funds are not expended. Overall, the programming fund is carrying a balance of a little over \$20,000.

The Trust and Enrollment Committee has identified an investment strategy, the *Investment Policy Statement for the Oneida Trust Funds*, which outlines how trust funds are managed. The investment philosophy is stated as follows.

"The Oneida Trust Committee emphasizes maximum investment productivity. This is the highest overall rate of return that can be achieved without excessive risk which is consistent with the Tribe's financial, social, political and environmental concerns."

The Trust Department assists the Trust and Enrollment Committee to identify acceptable risk and updating that determination on a periodic basis. This risk assessment is used to identify types of investments that should be made with each type of fund. It is necessary to do this with each fund and with groups within each fund. For example, the Trust and Enrollment Committee addresses Minor's Per Capita Trust Accounts by reviewing how long funds will be invested to determine

In addition to this community specific opinion gathering opportunities, the Tribal organization relies on the technical knowledge and subject matter specific knowledge for making determinations regarding community planning. For example –

- Low income housing is guided by federal regulations on placement, quality, quantity, and accessibility through the Oneida Housing Authority.
- Roads maintenance and development are managed through the Development Division and the Indian Roads program.
- Sewer programs are managed –
  - Individual residential basis through Indian Health Services programs
  - New neighborhood basis through the Development Division and Housing Authority
  - Existing neighborhood through the Utility Department or external infrastructure owners.

Development options and projects are guided by the Comprehensive Plan. This plan identifies the following general opinions expressed by members.

- “Build duplexes, minimizing land base consumption”
  - “Move elder housing – not just apartments”
  - “Increased home ownership”
  - “Houses built in appropriate areas with minimal environmental impact and high aesthetic value”
  - “Rural characteristic as the standard”
- Comprehensive Plan, 2014 Presentation.* The Comprehensive Plan looks at all aspects of community development – examples of subjects include housing, natural space, recreation, environmental and healthy living. The plan is presented at community meetings and through various other methods to obtain comments and information regarding community opinions. It is recommended that the amended Comprehensive Plan be reviewed to get a clearer understanding of member’s opinions regarding community development.

**Land Use Plan**

On June 16, 2014, the General Tribal Council adopted the following motions.

“Motion to direct the Oneida Business Committee to develop and lead a land use plan reflective of the GTC’s wishes for more residential opportunity in rural, urban (suburban), and apartment living. The Oneida Business Committee shall bring back this plan to GTC no later than October 31, 2014.”

“Motion...to direct the Business Committee to hold community meetings to get input regarding the land use plan.”

At the July 7, 2014, Semi-Annual General Tribal Council meeting the members received an update regarding revisions to the Tribe’s Comprehensive Plan. This plan covers how development within the Reservation will be conducted. The update report was accepted at that meeting.

At a Special General Tribal Council meeting on November 15, 2014, the land use plan was again discussed. The following motion was adopted.

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the appropriate type of investment— long term, mid-term and short term investment vehicles. On the other hand, the Language Revitalization Fund, or the unclaimed per capita fund, is a long term investment fund. The fund is managed on a conservative risk investment portfolio.

In 2004, the fund began with an approximate \$1.7 million investment. The current balance is approximately \$2.8 million in the funds. This is the result of three types of growth. The first set of contributions is from unclaimed per capita payments from annual per capita payments. Second, 25% of the interest income is re-invested back into the fund. Finally, the fund itself earns income from the investment strategy being implemented. If the investment strategy continues to have consistent returns, the fund is expected to double from reinvesting 25% of the interest income alone by 2030. This does not include the additional interest that would be earned from ongoing unclaimed per capita payment contributions.

**Current Use of Unclaimed Funds**

As identified above, unclaimed per capita funds are dedicated to a trust account. The interest income from that fund has been allocated to language revitalization activities. In Fiscal Year 2015, the Cultural Heritage Program has allocated the funds in the following manner.

- Contract for an android application has been issued. A second application is being considered for development.
- Special events have been scheduled to bring Oneidas together to discuss the language, history and culture of the Tribe. Examples include the On’nyote aka Gathering and Decolonization. These types of special events average \$24,000.
- Travel for ceremonial purposes. Community members and staff travel to the Oneida community in Canada to attend ceremonies conducted in the language. Staff and community members are required to submit a report in order to reimburse the travel costs for staff and for fuel costs for community members. These types of events average \$10,000.
- Supplies and materials written in the Oneida language average \$2000.
- Teacher training averages \$2000.
- Tsi Niyukwalhor’s 2 year immersion is budgeted approximately \$7000.

The Cultural Heritage Program budgets activities each year. These activities are reported on to the Governmental Services Division and to the Oneida Business Committee on a quarterly basis.

**Directions Regarding Housing and the Reservation**

The Tribal organization plans different activities based on feedback from the community. This feedback comes from different sources.

- Community meetings held to get input on specific actions or activities.
- Quality of Life Surveys
- Oneida Business Committee meetings where subjects are presented and discussed.
- General Tribal Council meetings where subjects are presented and discussed.

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"Motion to develop a system through the Division of Land Management that provides opportunities for two (2) acre or less parcels for residential use on the Reservation and bring that system back for GTC approval at the 2015 July Semi-Annual meeting.

At the Annual Meeting held on February 9, 2015, a report on the Comprehensive Plan was again presented. The members accepted the report.

The July 2015, Semi-Annual meeting agenda was not completed. The remainder of the agenda was scheduled for September 12, 2015. As of the drafting of this opinion, that meeting had not yet been held. However, the agenda for that meeting will conclude the items not completed at the Semi-Annual meeting. This includes the land use plan brought back as directed by the General Tribal Council.

The proposed plan utilized planning principles described above to balance the directive to have more available housing versus the desire expressed to maintain the rural character of the Reservation. The proposed plan identified that this was possible by utilizing three different programs or concepts.

The first option is in-filling in existing neighborhoods to piggyback on existing water and sewer infrastructure. This would allow the infrastructure costs to be reduced in building out those neighborhoods. In addition, this would be consistent with existing plans.

The second option is a new program that would allow members to lead on the home purchase process and the Tribe would be involved in the home purchase cost by purchasing the land thus lowering the overall cost of the home purchase and allow the member to either increase their buying power or lower their mortgage payments. In addition, a long term savings to the home buyer results as the property tax costs would also be pro rata charged between the home buyer (home and other improvements on the land) and the Tribe (value of the land). This new program is being finalized to ensure the purchasing process moves forward without delay by the home buyer once the program is implemented. This requires pre-establishing procedures and acceptance by banks and title companies, to name a few areas.

The third option is to assist elders and veterans by developing a program involving an elder or veteran having an opportunity to sell land, not the house, to the Tribe and the elder or veteran maintaining the home. The sale value would then be used as desired by the elder or veteran.

These three options would be in addition to the existing DREAM home program and the home building opportunities (HBO) already available as an ongoing program.

**Quality of Life Surveys**

In addition to the above, the Quality of Life Survey is conducted to obtain opinions and insight from members living on the Reservation. Every member is given an opportunity to participate, and the surveys have had a statistically acceptable response rate for each survey series. The surveys have been conducted on 2000 and every two years thereafter beginning in 2008. The latest survey was conducted in 2014. The Quality of Life Survey is available via the Tribe's website. Relevant portions are set forth below.

**General Reservation Questions**

The Reservation overall as a place to live is positively rated by 81% of the respondents. This is down from 85% positive rating in 2008. Neighborhoods as a place to live are similarly rated by respondents as 80% positive in 2014 and 83% positive in 2008. The Reservation as a place to raise a family has a 74% positive rating, down from 81% in 2000. However, as a place to retire has improved in positive rating of 78% in 2014 from 76% in 2008.

**Housing Specific Questions**

- Respondents in 2000 were 81% positive regarding the condition of their housing unit, and in 2014 that positive rating fell to 71%. It is presumed that this is home owners regarding the condition of their own housing based on responses to other questions in the survey.
- 63% of the respondents in 2000 owned their own home, and 68% of the respondents in 2014 owned their own home.
- 56% of respondents living on the Reservation were in homes on Tribal land in 2000, which increased to 58% in 2014.
- The average household size is three people, and two out of three of those individuals were members.
- Respondents were 65% positive regarding the variety of housing options on the Reservation in 2010, which is down to 52% positive rating in 2014.

The Division of Land Management and Development Division have begun the process of finalizing a Neighborhood Development Plan. This is a long term plan providing direction regarding how neighborhoods within the Reservation are expected to be built out. This new development will include various types of housing locations from urban to rural, and a broad array of housing types from multi-family (apartments, duplex, mixed-use), single family and creative housing options such as extended family and small housing options.

The following table identifies proposed future development sites. The table includes estimates for infrastructure costs where a rough estimate can be made.

Neighborhood/Acres	Infrastructure/Cost	Current	In Progress	Future
Green Valley Housing Area, 151 acres	Water/Sewer	43	24	51
Former Lancelle Farm, 6.25 acres		0	0	6-8
Green Earlh Outlot, 4.5 acres	\$185,000	0	0	5
Former Blaszczk, 2 acres	\$50,000	0	0	12
Former Kurowski/Guntlisbergen Farms, 47.4 acres	\$320,000	0	0	76
	\$3.4 million	0	0	

There are also additional sites proposed for consideration which have not yet had sufficient analysis to estimate costs and lots. These include Former Maple Leaf property, County Highway FF, 200 Block of State Highway 54, Ranch Road Site, and 2898 West Mason Street.

This new development is in addition to the 1093 housing units managed by various programs of the Tribe. In addition, this is included in the approximately 9000 housing units on the Reservation.

**Water/Sewer Infrastructure**

*Infrastructure*

Housing sites, whether in rural areas or in neighborhoods have several levels of infrastructure which are private managed or publicly managed. This infrastructure includes water service, sewer service, electrical service, natural gas service, roads, stormwater management, sidewalks, and parks. This section will attempt to identify both costs and potential resources for funding.

The development of a neighborhood provides the greatest opportunity to create a living community through various funding resources. For example, the Department of Housing and Urban Development low income housing programs have identified a positive benefit to low income housing tenants being integrated into the community. Infrastructure in a mixed housing neighborhood that utilizes various federal and tribal funding sources can develop more housing sites than single unit development. However, each location has different geographic aspects that may result in higher or lower costs.

The Development Division has identified examples of infrastructure costs from two recent projects.

- The Green Valley Housing infrastructure of approximately 3000 feet of roadway to provide access to 20 new lots was approximately \$930,000 in construction costs and \$99,000 in design costs.
- The Elder Village infrastructure included 2000 feet of road way to provide access to 30 new lots. This cost approximately \$490,000 in construction costs, \$53,000 in costs associated with utilities placement, and \$100,000 in design fees.

These costs do not include the costs of connection to the individual house of utilities such as electricity and natural gas, water, and sewer.

Individual housing lots have different infrastructure costs depending on whether those are connecting to an existing public utility such as water and sewer systems or putting in place a private well and septic system. The Tribe's Well Abandonment Ordinance requires connection to public systems where available and abandonment of private wells. As a result, if an individual housing site is on a public utility that is the option that must be utilized. Studies have shown that the overall costs are similar whether a private well or a public water system.

The same holds true for a private septic system. A private septic system is generally used when public sewer systems are not available. A permit for a private septic system is generally not available when connection to a public system is available.

*Funding Options*

There are different funding options available for water and sewer systems, as well as roads or other infrastructure needs. These include the allocation of tribal funds, loans, and grants. Listed below are federal funding resources for public utility systems. This list is drawn from the comprehensive list on the U.S. Environmental Protection Agency website for programs available to Tribal governments.

- Rural Utilities Service Water and Waste Disposal Programs – this program provides loans and grants for drinking water, waste water, solid waste and storm drainage systems to be installed, repaired, improved or expanded.
- Economic Development Grants for Public Works and Development Facilities – this program provides project grants for economically distressed areas for projects with matching funds that promote economic development and create long term jobs.
- Clean Water Act Indian Set-Aside Grant Program (Wastewater) – this program provides grants for waste water systems and facilities.

In addition to the above public system grants, the Tribe operates the Sanitation Facilities Construction Program in the Indian Health Service. This program provides water, sewer/solid waste to individual homes.

**Analysis**

The Per Capita Ordinance identifies that unclaimed per capita funds are set aside for specific allocation by the General Tribal Council. That action occurred in 2004 which delegated those funds for use for language revitalization in accordance with the Per Capita Ordinance. Re-allocation of those funds by action of the General Tribal Council is within the procedures set forth in the Per Capita Ordinance.

As identified by the Development Division, infrastructure costs for neighborhoods are generally greater than \$45,000 - \$60,000 which is the interest income from the unclaimed per capita fund. Individual home private wells can cost from \$5000 to \$20,000 depending on the depth of the well and the type of system installed. Individual home private septic systems are estimated to cost \$1500 - \$15,000. As identified above, there are federal grant funds available for private septic system installation and/or replacement.

The fund transfers approximately \$45,000 in interest income annually. This is 75% of the interest generated each year. This would be a total approximate interest generated of \$60,000. It is possible to transfer the entire fund for the development of water and sewer. The fund balance is approximately \$2.8 million. It is also possible to transfer ongoing unclaimed per capita funds to the development of water and sewer development.

The Resolve in the resolution identifies that unclaimed per capita payments "shall go into a fund." Based on this language, it is possible to presume that the resolution will result in one of two options.

- Creation of a new fund and allocation of unclaimed per capita funds.
- Re-allocation of the existing fund for the purpose in the resolution.

The creation of a new fund will result in an appropriate investment strategy being developed in order to manage the funds for growth and disbursement of funds. If the existing fund is re-allocated, interest income would be allocated for use for the water and sewer systems. Depending on when the resolution is acted upon, the funds would be not likely to be available for the current fiscal year as those likely have been allocated for use under the existing resolution.

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**Conclusion**

The proposed resolution would reallocate funding from unclaimed per capita payments from language revitalization to water and sewer sites. It is recommended that the Resolve be amended to clarify the impact. Two alternatives are presented below.

- **Creation of a New Fund for Interest Income.** Now Therefore Be It Resolved that the allocation of unclaimed per capita payments in resolution # BC-01-28-04-A shall revised to be placed in a fund for water and sewer development from which investment income shall be allocated annually for that purpose.
- **Reallocation of Interest from Existing Fund.** Now Therefore Be It Resolved that resolution # BC-01-28-04-A is amended by re-naming the Language Revitalization Fund as the Unclaimed Per Capita Investment Fund, and the interest income shall be allocated on an annual basis for the purposes of water and sewer projects.

*This action would require a simple majority vote.*

*Resolution # BC-01-28-04-A was adopted at an Oneida Business Committee meeting which concluded the Annual meeting agenda of the General Tribal Council as a result of a lack of a quorum at that meeting. The actions of the Oneida Business Committee to conclude that agenda are actions on behalf of the General Tribal Council and have been consistently viewed as actions of that body. As a result, amending the resolution will require a two-thirds vote.*

If you have further questions, please contact me.

<sup>2</sup> See, for example, the series of actions regarding adoption of the Election Law and amendments. Some of which were adopted by the Oneida Business Committee on behalf of the General Tribal Council and subsequent actions required a two-thirds vote.

**Oneida Tribe of Indians of Wisconsin  
Legislative Reference Office**

Lynn A. Franzmeier, Staff Attorney  
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**Statement of Effect  
Petition Resolution 6: Allocation of Unclaimed Per Capita Payment Funds**

**Summary**

On February 10, 2015, the Tribal Secretary's Office received a petition which and states "we the under signed General Tribal Council members request a special GTC meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required Public hearings and bring these resolutions to the GTC intact."

The Petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 6, pertaining to the allocation of unclaimed per capita payment funds.

*Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office*

**Legislative Analysis**

According to the Resolution, sufficient numbers of home sites for Oneida Tribal members which are located on water and sewer lines have not been provided by the Tribe. The Resolution directs unclaimed funds from per capita payments be placed into a fund to provide more sewer and water home sites for Oneida Tribal members who do not qualify for US Department of Housing and Urban Development services (HUD). In addition, the Resolution states that Tribal members who can get their own funding can build their own homes.

According to section 9.5-6 of the Per Capita law, any unclaimed funds from per capita payments will be "deposited in a pooled account to be used for a purpose designated by the General Tribal Council." At the July 2003 Semi-annual meeting, the Trust Committee requested direction from General Tribal Council (GTC) on how to allocate unallocated and unclaimed per capita funds. GTC directed the Oneida Business Committee (OBC) to investigate the question and bring back a recommendation to the 2004 GTC Annual meeting. A resolution directing the unclaimed or unallocated per capita funds be used to fund the Oneida Language Revitalization was included in the materials for the 2004 GTC Annual meeting. Although the meeting was not held due to a lack of quorum, the OBC held a special meeting on January 28, 2004 and adopted the resolution. The Resolution contained within the current petition would overturn the previously adopted resolution.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

**Conclusion**

Adoption of this Resolution would not affect any current Tribal legislation.

Resolution 6 - Unclaimed Per Capita Payments

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ONEIDA TRIBE OF INDIANS  
OF WISCONSIN



ONEIDA FINANCE OFFICE  
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MEMORANDUM

DATE: January 5, 2016  
FROM: Larry Barton, Chief Financial Officer  
TO: Patricia King, Treasurer  
Oneida Business Committee  
RE: **Fiscal Impact of Genskow Petition – Resolution 6 of 6 Unclaimed Per Capita**

**I. Background**

The above referenced petition was submitted to the Tribal Secretary's Office on February 10, 2015, and verified by the Enrollment Department. The petition contains the following:

*"Whereas sufficient numbers of home site(s) for Oneida Tribal member which are located on water and sewer lines have not been provided by the Tribe.*

*Now therefore be it resolved that unclaimed per capita funds from per capita payments shall go into a fund to provide more water and sewer (for) home sites for Oneida Tribal members who do not qualify for HUD. Tribal members who can get their own funding can build their own homes."*

**Unclaimed Per Capita**  
GTC Resolution #1-8-77-C approved the trust plan and authorized the Oneida Trust Committee administrative duties. BC Resolution 7-12-00-B adopted the Per Capita Ordinance. Section 5-6 of said ordinance states, "All funds which would have been dispersed in accordance with this ordinance, but which have been refused by the individual tribal member shall be deposited in a pooled account. The funds in this account can only be designated for expenditure for a specific purpose as determined by the General Tribal Council".

On July 7<sup>th</sup>, 2003 Unclaimed/unallocated funds were on the agenda under new business and three options for the use of the funds were presented. A motion to allocate the monies to the catastrophic fund failed and a motion that "this item be investigated by the Business committee and a specific proposal be brought back at the next annual meeting of 2004" passed. The BC recommendation to designate the interest from

The Department of Housing and Urban Development (HUD) is the Federal agency responsible for national policy and programs that address America's housing needs, improve and develop the Nation's communities and enforce fair housing laws.

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the unclaimed per capita funds to the Oneida Language Revitalization program was presented in the Annual GTC meeting packet for January 5, 2004. No records were found regarding the 2004 Annual GTC meeting. On January 14<sup>th</sup> the BC called for a Special follow up meeting regarding the 2004 Annual meeting. It was only when reviewing the Trust Committee by-laws when the following was noted:

Approved by General Tribal Council: No Quorum on January 5, 2004-  
Adopted by Business Committee on January 28, 2004.  
No other records were found that documented that there was no quorum for the January 5<sup>th</sup> meeting.

On January 28, 2004 the Business Committee approved their recommendation to GTC. SPECIAL BUSINESS COMMITTEE RESOLUTION 1-28-04-A designated the interest from the \$1.7 million in unclaimed or unallocated per capita funds to be applied to the Oneida Language Revitalization Program. According to the resolution, the Oneida Business Committee deems the Oneida Language as a National priority and the Oneida Language Revitalization Program supports this priority; and the Oneida Business Committee has determined use of the pooled account containing unclaimed or unallocated per capita funds would best serve the Oneida Tribe if the interest from the unclaimed or unallocated per capita funds were used to fund the Oneida Language Revitalization Project.

MOTION BY VINCE DELAROSA TO ADOPT BUSINESS COMMITTEE SPECIAL RESOLUTION 1-28-04-A REGARDING UNCLAIMED/UNALLOCATED PER CAPITA FUNDS TO BE EARMARKED FOR THE ONEIDA LANGUAGE REVITALIZATION, SECONDED BY PAUL NINHAM. MOTION CARRIED UNANIMOUSLY.

The Oneida Language Revitalization fund is managed by the Oneida Trust Committee and was established on June 30, 2005. The following charts illustrate the projected growth and distribution of the fund and the next 15 year projections:

Oneida Language Revitalization Fund			Distributions to
Historical	Value	Contributions	Language Revitalization
Date			
2005	\$1,728,691	\$1,728,691	
2006	\$1,755,456	\$0	
2007	\$1,905,426	\$0	
2008	\$1,944,150	\$0	
2009	\$1,853,068	\$0	(\$14,852)
2010	\$2,031,819	\$0	
2011	\$2,215,513	\$254,400	(\$41,443)
2012	\$2,606,406	\$20,518	(\$35,001)
2013	\$2,630,597	\$7,175	(\$57,581)
2014	\$2,799,828	\$55,501	(\$53,477)
2015	\$2,874,272	\$21,780	
Total		\$2,088,069	(\$202,383)

Resolution 6 - Unclaimed Per Capita Payments

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Revitalization program or to allocate all future unclaimed/unallocated per capita to fund infrastructure for home sites for Oneida Tribal members who do not qualify for HUD. In either case, there is no request for additional funding.

**III. Financial Impact**  
No impact.

**IV. Recommendation**

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

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Projections for the Language Revitalization fund		Principal Growth	Income Yield @ 1.8%	75% to Language Revitalization	Income Reinvested	Fees	Forecasted Total
Year	Balance						
2015	\$ 2,874,272	\$ 77,605	\$ 51,737	\$ 38,803	\$ 12,934	\$ (4,760)	\$ 2,960,051
2016	\$ 2,960,051	\$ 79,921	\$ 53,281	\$ 39,961	\$ 13,320	\$ (4,760)	\$ 3,048,533
2017	\$ 3,048,533	\$ 82,310	\$ 54,874	\$ 41,155	\$ 13,718	\$ (4,760)	\$ 3,139,801
2018	\$ 3,139,801	\$ 84,775	\$ 56,516	\$ 42,387	\$ 14,129	\$ (4,760)	\$ 3,233,945
2019	\$ 3,233,945	\$ 87,317	\$ 58,211	\$ 43,658	\$ 14,553	\$ (4,760)	\$ 3,331,055
2020	\$ 3,331,055	\$ 89,938	\$ 59,959	\$ 44,969	\$ 14,990	\$ (4,760)	\$ 3,431,223
2021	\$ 3,431,223	\$ 92,643	\$ 61,762	\$ 46,322	\$ 15,441	\$ (4,760)	\$ 3,534,546
2022	\$ 3,534,546	\$ 95,433	\$ 63,622	\$ 47,716	\$ 15,905	\$ (4,760)	\$ 3,641,124
2023	\$ 3,641,124	\$ 98,310	\$ 65,540	\$ 49,155	\$ 16,385	\$ (4,760)	\$ 3,751,060
2024	\$ 3,751,060	\$ 101,279	\$ 67,519	\$ 50,639	\$ 16,880	\$ (4,760)	\$ 3,864,458
2025	\$ 3,864,458	\$ 104,340	\$ 69,560	\$ 52,170	\$ 17,390	\$ (4,760)	\$ 3,981,429
2026	\$ 3,981,429	\$ 107,499	\$ 71,666	\$ 53,749	\$ 17,916	\$ (4,760)	\$ 4,102,084
2027	\$ 4,102,084	\$ 110,756	\$ 73,838	\$ 55,378	\$ 18,459	\$ (4,760)	\$ 4,226,539
2028	\$ 4,226,539	\$ 114,117	\$ 76,078	\$ 57,058	\$ 19,019	\$ (4,760)	\$ 4,354,915
2029	\$ 4,354,915	\$ 117,583	\$ 78,388	\$ 58,791	\$ 19,597	\$ (4,760)	\$ 4,487,335
2030	\$ 4,487,335	\$ 121,158	\$ 80,772	\$ 60,579	\$ 20,193	\$ (4,760)	\$ 4,623,926
Total				\$782,492			

**Development Infrastructure**

According to the Zoning and Shoreline Protection Law, the standard for a Single Family Residential District (R-1) requires a minimum road frontage of 100 feet per single family home. According to the Development Division, an opinion of probable cost to use as a rule of thumb for budgeting rural road is approximately \$500 per lineal foot of road. This dollar per lineal foot value includes the road construction, curb/ditch, water, and sewer infrastructure all within the right-of-way of the new road. 100 lineal feet of road can service two single family homes. As an example, a development of 20 homes would require approximately \$500,000 for infrastructure [100' (serves 2 homes) \* 10 sites \* \$500/lineal foot = \$500,000].

**II. Executive Summary of Findings**

The location and site conditions play a significant role in determining actual cost of the infrastructure. Utilizing the estimate of \$500 per linear foot is simply a guideline that is subject to a number of site specific variables impacting the cost. It would not be accurate to say that \$50,000 (100' \* \$500/lineal foot) could allow for the development of one to two sites per year. It would also not be cost effective to add only one or two sites. A multisite planned development would capitalize on economies of scale. The existing fund could not be utilized in a cost effective manner until it reached the point where it could fund a larger development. Using the example above it would take 10-11 years before enough funds were accumulated for the development of a 20 unit site.

It is unclear if the request is simply to redirect the existing fund currently designate to the Language

February 2<sup>nd</sup>, 2016

From: Madelyn (Cornelius) Genskow  
To: The General Tribal Council  
Subject: Unclaimed per-capita

There is over \$2,000,000 in the Trust Department that is placed there for use by Oneida Cultural Heritage.

If that is not enough money to teach Oneida language, it is hopeless. It was reported that the school has other money for that purpose.

Tribal members desperately need home sites on trust land.

The whole issue of why so few tribal members can carry on a conversation in the Oneida language for 45 min after all the money that has been spent needs to be addressed.

*Madelyn Genskow*



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 Nation**  
BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040



UGWA DEMOLUUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations of the Iroquois Confederacy, a new nation, the United States was made possible.

**MEMORANDUM**

To: General Tribal Council  
From: Oneida Business Committee  
Date: March 3, 2016  
RE: Oneida Business Committee Recommended Action – Madelyn Genskow Petition re: Unclaimed Per Capita Fund Allocation

We have reviewed the legislative, financial and legal opinions regarding the petition submitted by Madelyn Genskow containing a resolution regarding re-allocation of the Unclaimed Per Capita Fund to water and sewer connections. We believe that water and sewer connections are important; and we believe that both housing and language are being addressed through current programming and budgeting activities.

The Unclaimed Per Capita Fund was created under the Per Capita law. The funds accumulated unspent until the General Tribal Council was presented a resolution for allocation of the funds. The Oneida Business Committee adopted the resolution on behalf of the General Tribal Council because the meeting failed to meet quorum requirements. The fund has approximately \$4 million, with about \$45,000 allocated annually for language programming support.

The resolution suggests that this fund be allocated to create water and sewer connections to new homes. However, it is not clear what is to be utilized. If the principle of the fund is used, it would deplete the resource quickly and remove future funding options. If the investment income is used, the fund is not large enough to deliver sufficient funding to allocate to water and sewer connections at a level for one connection a year.

We do not recommend depletion of the fund, which is serving to provide resources for programming activities we would be unable to fund. Further, depletion of the fund would

## tsi? niyukwalihó-ta

*Jeet nee yoon gwea lee hoe 'duh*

“Our ways” includes our beliefs, our customs, and how we view things (past, present, and future). It also includes our history, language, and things in our environment (man-made and natural) that make us distinct from others as a people.

### *Vision*

A Nation of strong families built on Tsi? niyukwalihó-ta and a strong economy.

### **Kahletsyalósla**

*gah lay ja loose 'la*  
The heart felt encouragement of the best in each of us

### **Kanolukhwásla**

*ga no loonk wass' la*  
Compassion, caring, identity and joy of being

### **Ka?nikuhl:yo**

*gat knee goo leee' (yo)*  
The openness of the good spirit and mind

### **Twahwahstsilay?**

*dwah wah jee lie (ah')*  
All of us are Family

### **Kalihwi-y?**

*gally we' (yo)*  
The use of good words about ourselves, our Nation and our future

### **Yukwatsistay?**

*yoon gwa jeesta' (sh)*  
Our fire, our spirit within each one of us

### **Ka?tshtat?sla**

*gat chot stews' la*  
The strength of belief and vision as a people

### *Mission*

To strengthen and protect our people, reclaim our land, and enhance the environment by exercising our sovereignty.

### *Values*

To establish positive behaviors upon which we will conduct our daily activities. The extent to which we dedicate ourselves to the implementation of these values will determine our success.

be insufficient to meet long term needs, but would serve a few home owners. We do not recommend reallocation of the interest income because it would be insufficient to meet the requirements of the resolution. Further, we have allocated \$800,000 in the FY16 Budget to infrastructure development for new homes and neighborhoods in accordance with the Neighborhood Development Plan adopted by the General Tribal Council at the July 2015 Semi-Annual Meeting.

The language program has been successful in developing language programs for local schools and in developing learning programs. This includes in person classes as well as applications utilizing smart phone technology. However, we have also been in the process of reviewing the use of the Unclaimed Per Capita Fund allocation to the language and culture activities. We have directed that the Division Director supervising the Cultural Heritage Program present an updated programming and funding use plan.

**Recommendation: Motion to accept the resolution for information only and to direct the Oneida Business Committee to continue to monitor the use of the Unclaimed Per Capita Funds as well as budget allocations for housing needs.**

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~2~~/~~24~~/~~16~~ 03 / 09 / 16

EXCERPT FROM FEBRUARY 24, 2016: Motion by Brandon Stevens to defer the update regarding Work Plan for CIP # 14-002 Cemetery Improvements to the March 9, 2016, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously.

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept update of Work Plan for Cemetery Improvements project #14-002.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. <input type="text" value="Work Plan"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Troy Parr, Asst. Division Director/Development  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Paul J. Witek, Senior Tribal Architect/ Engineering Dept.  
Name, Title / Dept.

Additional Requestor: Fawn Cottrell, Contract Processor/ Engineering Dept.  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose:

Follow-up to item XII.A from December 9, 2015 OBC Meeting for a update to Work Plan.

Background:

On December 9, 2015 the Business Committee approved a motion to request the Cemetery Improvement Project #14-002 Work Plan be a standing item on the second regular Business Committee meeting agenda of each month starting in January of 2016 for updates.

Action Requesting:

1. Acceptance of Work Plan status update for Cemetery Improvements project #14-002.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# WORK PLAN

Cemetery Improvements Project  
#14-002

2/16/16

No.	Description	Notes	Tasks	Task Coordinator	Estimated Completion Date	Status
1	Continue data readings from monitoring wells.	Monthly readings.	a. Collect data.	CW&S Dept.	On-going	On-going
2	Install additional monitoring wells.	Install monitoring wells at existing raised plateaus and on property to east.	a. Draft and release Request For Proposals (RFP).	Engineering Dept.	12/16/15	Complete, issued 12/9/15; proposals received 12/16/15.
			b. Draft and award contract.	Engineering Dept.	1/22/16	Complete.
			c. Install monitoring wells	Vendor	2/9/16	4 wells installed Feb. 8 & 9. Remaining 2 will be coordinated with Hydrogeology study.
3	Hydrogeology Study (ground-water study).	The study will review previous reports, existing data from monitoring wells, data from new monitoring wells and provide verification/recommendations of plan of action to address groundwater concerns.	a. Identify budget source for study.	Troy Parr	12/14/15	Transfer of funds from #07-009 Building Demolitions was approved by Finance Committee 12/14/15.
			b. Draft and release Request For Proposals (RFP).	Engineering Dept.	1/28/16	Issued 1/9/16; 4 proposals received and scored 1/28/16.
			c. Draft and award contract.	Engineering Dept.	Feb. 2016	GEI Consultants, Inc. is high scoring firm. Contract in approval process.
		Study duration is anticipated to be 6 months.	d. Conduct study.	Vendor	Summer 2016	Waiting on completion of item 3.c.
4	Request funding for implementation.	Funding will be requested through the CIP Budget and amounts will be based upon estimates included in the Hydrogeology Study.	a. Include budget request in annual fiscal year CIP Budget request.	Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results. Will estimate cost and include a request in FY2017.
5	Additional drain tile installation.	Contingent upon results of Hydrogeology Study. If study results confirm this is an appropriate action, work will commence as funding allows.	a. Define specific scope of work with Technical Team.	Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
			b. Drain tile installation.	CW&S Dept.	T.B.D.	Waiting on completion of item 5.a.
6	Raise grades between existing plateaus.	Contingent upon results of Hydrogeology Study. If study results confirm this is an appropriate action, work will commence as funding allows.	a. Prepare Construction Documents to define scope of work and allow bidding of work.	Vendor/ Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
			b. Request bids and award construction contract.	Engineering Dept.	T.B.D.	Waiting on completion of item 6.a.
			c. Construction	Vendor	T.B.D.	Waiting on completion of item 6.b.

# MEMO

**TO:** Oneida Business Committee  
**FROM:** Patrick Pelky, EH&S Division Director/DOLM Director  
**RE:** Clean-up Cost adjacent to the Oneida Scared Burial Grounds Site  
**DATE:** February 29, 2016

The following information was submitted by Dennis Johnson, Community Wells & Septic, and Steve Linskens, Environmental, Health & Safety, from the Material Handling Team, who led the clean-up of the site adjacent to the Oneida Scared Burial Grounds:

Workers/Operators that were dedicated to the Adam Dr. clean up project were:

- Four (4) DPW Staff
- One (1) Community Wells & Septic
- One (1) EH&SD

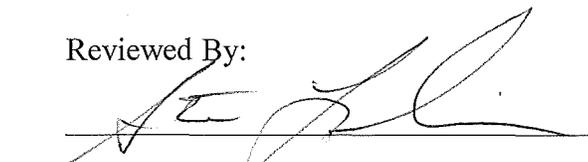
In-Kind Hours Spend cleaning up the site. Total internal Staff/equipment hours = 56 hrs.:

- November 9, 2015 - 4 hours – 1 dump truck, pay loader, skidsteer. 4 hrs. x 3 operators = 12 total staff/equipment hours.
- November 10, 2015 - 7 hours - 2 dump trucks, pay loader, dozer. 7 hrs. x 4 operators = 28 total staff/equipment hours.
- November 11, 2015 - 8 hours – pay loader, dozer. 8 hrs. x 2 operators= 16 total staff/equipment hours.

Outside Hours Spent cleaning up the site:

- November 11, 2016 – plus 1 dump truck from Carl's Trucking @ 4.5 hrs. x \$73/hr. = \$ 328.50

Reviewed By:

  
Steve Linskens, EH&SD



Dennis Johnson, Community Wells & Septic

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~02 / 24 / 16~~ 03 / 09 / 16

EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Lisa Liggins, Executive Assistant II  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

TO: ONEIDA BUSINESS COMMITTEE  
 FROM: LISA SUMMERS, SECRETARY  
 DATE: FEBRUARY 17, 2016  
 RE: RESCHEDULE 2/23/16 BC MEETING

#### \*\*\*BACKGROUND\*\*\*

The following Business Committee members will not be in attendance for the regular Business Committee scheduled on March 23, 2016:

- 1) Chairwoman Tina Danforth - approved travel to RES Conference
- 2) Treasurer Trish King - approved travel to RES Conference
- 3) Councilwoman Jennifer Webster - approved travel to RES Conference
- 4) Secretary Lisa Summers - approved travel to CACIC Conference

At the February 10, 2016, regular BC meeting, Vice-Chairwoman Melinda J. Danforth was also approved to attend the CACIC Conference with the exception of March 23, 2016. The Vice-Chairwoman indicated a desire to hold both the regular meeting and executive session discussion together on one day.

The last week in March is a "free week" with no LOC or BC meeting scheduled. As of February 17, 2016, according to Outlook calendars, the following Business Committee members are on vacation the last week in March:

- 1) Councilwoman Fawn Billie

The requested action below is being presented as an alternate consideration of the "one-day" meeting.

#### \*\*\*REQUESTED ACTION\*\*\*

Consider rescheduling the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

# March/April 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
		Executive Session Discussion	Regular BC Meeting		Comp. Health Update <b>1/2 - Good Friday</b>	
	MJD@CACIC-----> LS@CACIC-----> TD, TK, JW@RES->	-----		MJD@CACIC-----		
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>1</b>	<b>2</b>
<b>EASTER</b>						
	FB-vacation----->	----->	----->	----->	-----	
<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
			LOC Meeting			
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
			Regular BC Meeting			

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~02 / 24 / 16~~ 03 / 09 / 16

EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

#### 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Request approval of Executive Session meeting date from April 26th to April 25th, 2016.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1. <input type="text" value="Invitation"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

#### 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

#### 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: \_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

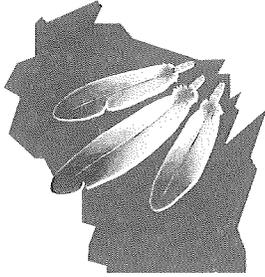
Describe the purpose, background/history, and action requested:

WITEMA (Wisconsin Tribal Emergency Management Alliance) is hosting a Tabletop Exercise on April 26th, 2016; invitation attached. The exercise will be focusing on a Health related incident of significance originating in Oneida. This request is to change the Executive Session Meeting date from April 26th to April 25th to allow the Oneida Business Committee members the opportunity to participate in the Tabletop Exercise. To provide the opportunity for BC involvement the request for rescheduling is being submitted for consideration.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidation.org](mailto:BC_Agenda_Requests@oneidation.org)



*Wisconsin Tribal Emergency Management Alliance  
(WITEMA)*

*"Protecting the past by preparing for the future."*

Kaylynn Gresham, Chairwoman

Mike Baker, Vice-Chairman

Josh Pyatskowitz, Secretary

---

Wisconsin Tribal Emergency Management Alliance  
c/o Oneida Tribe of Indians of WI Office of Emergency Management  
2783 Freedom Road  
Oneida, WI 54155

Dear Tribal Leaders, Emergency Managers and Public Health Professionals:

On Tuesday, April 26th, 2016 the Wisconsin Tribal Emergency Management Alliance (WITEMA), in conjunction with Wisconsin Emergency Management (WEM) will be holding a tabletop exercise at the Pine Hills Golf Course, N9498 Big Lake Road, Gresham WI 54128; on the Stock Bridge Munsee Reservation. Registration will begin at 8am, the exercise is scheduled to begin at 9:00 am, and end with an after-action review from 1 – 2 pm. Lunch will be provided. A tentative timeline for the day is included with this invitation.

This exercise is the first of its kind in Wisconsin, drawing together invitees from the eleven federally-recognized tribes and tribal nations to discuss pertinent issues of Health related concerns potentially facing our communities. The exercise will focus on a Health Issue affecting multiple tribes and communities simultaneously with a common source. Through the use of communication sharing and inter-tribal mutual aid we will dialogue how a response would be coordinated.

In order to maximize the potential for tribal participation in this exercise we are sending you this **SAVE THE DATE** notice for **APRIL 26th, 2016**. To ensure a productive focused collaborative discussion we are limiting participation to three (3) individuals per Tribal Nation, we are asking Executive/Elected Officials, Emergency Management and Public Health be given priority to attend as participants. Additional attendees, (please limit to 3 individuals) will be allowed to observe the Tabletop Exercise. Those interested in attending please send an email to Kaylynn Gresham, Oneida Nation Emergency Management ([kgresham@oneidanation.org](mailto:kgresham@oneidanation.org)).

Thank you, and if you have additional questions, you may contact Kaylynn Gresham, Oneida Nation Emergency Management at (920) 366-0411. If you have any questions in regards to the location of the Tabletop Exercise, please contact Roger Miller at (715) 793-5070.

We look forward to seeing you in April!

Kaylynn Gresham, Chairwoman  
Oneida Tribe of Indians of WI

Mike Baker, Vice-Chairman  
Forest County Potawatomi

Josh Pyatskowitz  
Menominee Nation

**WiTEMA Inter-tribal Exercise (Health Related Incident)**

8:00 to 9:00 am	Registration
9:00 – 9:15 am	Welcome and Introductions
9:15 – 9:30 am	Introduction of the scenario
8:30 – 10:15 am	Exercise commences
10:15 – 10:30 am	Scheduled break
10:30 – 12:00 pm	Completion of exercise
12:00 – 1:00 pm	LUNCH PROVIDED
1:00 pm – 2:00 pm	After-action/lessons learned debriefing

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~02 / 24 / 16~~ 03 / 09 / 16

EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the remainder of the agenda to the March 9, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Request to post 3 vacancies on the Oneida Arts Board.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Board would like to add 3 more vacancies to the board. They currently have 7 and they can have up to 13 members.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

## Oneida Business Committee Agenda Request

**1. Meeting Date Requested:** 03 / 09 / 16

**2. General Information:**

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Activation of \$63,000 from the approved FY 2016 CIP budget for CIP #14-002 Cemetery improvements.

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Paul Witek, Senior Tribal Architect / Engineering  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Fawn Cottrell, Contract Processor / Engineering  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose:

The project team is seeking activation of the project's funding for Phase III. Funding is necessary to cover a portion of the costs for the continued improvements to the Sacred Burial Grounds.

Background:

The project continues improvements to the Sacred Burial Grounds to address ground water concerns that have been identified.

Partial funding for the project was previously allocated and activated from the FY2014 and 2015 CIP Budgets.

Additional construction funding was allocated within the FY2016 CIP Budget approved by GTC. The FY 2016 CIP Budget includes \$63,000 for this project. The funds would be activated in the Project's CIP Budget and managed within that process.

The attached Project Budget Estimate identifies the scope items included in the budget amount and the attached CIP Budget Activations 2016 identifies the GTC approved CIP budget allocations.

Action Requesting:

1. Activation of \$63,000 from the approved FY 2016 CIP budget for CIP #14-002 Cemetery improvements.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

# PROJECT BUDGET ESTIMATE

CLIENT NAME: ONEIDA TRIBE of INDIANS of WISCONSIN  
 PROJECT NAME: **Cemetery Improvements - Phase III**  
 PROJECT No.: 14-002  
 DATE: 19-May-15

## SOFT and MISCELLANEOUS COSTS

Engineering Dept. Fees		5,000
Architect / Engineer Fees & Reimbursables		0
Soil Borings, Testing and Surveys		0
Agency Review and Approval Fees		0
Insurance - Builders Risk	covered by property insurance	
Archaeological Survey & Site Monitoring		0

Sub-total: 5,000

## CONSTRUCTION

General Requirements		0
Site Work & Landscape		0
Oneida CW&S Estimate		49,545

Sub-total: 49,500

Oneida Preference Amount		0
Sustainable Design Premium	0%	0
Inflation Factor: 0 years	3% per year	0

Sub-total: 49,500

## FIXTURES, FURNISHINGS AND EQUIPMENT

Division 10 - Specialties		0
Division 11 - Equipment		0
Division 12 - Furnishings		0
Division 27 - Communications		0
Division 28 - Electronic Safety & Security		0

Sub-total: 0

TOTAL:		54,500
Contingency:	15.0%	8,200
Finance Costs:	0.0%	0

**ESTIMATED TOTAL PROJECT BUDGET: \$ 63,000**

# Oneida Community Well & Septic Dept.

Estimate

**To:** Dan Skenadore, Project Manager  
**From:** Dennis Johnson, CW&S Manager  
**Re:** 2016 Phase III Estimate for Oneida Cemetery Improvement Project  
**CIP No.** 14-002

<b>Date</b>	<b>Estimate No.</b>
5/5/2015	2015-003

## Description Of Work

Continue installations of drain tile, fill, grade and landscape all within Oneida Cemetery

Item	DESCRIPTION	WORK BY	UNIT	Qty	UNIT COST	TOTAL
1	Install approximately 1700' of French drain along the south side of the cemetery road. Trench is 1' to 2' wide and average 6' deep. See site map for location.	CW&S	LF	1700	\$8.85	\$15,045.00
2	Horizontal Drill under Cemetery road for future French drain. Excavating and material provided by CW&S	Vendor	LS	2	\$2,500.00	\$5,000.00
3	Truck in fill material from Oneida Lake Project to fill in proposed area shown on site map. Truck in black dirt from one of our staging areas. Use a combination of Tribal and Vendor trucking & equipment. Final grade elevation will be similar to existing mounded areas	Tribe & Vendor	LS	To be determined	\$29,500.00	\$29,500.00
<b>TOTAL</b>						<b>\$49,545.00</b>

Note: 1 This estimate is proposed for fiscal 2016 Phase III Oneida Cemetery Improvement Project

2 Regarding item 3: Monitoring well data will determine final grade elevation, however final elevation will likely not be above existing grade of mounded areas. Estimated fill is yet to be determined. The amount of work completed primarily depends on internal resources such as fill material, trucking and heavy equipment.

Attach: Attachment A site map

**CIP BUDGET ACTIVATIONS 2016**

Revised: 01/11/16

Project No.	Project Title	CIP \$ App'd FY 2016	Activated Amount	Date Activation Approved	Unactivated Balance	Notes
13-002	54 One Stop Replacement	395,000			395,000	A
14-002	Cemetery Improvements	63,000			63,000	A
14-014	Oneida Golf Enterprise Remodel - Phase II	265,000			265,000	A
16-001	Cultural Heritage Site - Restrooms	191,000			191,000	A
TBD	One Stop - New Location	100,000			100,000	A
<b>TOTALS:</b>		<b>1,014,000</b>	<b>0</b>		<b>1,014,000</b>	

**Adjustments**


**Notes:**

A. Funding source: Tribal Contribution

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Oneida Sacred Burial Grounds Update

Agenda Header: New Business

Accept as Information only

Action - please describe:

To accept the Oneida Sacred Burial Grounds Presentation as the update directed by the 2/20/16 GTC motion (accepted by a show of hands) to have the presentation provided at the next Business Committee meeting.

3. Supporting Materials

Report  Resolution  Contract

Other:

- 1. 11/25/16 Draft OBC minutes page 7 of 15
- 2. 2/20/16 Draft Annual GTC Mtg Action Report pg 3
- 3.
- 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Brandon Stevens, Council Member

Primary Requestor/Submitter: Susan White, Trust Director/ Trust Enrollment Department   
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

This is a presentation that was originally requested for the 1/4/16 Annual GTC Meeting by the OBC on 11/25/15. The presentation provides an update on the Oneida Sacred Burial Grounds project since October 2013.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**D. Approve January 4, 2016, Annual General Tribal Council meeting materials**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the January 4, 2016, Annual General Tribal Council meeting packet materials; to include sections for updates on the Cemetery and the Dialysis Center; and to include a Litigation/Key Issues update to be done at the beginning of the meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Trish King, Lisa Summers, Jennifer Webster  
Not Present: Melinda J. Danforth, Tehassi Hill, Brandon Stevens

Motion by David Jordan to add the nine (9) reports and to make a note that they were submitted late, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Trish King, Lisa Summers, Jennifer Webster  
Not Present: Melinda J. Danforth, Tehassi Hill, Brandon Stevens

**X. Unfinished Business (No Requested Action)**

**XI. Tabled Business (1:57:20)**

**A. Adopt resolution titled No Trade Back for Cash for Fiscal Year 2016**

Sponsor: Trish King, Tribal Treasurer

*EXCERPT FROM OCTOBER 14, 2015: Motion by David Jordan to table to this item, seconded by Tehassi Hill. Motion carried with one opposed.*

Motion by Lisa Summers to take this item from the table, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Trish King, Lisa Summers, Jennifer Webster  
Not Present: Melinda J. Danforth, Tehassi Hill, Brandon Stevens

Motion by Lisa Summers to adopt resolution 11-25-15-A No Trade Back for Cash for Fiscal Year 2016, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Trish King, Lisa Summers, Jennifer Webster  
Not Present: Melinda J. Danforth, Tehassi Hill, Brandon Stevens

Motion by David Jordan to direct the Human Resource Department and Division Directors to budget the Trade Back for Cash benefit to allow each eligible employee to trade back no more than forty (40) hours in Fiscal Year 2017, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Trish King, Lisa Summers, Jennifer Webster  
Not Present: Melinda J. Danforth, Tehassi Hill, Brandon Stevens

## D. Annual Report

Motion by Nancy Barton that the \$5 million in the Standing Stone LLC account be transferred to the Minor's Children Fund and that all the Minor's Trust Accounts be managed by Bay Bank in interested bearing accounts and that all the same provisions apply. Seconded by Nancy Skenandore.

Amendment to the main motion by Cathy Metoxen to conduct an independent investigation, from an outside entity, into Standing Stone LLC and Trust/Enrollment Committee members regarding all of the presented questions raised. Seconded by Nancy Barton. **Motion failed by show of hands**

Motion by Wes Martin to table the previous motion. Seconded by Loretta Metoxen. **Motion carried by show of hands**

Motion by Tsyosha Delgado to direct the Business Committee to direct OTIE to put into place, within two (2) months, an enrolled Oneida Member as successor of OTIE. Seconded by Pearl McLester. **Motion carried by hand count: 849 support; 130 opposed; 76 abstained**

Amendment to the main motion by Madelyn Genskow that a mailing goes out to all Oneida Households to advertise the position with the wage salary noticed in the mail out. Seconded by Stacy Grignon. **Motion carried by shows of hands**

Motion by Mike Debraska to have the petition being submitted to Secretary Lisa Summers with a complete copy to be made for Mike Debraska, that a Special GTC meeting be called within sixty (60) days, on a Saturday only, with this item being the only thing on the agenda to be heard, with or without the fiscal and legal analysis' if they are or aren't done, as this issue affects the entire enrolled population of Oneida and involves the health, safety, and welfare of our tribe. Seconded by Debbie Powless. **Motion failed by hand count: 446 support; 530 opposed; 61 abstained**

Motion by Jennifer Webster to accept the annual reports, to direct the Business Committee to follow-up with the five areas who did not submit a report, to accept the Dialysis Center Update on page 94, and to direct the Oneida Sacred Burial Grounds Update be presented at the next Business Committee meeting. Seconded by Mark Powless. **Motion carried by show of hands**

## 8. NEW BUSINESS

### A. Dialysis Center Update

Motion by Jennifer Webster to accept the annual reports, to direct the Business Committee to follow-up with the five areas who did not submit a report, to accept the Dialysis Center Update on page 94, and to direct the Oneida Sacred Burial Grounds Update be presented at the next Business Committee meeting. Seconded by Mark Powless. **Motion carried by show of hands**

### B. Oneida Sacred Burial Grounds Update

Motion by Jennifer Webster to accept the annual reports, to direct the Business Committee to follow-up with the five areas who did not submit a report, to accept the Dialysis Center Update on page 94, and to direct the Oneida Sacred Burial Grounds Update be presented at the next Business Committee meeting. Seconded by Mark Powless. **Motion carried by show of hands**

## 5. ADJOURN

Motion by Lisa Summers to adjourn at 2:05 p.m. Seconded Bob Miller. **Motion carried by voice vote**

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Activation of \$395,000 from the approved FY 2016 CIP budget for CIP #13-002 54 One Stop Replacement

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Paul Witek, Senior Tribal Architect / Engineering  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Fawn Cottrell, Contract Processor / Engineering  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Purpose:

The project team is seeking activation of the project's remaining funding for Construction. Funding is necessary to cover the costs for the construction contract on the project, mainly contaminated soil remediation and soil correction items.

Background:

Funding for the project design and partial construction was previously allocated and activated from the FY2013 and 2014 CIP Budgets.

Additional construction funding was allocated within the FY2016 CIP Budget approved by GTC. The FY 2016 CIP Budget includes \$395,000 for this project. The funds would be activated in the Project's CIP Budget and managed within that process.

The attached Budget - GMP Analysis identifies the scope items included in the budget amount and the attached CIP Budget Activations 2016 identifies the GTC approved CIP budget allocations.

Action Requesting:

1. Activation of \$395,000 from the approved FY2016 CIP Budget for CIP #13-002 54 One Stop Replacement.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

**BUDGET - GMP ANALYSIS**

PROJECT NAME: **54 One Stop Replacement**  
 PROJECT No.: 13-002  
 DATE: 20-May-15

	Budget	GMP Estimate 5/19/15	Under (over) Budget
<b>CONSTRUCTION</b>			
Building, Site, Fuel System	2,316,700	2,493,449	(176,749)
D-B Pre-GMP Services Savings	71,674		
Sub-Total:	2,388,374	2,493,449	(105,075)
<b>ALLOWANCES</b>			
Contaminated Soil Remediation		20,000	
Existing Soils Removal & Structural Fill		110,000	
Stub Drains & Under Drains		40,000	
Winter Conditions		50,000	
Rework Bio Swales		65,000	
Permanent Utilities Install / Relocation		10,000	
Sub-total:		295,000	
<b>ALTERNATES</b>			
Eliminate Applause TV from Fuel Dispensers		(9,405)	
Electrical - Fixture P2 dimmers controlled by daylight sensors		2,090	
Electrical - Reduce number of L1 fixtures (in front of coolers)		(784)	
Electrical - Install main disconnect in lieu of		3,135	
Sub-total:		(4,964)	
<b>Total:</b>	<b>2,388,374</b>	<b>2,783,485</b>	<b>(395,111)</b>

**CIP BUDGET ACTIVATIONS 2016**

Revised: 01/11/16

Project No.	Project Title	CIP \$ App'd FY 2016	Activated Amount	Date Activation Approved	Unactivated Balance	Notes
13-002	54 One Stop Replacement	395,000			395,000	A
14-002	Cemetery Improvements	63,000			63,000	A
14-014	Oneida Golf Enterprise Remodel - Phase II	265,000			265,000	A
16-001	Cultural Heritage Site - Restrooms	191,000			191,000	A
TBD	One Stop - New Location	100,000			100,000	A
<b>TOTALS:</b>		<b>1,014,000</b>	<b>0</b>		<b>1,014,000</b>	

**Adjustments**


**Notes:**

A. Funding source: Tribal Contribution

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: New Business

Accept as Information only

Action - please describe:

Approval to signature & return the agreement to the Brown County Aging & Disability Resource Center, Inc. as it relates to the S85.21 Specialized Transportation grant

3. Supporting Materials

Report  Resolution  Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Don White, Division Director/GSD

Primary Requestor/Submitter: Florence Petri, Elder Services Program Director *JP 2/18/16*  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Debra Powless, Social Services Area Manager  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Per Legal Review contract requires Business Committee approval prior to execution, pursuant to limited waiver of sovereign immunity.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**ONEIDA LAW OFFICE***CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT*

TO: Lisa Liggins, Business Committee  
 Marsha Danforth, Grants  
 Florence Petri, Elder Services

*Use this number on future correspondence:*

FROM: Kelly M. McAndrews, Staff Attorney

**2016-0031**

DATE: March 4, 2016

RE: Brown County-Aging & Disability Resource Center-  
 2016 Agreement

~~*Purchasing Department Use*~~~~**Contract Approved**~~~~**Contract Not Approved**~~~~*(see attached explanation)*~~


---

*If you have any questions or comments regarding this review, please call 869-4327.*

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

Related: 2015-0113

- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Requires Business Committee approval prior to execution, pursuant to ¶ 20, containing a waiver of immunity. *See Sec. 20, Venue and Applicable Law.*

Generally, the BC asks for the below information when a contract/ agreement is submitted to the Oneida Business Committee for approval of a limited waiver of sovereign immunity, *Please be prepared to address #1 and the need for the grant along with the agenda review request and agreement.*

1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity?
  2. Were three bids obtained? If not, why not?
  3. Was any other vendor willing to remove sovereign immunity issues?
  4. What is the cost of going to another vendor?
- ✓ The Insurance requirements listed in Sec. 14 of the Agreement and Appendix A-1 are subject to review and approval by Risk Management.

\_\_\_ Agency Copy

\_\_\_ Provider Copy

**2016 AGREEMENT BETWEEN  
AGING & DISABILITY RESOURCE CENTER OF BROWN COUNTY, INC.  
AND THE ONEIDA TRIBE**

This Agreement ("Agreement") is made and entered into this 1<sup>st</sup> day of January, 2016 by and between the Aging & Disability Resource Center of Brown County, Inc., a private, non-profit corporation organized and existing under the laws of the State of Wisconsin, having its office at 300 South Adams Street, Green Bay, Wisconsin, ("ADRC") and the Oneida Tribe having its office at 2907 S. Overland Rd, Oneida, WI 54155. Hereinafter, ADRC and Oneida Tribe may be referred to collectively as "Parties" and singularly as "Party."

**RECITALS**

WHEREAS, the ADRC administers the s.85.21 Wis. Stats. program for specialized transportation services in Brown County, Wisconsin; and,

WHEREAS, the specialized transportation services program is to promote the general public health and welfare by providing financial assistance to counties providing transportation services for elderly and disabled persons; and,

WHEREAS, this program improves and promotes the maintenance of human dignity and self-sufficiency by affording the benefits of transportation services to those people who would not otherwise have available or accessible methods of transportation; and,

WHEREAS, Oneida Tribe is located in Brown County, Wisconsin and agrees to provide transportation services for Oneida elders, seeking reimbursement for said expenses under the s. 85.21 Wis. Stats. Specialized Transportation services program.

NOW, THEREFORE, upon consideration of the mutual promises and covenants contained herein, the parties hereto, intending to be legally bound, do hereby agree as follows:

1. **RECITALS:** The above recitals are true, correct and incorporated herein.
2. **TERM OF AGREEMENT:** It is agreed among the Parties that this Agreement shall become effective January 1, 2016 and shall expire on December 31, 2020.
3. **SERVICES TO BE PROVIDED:** The Oneida Tribe agrees to provide transportation services for Oneida elders with bus passes and regular routes for nutritional activities such as rides to nutrition sites and shopping in accordance with the Project Description in Appendix B, which must be reviewed, updated and approved on an annual basis.
4. **PASSENGER REVENUE:** Program donations or income earned from the transportation services must be accounted for separately from income from non-transportation activities. Program income earned in a calendar year must be used to offset any expenses incurred in that same calendar year for transportation services.
5. **COST STANDARDS:** Expenditures shall be reimbursable if they meet all of the requirements set forth below and meet the cost standards listed in Appendix C.
  - a. Be made in conformance with the services to be provided;
  - b. Be necessary in order to accomplish the services to be provided;
  - c. Be reasonable in amounts of goods and services purchased;
  - d. Be actual costs;
  - e. Be made for work performed;

- f. Be in conformance with the cost standards set forth in the Attachment C to this Agreement;
  - g. Be satisfactorily documented and be treated uniformly and consistently.
6. **UNSPENT AIDS:** All grant dollars not spent on allowable costs must be returned to the ADRC.
  7. **AGREEMENT MAXIMUM:** The Agreement for 2016 is not to exceed \$6,000. Future years will be determined with the completion and approval of the annual 85.21 Specialized Transportation Application, Project Description and Budget.
  8. **METHOD OF PAYMENT:** Reimbursements will be made quarterly in an amount not to exceed ¼ of the annual Agreement amount.
  9. **REPORTING REQUIREMENTS:** The Oneida Tribe shall submit monthly reports using the form provided as Appendix D to the ADRC within fifteen (15) days following the end of each month.
  10. **RECORD KEEPING REQUIREMENTS:** Accounts for specialized transportation services shall be maintained in a manner that distinguishes the expenses and revenues from other accounts. Properly executed payrolls, time records, invoices indicating the nature and propriety of the charges must support costs charged to this Agreement. Records shall be maintained for a period of four (4) years and shall be available upon request to the Department of Transportation, its officials, employees or designees for inspection and audit purposes during general business hours.
  11. **RIGHT TO CONDUCT AUDIT:** The Wisconsin Department of Transportation and the ADRC, its officials or agents shall have the right to conduct an audit.
  12. **DISCRIMINATION:** In connection with the performance of work under this Agreement, the Oneida Tribe agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, developmental disability as defined in s.51.01(5), Wisconsin Statutes, national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this state. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and section for training, including apprenticeship. The Oneida Tribe further agrees to take affirmative action to ensure equal employment opportunities. The Oneida Tribe agrees to post, in a conspicuous place available for employees and applicants for employment, notices setting forth the provisions of the nondiscrimination clause.
  13. **AGENTS, EMPLOYEES AND REPRESENTATIVES OF ONE PARTY NOT AGENTS OR EMPLOYEES OF OTHER PARTY:** The parties to this Agreement specifically intend, agree and understand that no relation of employer-employee is created by this Agreement. No agent, employee, representative or contractor of the one party shall be or shall be deemed to be the agent, employee, representative or contractor of another party hereto.
  14. See Appendices A-1 and A-2 for Indemnity and Insurance Requirements.
  15. **AMENDMENT, ASSIGNMENT:** This Agreement may be amended from time to time upon mutual written agreement of the parties hereto and as may be required by applicable state and federal agencies and regulations, signed by each Parties duly authorized representative.  
  
No party hereto shall have the right to assign this Agreement or any part hereof to any person, firm or corporation, without the written consent of the other Parties, which written consent may not be arbitrarily withheld.
  16. **TERMINATION:** This Agreement may be terminated during its Initial Term or during any Renewal Term thereafter by the mutual consent of the Parties hereto. Alternatively, any Party may terminate and cancel this Agreement during its Initial Term or during any Renewal Term thereafter by giving sixty (60)

days written notice to the other Parties of such termination and cancellation, without any further obligations to the other Party. In addition, any Party may terminate and cancel this Agreement, if the other Party fails to comply with the terms and conditions of this Agreement, by giving fifteen (15) days written notice to the other Parties of such default.

17. **FORCE MAJEURE:** If the performance of any part of this Agreement is delayed or rendered impossible by reason of natural disaster, flood, fire, riot, explosion, war or actions or decrees of governmental bodies, notice shall be given as soon as practicable to the other Party indicating the nature of such conditions and the extent of delay and shall do everything possible to resume performance. If the period of nonperformance exceeds twenty-one (21) days from the receipt of said notice of the Force Majeure Event, this Agreement may be terminated by giving written notice.
18. **NOTICE:** Any and all notices and demands shall be in writing delivered in person or by first class mail, registered or certified, postage paid, return receipt requested, or by recognized overnight courier and addressed to the appropriate Party as follows:

**ONEIDA TRIBE at:**  
Cristina Danforth  
2907 S. Overland Road  
Oneida, WI 54155  
(920) 496-7000

**ADRC at:**  
Christel Giesen  
300 South Adams Street  
Green Bay, WI 54305-3600  
[Giesen\\_cd@co.brown.wi.us](mailto:Giesen_cd@co.brown.wi.us)  
(920) 448-4297

All other correspondence shall be addressed as above, but may be sent by "Regular Mail" or email and deemed delivered upon receipt by the addressee. Either Party may change the above contact information by giving the other Party notice as stated above of the same at any time.

19. **DISPUTE RESOLUTION:**
- (a) Negotiation. If either Party believes the other has failed to comply with the requirements of this Agreement, or if a dispute arises over the proper interpretation of any provisions of this Agreement, then either Party may initiate negotiation by serving a written notice on the other identifying the specific provision or provisions of this Agreement in dispute and specifying in detail the factual basis for any alleged non-compliance and/or the interpretation of the provision of this Agreement. Within thirty (30) days of service of such notice, representatives designated by each Party shall meet in an effort to resolve the dispute through negotiation.
- (b) Mediation. If either Party believes the other has failed to comply with the requirements set forth in this Agreement, or if there is a dispute over the proper interpretation of any provision of this Agreement, the Parties may agree in writing to settle the dispute by non-binding mediation.
20. **VENUE AND APPLICABLE LAW:** Any lawsuits related to or arising out of disputes under this Agreement shall be commenced and tried in the Circuit Court of Brown County, Wisconsin and the ADRC and Oneida Tribe shall submit to the jurisdiction of the Circuit Court for such lawsuits. In all respects, this Agreement and any disputes arising under it shall be governed by the laws of the State of Wisconsin.
21. **CONFLICT OF INTEREST:**
- A. Interest in Agreement - No officer, employee or agent of the ADRC who exercises any functions or responsibilities in connection with the carrying out of any services or requirements to which this Agreement pertains, shall have any personal interest, direct or indirect in this Agreement.
- B. Interest of Other Local Public Officials - No member of the governing body of the ADRC, who exercises any functions or responsibilities in the review or approval of the carrying

out of this Agreement, shall have any personal interest, direct or indirect, in this Agreement.

C. Interest of Corporation and Employees - If the Oneida Tribe is aware or becomes aware that any person described in Sections 10, A. or B. of this Agreement has any personal financial interest, direct or indirect, in this Agreement, the Oneida Tribe shall immediately disclose such knowledge to the ADRC. The Oneida Tribe further covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The Oneida Tribe further covenants that in the performance of this Agreement no person having any conflicting interest shall be employed or subcontracted.

22. **SEVERABILITY:** The provisions of this Agreement are severable and if any provision is found to be invalid, unenforceable, or void by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect and shall not be affected, impaired or invalidated unless the effect of holding the provision invalid, unenforceable or void defeats the entire purpose of the Agreement.

23. **CONSTRUCTION:** All parties have contributed to the drafting of this Agreement. In the event of a controversy, dispute or contest over the meaning, interpretation, validity or enforcement of this document or any of its terms or conditions, there shall be no inferences, presumption or conclusion drawn whatsoever against any Party by virtue of that Party having drafted the document or any portion thereof.

24. **SIGNATURE AUTHORITY:** The persons signing this Agreement warrant that they have been authorized to enter into this Agreement by and on behalf of their respective Parties and that they have full and complete authority to bind their respective Parties by executing this Agreement.

25. **ENTIRE AGREEMENT:** This Agreement and attached Appendices constitutes the entire agreement among the ADRC and the Oneida Tribe with respect to the subject matter hereof and there is no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized representatives of the ADRC and Oneida Tribe.

IN WITNESS WHEREOF, the Parties hereby have caused this Agreement to be executed by their respective duly authorized representatives on the date first above written.

ONEIDA TRIBE

\_\_\_\_\_  
Cristina Danforth, Tribal Chairwoman

\_\_\_\_\_  
Date

AGING & DISABILITY RESOURCE CENTER  
OF BROWN COUNTY, INC.

\_\_\_\_\_  
Marvin Rucker, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Devon Christianson, Director

\_\_\_\_\_  
Date

**ONEIDA TRIBE**  
**LISTING OF APPENDICES**

Appendix A-1 – Purchaser Indemnity and Insurance Requirements

Appendix A-2 – Provider Certificate of Insurance

Appendix B – Transportation Project Description and Budget

Appendix C – Cost Standards

Appendix D - Monthly Invoice and Report Form

**ONEIDA TRIBE****APPENDIX A-1****PURCHASER INDEMNITY AND INSURANCE REQUIREMENTS****Hold Harmless**

The Oneida Tribe hereby agrees to release, indemnify, defend and hold harmless the Aging & Disability Resource Center, their officials, officers, employees and agents from and against all judgments, damages, penalties, losses, costs, claims, expenses, suits, demands, debts, actions and/or causes of action of any type or nature whatsoever, including actual and reasonable attorney's fees, which may be sustained or to which they may be exposed, directly or indirectly, by reason of personal injury, death, property damage, or other liability, alleged or proven, resulting from or arising out of the performance under this agreement by the Oneida Tribe, its officers, officials, employees, agent or assigns. The ADRC does not waive, and specifically reserves its right to assert any and all affirmative defenses and limitations of liability as specifically set forth in Wisconsin Statutes, Chapter 893 and related statutes.

The ADRC hereby agrees to release, indemnify, defend and hold harmless the Oneida Tribe, their officials, officers, employees and agents from and against all judgments, damages, penalties, losses, costs, claims, expenses, suits, demands, debts, actions and/or causes of action of any type or nature whatsoever, including actual and reasonable attorney's fees, which may be sustained or to which they may be exposed, directly or indirectly, by reason of person injury, death, property damage, or other liability, alleged or proven, resulting from or arising out of the performance under this Agreement by the ADRC, its officers, officials, employees, agents, or assigns. The Oneida Tribe does not waive its sovereign immunity, and specifically reserves its right to assert any and all affirmative defense and limitations of liability as available by applicable statutes or common law.

**Insurance Requirements**

The Oneida Tribe shall provide and maintain at its own expense during the term of their agreement, the following insurance policies covering its operations hereunder. Such insurance shall be provided by insurer(s) authorized to conduct business in the State of Wisconsin.

The Oneida Tribe shall not commence work under this Agreement until all insurance required under this paragraph is obtained and such insurance has been approved by a representative of the ADRC, nor shall the Oneida Tribe allow subcontractors to commence work on their subcontract until all similar insurance requirements have been obtained and approved by a representative of the ADRC.

**Explanation of Insurance Requirements**

The Oneida Tribe shall maintain the following types of insurance in the amounts at least equal to those specified.

**Worker's Compensation Insurance**, in compliance with the laws of the State of Wisconsin and its statutory limits with Employer's Liability Insurance in an amount not less than \$100,000 per claimant.

**General Liability Insurance**, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each occurrence for general liability and a \$2,000,000 annual aggregate.

**Automobile Liability Insurance**, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each occurrence which includes all autos (owned, hired and non-owned).

**Additional Insured**

The Oneida Tribe agrees that the General Liability and Automobile Liability insurance policies shall be primary and shall be endorsed to name the ADRC as additional insured's as respects: liability arising out of activities performed by or on behalf of the Oneida Tribe: products and completed operations; premises owned, occupied or used; or automobiles owned, leased, hired or borrowed by the Oneida Tribe. The coverage shall contain no special limitations on the scope of protection to the ADRC.

**Waiver of Subrogation**

Insurers shall provide an endorsement waiving all subrogation rights against the ADRC on all policies listed on the insurance certificate.

**Cancellation Notice**

Oneida Tribe shall provide an endorsement with the insurance policies whereby the ADRC will be given thirty (30) days' written notice in advance of cancellation, non-renewal, or material change in insurance coverage.

**Proof of Insurance**

A valid Certificate of Insurance with endorsements shall be issued to "ADRC of Brown County" prior to commencement of work and meeting the requirements listed to avoid any interruption of normal business services and transactions. Certificates must bear the signature of the insurer's authorized representative.

The insurance certificate must be issued by companies licensed to do business in the State of Wisconsin or signed by an agent of the State of Wisconsin.

The certificates of insurance shall include a provision prohibiting cancellation of said policies except upon thirty (30) days prior written notice to the ADRC.

The certificate of insurance shall be delivered to the ADRC prior to the execution of the Agreement.

The certificate holder shall be noted as:

ADRC of Brown County  
300 S. Adams Street  
Green Bay, WI 54301

ONEIDA TRIBE

APPENDIX A-2

PROVIDER CERTIFICATE OF INSURANCE

Provider – Please insert copy.

**ONEIDA TRIBE**

**APPENDIX B**

**PROJECT DESCRIPTION & BUDGET**

Project Name

**Type of Service**

Place an "x" next to the type of service you will be providing for this project.

Volunteer Driver  Voucher Program

Vehicle Purchase  Planning/Management Study

Other (provide description)

**General Project Summary**

Please provide a **brief** description of this project.

The purpose of this program is to provide monthly Oneida Transit bus passes to working Elders and transportation to congregate meal site, program activities and weekly banking and shopping.

**Geography of Service**

Please list the cities that are serviced though this project.

Within Reservation Boundaries:
Green Bay
Oneida
De Pere
Seymour

**Service Hours**

Please indicate your general hours of service for this project.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Start time</b>		5:00 AM	5:00 AM	5:00 AM	5:00 AM	5:00 AM	
<b>End Time</b>		8:30 PM	8:30 PM	8:30 PM	8:30 PM	8:30 PM	

**Service Requests**

Briefly describe how your service is requested for this project.

Elder's contact Elder Services Transportation Supervisor.

**Passenger Eligibility**

Briefly indicate passenger eligibility requirements for this project.

1. Must be age 55 years or older. 2. Show proof of residency 3. Provide proof of employment (Gainfully employed, serve on a commission, committee or board with paid stipends)

**Passenger Revenue**

Briefly indicate passenger revenue requirements for this project

There is no cost incurred by elder.

**PROJECT BUDGET - Project 3**

**Annual Expenditures**

Total Expenditures for this project Total \$41,089

**Annual Funding Sources**

Breakout By Funding Source

A. s.85.21 Funds from Annual Allocation	<b>Total</b>	<span style="border: 1px solid black; padding: 2px;">\$5,000</span>
B. s.85.21 Funds from Trust Fund	<b>Total</b>	<span style="border: 1px solid black; padding: 2px;"></span>
C. County Match Funds	<b>Total</b>	<span style="border: 1px solid black; padding: 2px;">\$1,000</span>
D. Passenger Revenue	<b>Total</b>	<span style="border: 1px solid black; padding: 2px;"></span>
E. Older American Act funding	<b>Total</b>	<span style="border: 1px solid black; padding: 2px;"></span>
F. Other Funds (including Medicaid, other grants, or sources of funding) describe below and record the total amount		
1. <span style="border: 1px solid black; padding: 2px;">Tribal Contribution</span>		
6. <span style="border: 1px solid black; padding: 2px;"></span>		
	<b>Total</b>	<span style="border: 1px solid black; padding: 2px;">\$35,089</span>

## APPENDIX C

### COST STANDARDS

#### Allowable Expenses

**LABOR:** Wages paid to employees in exchange for labor. These are wages that are typically paid to drivers, passenger aides or escorts (but not volunteers), dispatchers, service coordinators or brokers, mechanics, and administrative, planning or other technical personnel.

**FRINGE BENEFITS:** Fringe benefits paid on behalf of the employees to other parties such as an insurance company or a governmental tax authority. These payments are for FICA, pension plans, medical and dental insurance, and other insurance plans. Fringe benefits may also include payments to employees for something other than work such as paid sick leave, paid holidays, and paid vacation.

**MATERIALS AND SUPPLIES:** The cost of materials or supplies consumed from inventory or purchased for immediate use. Materials and supplies include tangible products such as fuel and lubricants, tires, equipment maintenance supplies and spare parts, and office supplies. Freight charges and sales tax (unless purchasing agency is tax exempt) can be included.

**UTILITIES:** Payments to utility companies for their resources such as gas, water, sewer, electricity, radio repeater service, telephone service, etc. Note that only the portions of utility expenses that can be allocated to operating the s. 85.21 transportation service are allowable costs. Cable/satellite television is considered entertainment (unallowable cost) rather than a necessary utility.

**LIABILITY AND CASUALTY COSTS:** Payments for insurance programs that protect a project from losses incurred or caused by the project; payments to others for their losses caused by the project.

**TAXES:** Taxes levied on a project by federal, state, and local governments, but not including income taxes.

**PURCHASED TRANSPORTATION SERVICE:** Payments made to third parties for the provision of transportation service. Such organizations would typically be a Section 5310 grantee or other private, non-profit corporation; a public transit system; or private, such as a school bus operator, taxi service, or lift-equipped van service.

**OTHER PURCHASED SERVICES:** Payments made to third parties for services that support the provision of specialized transportation service. These services could include maintenance of vehicles or related equipment; professional and technical services such as training employees and volunteers; advertising or promotion; printing; custodial services; temporary help; accounting and auditing.

**LEASES AND RENT:** Payments for the use of equipment or facilities owned by other organizations. Items typically leased or rented include vehicles, two-way radio equipment, office space, or vehicle storage space.

**PURCHASE OF EQUIPMENT:** Purchase of equipment with which to provide specialized transportation service. Specialized transportation typically includes passenger-carrying vehicles; vehicle-mounted wheelchair loading and securement devices; two-way radio equipment; maintenance equipment; and other durable goods or equipment used in the provision of specialized transportation service. If equipment is shared with non-specialized transportation functions, then only that part of the equipment's cost which is proportional to its use in specialized transportation is an allowable expense.

**TRAVEL:** Eligible travel expenses include transportation, meals, out-of-town lodging, and related expenses such as parking, which are incurred by employees, volunteers and other individuals as authorized by the county. Travel is allowed for specialized transportation service provided by employees or volunteers to eligible passengers, official

project business, and travel by seniors and individuals with disabilities using personal or other available means of transportation when authorized by a county (includes fare assistance programs.)

INTEREST: Interest on money borrowed over a short term (one year or less) for operating expenses or over a long term (more than one year) for equipment purchases.

ADVERTISING: Cost of purchasing service advertisements in media such as newspapers, magazines, newsletters, radio, television, direct mailing, posters, handouts, etc. Allowable advertising subjects may include the recruitment of paid or volunteer personnel; solicitation of bids for goods and services; sale or disposal of property or services; and announcements of service information such as routes, schedules, contact persons, etc. All advertising expenses charged to s. 85.21 funds must pertain specifically to specialized transportation projects.

VOLUNTEER HONORARIUMS AND RECOGNITION EVENTS: Costs of gifts, mementos, dinners and ceremonies in recognition of volunteered services. However, only one event or group of presentations per project year is an eligible expense.

SUBSCRIPTIONS AND MEETINGS: Book purchases and periodical subscriptions are allowable expenses if they directly pertain to the management, planning, and operation of transportation services. Such items must be procured for agency, not individual, use. Meeting or conference fees are allowable expenses when the primary purpose of the meeting is the dissemination of technical information. Fees for conferences or meetings designed to influence legislation are not allowed.

## Unallowable Expenses

DEPRECIATION: Depreciation accrued by public transit system operators, depreciation on facilities or equipment purchased with public (Federal, state or local) capital grants, depreciation on intangible assets, and depreciation in excess of the rate used for income tax purposes.

ENTERTAINMENT: The costs of amusement, social activities, and related activities.

FINES AND PENALTIES: Costs resulting from violations or failures to comply with laws and regulations.

### CHARITABLE CONTRIBUTIONS AND DONATIONS

BAD DEBT: Losses resulting from uncollectible accounts or other claims.

RESERVE FUNDS FOR FUTURE EXPENSES: State aid may not be saved from one year to another for contingencies or general expenses.

LOBBYING: Program funds may not be used to cover the cost of any activity designed to influence law making.

ADVISORY COMMITTEES OR COUNCILS: The cost of advisory committees or councils is not allowed except when such groups are deemed necessary for the preparation of a technical study. The life or term of any such group may not exceed the term of the study.

GENERAL PUBLIC ADMINISTRATION: General county or local government operation costs as they incidentally pertain to the activities covered under the s. 85.21 program are not allowable expenses. Such costs would include those associated meetings of the county board and its subcommittees, and expenses of county officials whose regular duties do not include specialized transportation.

CONSTRUCTION: The cost of building or modifying fixed facilities such as garages, shelters, and storage buildings is not allowed.

### LAND ACQUISITION

**APPENDIX D**  
**85.21 SPECIALIZED TRANSPORTATION PROGRAM**  
**MONTHLY INVOICE AND REPORT FORM**

*(Monthly invoice is due by the 15th of the month following the month of service)*

<b>Vendor Name:</b>	
<b>Street Address:</b>	
<b>City, State &amp; Zip Code:</b>	
<b>Month/Year of Service:</b>	
<b>Ambulatory Clients</b>	
<b>Elderly:</b>	
<b>Disabled:</b>	
<b>Total:</b>	
<b>NOTE: totals for ambulatory &amp; non ambulatory must equal total trips</b>	
<b>Monthly Trips By Purpose</b>	<b>NUMBER OF ONE WAY TRIP'S</b>
Medical	
Employment	
Nutrition	
Education	
Social/Rec.	
Day Care	
Other:	
Other:	
<b>Total Trips</b>	<b>0</b>
<b>Total Miles of those Trips</b>	<b>0</b>

Monthly Time In Service	Number
Hours	
Days	
<b>Previous Month Invoice Payment to vendor from ADRC</b>	<b>\$ Amount</b>
85.21 Specialized Transportation Program	<b>\$0.00</b>

**SUBMIT VIA EMAIL BY THE 15<sup>TH</sup> OF THE MONTH TO:**  
**DEBRA BOWERS**  
[Bowers\\_dl@co.brown.wi.us](mailto:Bowers_dl@co.brown.wi.us)

<b>Contact Name:</b>	
<b>Contact Phone:</b>	
<b>Contact Email:</b>	
<b>Invoice Date &amp; Number:</b>	
<b>Non Ambulatory Clients</b>	
<b>Elderly:</b>	
<b>Disabled:</b>	
<b>Total:</b>	
<b>NOTE: totals for ambulatory &amp; non ambulatory must equal total trips</b>	
<b>Monthly Operating Expenses</b>	<b>\$ Amount</b>
Personnel - Drivers/Mechanics	
Personnel - Admin	
Volunteer Reimbursement	
Repairs	
Fuel	
Office	
Other:	
Other:	
<b>Total Monthly Expenses</b>	<b>\$0.00</b>

Monthly Operating Revenue	\$ Amount
Rider Fees	
Donations	
Fund Raising	
Community Support	
Other:	
Other:	
<b>Total Monthly Revenue</b>	<b>\$0.00</b>
<b>Net Balance (Expenses – Revenue) for Monthly Invoice Payment</b>	<b>\$0.00</b>

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Operation plan from Language Department for language implementation

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. Operational Plan

3.

2. Memo

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Don White, Division Director/GSD



Primary Requestor/Submitter:

\_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

The following documents are for your review and acceptance. This information is provided to you as follow up from the BC Strategic Work Meeting:

MOTION by Jenny Webster for a Language Implementation Plan created by GSD with timeliness and end-in-mind to be brought back to the March 9th Regular BC Meeting. Second by Brandon Stevens. Motion carried unanimously.

Excerpt from February 16th, 2016 BC Strategic Work Meeting: Motion by Jenny Webster for a Language Implementation Plan created by GSD with timelines and end-in-mind to be brought back to the March 9th Regular BC meeting. Second by Brandon Stevens. Motion carried unanimously.

Excerpt from January 19th, 2016 BC Strategic Work Meeting: Motion by Brandon Stevens to accept the report and to bring back recommendations for potential sites for the language house and cultural house staff. Second by Tehassi Hill. Motion carried unanimously.

Excerpt from December 15th, 2015 BC Strategic Work Meeting: Motion by Lisa Summers to direct Don White to create a plan for the Language Program and bring it back to the January 19th Strategic Work Meeting. Second by Tehassi Hill. Motion carried unanimously.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Memorandum

**To:** Fawn Billie, Strategic Work Meeting  
**CC:** Nicolas Reynolds  
**From:** Donald White, Director, Governmental Services Division  
**Date:** 3/1/2016  
**Re:** Follow up Report on Language Learning



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Attached please find the Operation Plan for Head Start and Language implementation. We have also included the big picture map of Language development, delivery and deployment. These categories all have, or will have similar Operational Plans which will help to provide cost accounting of services and providing correct allocations to directives, Resolutions and/ or mandates. These Operational Plans will help provide direction and accountability to the Language Department and language teaching and learning opportunities.

Attachments:

- Headstart Language operational plan
- Language development/ delivery map



FY2017-FY2019  
Oneida Tribe of Indians of Wisconsin  
Program Operational Plan Summary

Division:	Governmental Services	2017 Budgeted Service Level:	Expand Services Provided
Department(s):	Language	2017 Proposed Total Budget:	992,000
Area:	Cultural Heritage	2017 Tribal Contribution:	992,000
Program:	Language	2017 Federal/State Grants:	
Fund/Business Unit Name:	Language Department	2017 Internal/External Sales:	0
Fund/Business Unit Number:	4225012	2017 Other Revenue:	0

Division Vision Statement:	Providing opportunities for human development
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Department/Area/Program Mission Statement:	The Oneida Language Department will be recognized as a leader for quality comprehensive Oneida Language instruction committed to providing the highest quality, superior personalized service that advances Oneida Language education, research and the most efficient use of our resources.
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Brief Description of Major Functions/Services:	Keep Oneida language alive and develop fluent, functional speakers by growing and maintaining second language speakers through strategic language planning; conduct language classes available for community members, families, children, schools, employees. Increase the number of speakers to conduct classes, ceremonies, funerals, ten day feasts, and assist with obtaining an Oneida name. Language development enhances the Oneida culture by increasing an understanding behind our stories, history and traditions to promote dignity and respect for the Oneida people.
--	--

2015/2016 Major Activities Completed:	Oneida Language staff assisted others in conducting ceremonies; Represented our Nation in Confederacy protocol along with other Cultural Heritage staff; Continues cultivating strong relationships with Oneida speakers in the Thames located in Southwold, Ontario; Conducted presentations on our curriculum for Title IIV, WIEA, OneidaThames, YES Advocates & Turtle School. Started implementing curriculum in area schools. Met with others to strategize the most impact to develop Oneida Language speakers. Focus is Childcare, Headstart, Oneida Nation School System, along with other youth and family programming
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Staffing:

	2016 Actual	2017 Proposed
Number of Full-Time Employees Budgeted:	8	18
Number of Part-Time Employees Budgeted:	0	0

FY2017-FY2019  
Oneida Tribe of Indians of Wisconsin  
Program Operational Plan Summary

Initiatives/Major Activities:	Priority:	Critical Success Factor:	Short Term Outcomes:	Intermediate Outcomes:	Long-Term Outcomes:
Assess all language speakers or learners on the Oneida Reservation		A base number of speakers in the community and their level of fluency	Matrix on fluency to include current curriculum and 5 C's of language development	Identify fluent first language speakers to conduct assessments	Teachers for childcare, headstart, Oneida Nation School System, and other youth
Hire individuals to be located and teach at childcare, headstart, ONSS and other youth service departments		Each location will have two individuals available to serve as speakers	Hire 10 individuals to serve as educators physically placed at locations	Educators are trained in teaching strategies leading to total immersion	Educational systems are stabilized and moving forward with language development
Training and development		Teachers have ability to hold sessions long term for immersion	Identify needed training and trainers	Teacher materials and techniques are shared with all educators involved with language development inside and outside of the current Language Department	All Oneida educational systems are teaching and speaking in Oneida
Develop teaching videos of On'yote'aka Tsi nitwaw^not^ curriculum		Upload videos for language learners onto several media	Choose which media platforms to upload video e.g. youtube, facebook, vlog	Long distance second language learners will find easy access to curriculum	Online On'yote'aka Tsi nitwaw^not^ language courses.

Major changes in FY2017 revenues or expenditures:	Additional cost for 10 educators, weekend and summer immersion (stipend for educators), training dollars, promotional, printing, technology (iPads),
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Must provide at least one measure in each of the 3 categories below.

FY2017-FY2019  
 Oneida Tribe of Indians of Wisconsin  
 Program Operational Plan Summary

Performance Indicators:

	Measurement description:	FY2014 Actual	FY2015 Actual	FY2016 Projected	FY2017 Budget	FY2018 Plan	FY2019 Forecast
Input	Training and development for all Oneida speakers				60,000	60000	60000
Output	Hire 10 additional educators				380000	380000	380000
Efficiency/ Effectiveness	Educators have ability to hold sessions long term for immersion				18	37	67

FY2017-FY2019  
Oneida Tribe of Indians of Wisconsin  
Program Operational Plan Summary

**Definitions of Performance Indicators**

**INPUT MEASURE**

**Definition:** Measures of what an agency or manager has available to carry out the program or activity. These can include: employees (FTE), funding, equipment or facilities, supplies on hand, goods or services received, work processes or rules.

**OUTPUT MEASURE**

**Definition:** A tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner.

**Efficiency/Effectiveness Measures**

**Efficiency Definition:** The relationship between inputs and outputs. It is calculated by dividing units of output to units of input.

**Effectiveness Definition:** These measures are designed to report the results of both *quantity* and *quality* aspects of a service. How well a program achieves its stated goals and objectives. Effectiveness refers to the degree to which services are responsive to the needs and desires of a community.

## Operational Plan: Oneida Language and Culture Acquisition

### Oneida Head Start

2/23/16

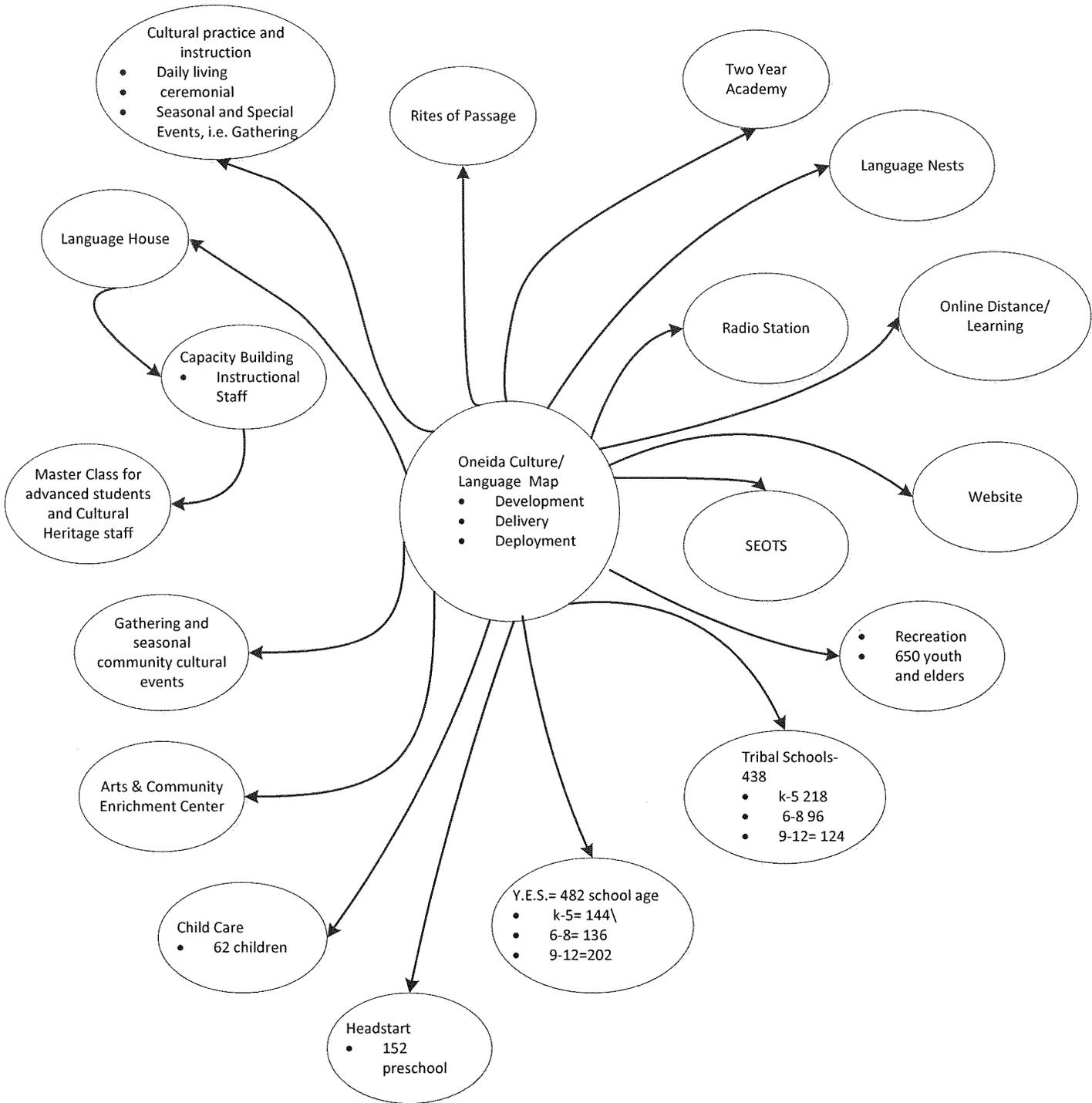
Currently the Oneida Head Start program is providing Oneida language and culture to the children in the program. In most of the classrooms the children are learning basic commands, traditional stories, and word identification. In two classrooms a volunteer, Jasmine House, comes to the classroom to work directly with the children on the language.

The Language Volunteer/Trainer is utilizing curriculum provided by the Language Department entitled "On^yote?aka Tsi? Nitwaw^not^" (required curriculum). This curriculum was given to the families of 20 students in the program in January 2016.

In a recent discussion with staff from Cultural Heritage, Head Start was asked what it needed to teach the children Oneida language and culture. Listed below are the supports that Head Start need to continue to build a solid Oneida Language and Culture program:

Need for Head Start Program	Time Line	Expected Outcome
Head Start teacher's in-service training in all required curriculum by the Language Department with established training modules.	<p><u>Projected:</u></p> <p><b>3 Sisters Headstart</b> Beginning February 29, 2016 at 2p-230p.</p> <p><b>NHC Headstart</b> Beginning March 2 at 130p-215p (Weekly sessions)</p> <p><b>Two day training with Language House staff</b> August 16 and 17</p>	Teachers will become more proficient in the required curriculum and pronunciation of Oneida words.
All Head Start teachers will be assessed by a written and oral pre and post assessment tool by the Language House Staff 3 times per school year.	May 16, 2016 for the current school year	Teachers will be aware of what parts of the curriculum they have mastered and what parts they still need to work on.
Head Start will develop an accountability system for teachers who work in the Head Start program. This will include a Standard Operating Procedure and a signed commitment by all staff	April 8, 2016	Accountability of all staff to learning the curriculum and building on their word proficiency.
<b>Year 1:</b> Head Start students will be taught part one of the curriculums by the teaching staff.	Beginning April 8, 2016 (after the teachers have 4 training sessions)	Build on child proficiency in Oneida Language.

<b>Year 2:</b> Head start staff will prepare for 2 language educators to be placed on location for daily lessons, support and proper pronunciation	Beginning September 1, 2016	Build on child proficiency in Oneida Language
Contract with Jasmine House to compensate for her expertise	October 1, 2016	Provide consistency in language development with teachers and students
2 language educators will be placed with Headstart to assist and support Headstart staff and students	<u>October 1, 2016</u>	Daily support for language development using cultural teachings as tools
Children will be assessed by Headstart Teachers and Language House staff at beginning and end of school year with a pre and post assessment tool and communicated to Head Start program in written format.	May 16, 2016	The program will have data on the effectiveness of the implementation of the curriculum.



# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval that the Tribal Chair or Vice-Chair signs the attached forms which are required for Mission Support Services' Annual Report to the SBA.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Jacquelyn Zalim, OESC Chairwoman of the Board

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Business Committee approval that the Tribal Chair or Vice-Chair signs the attached forms which are required for Mission Support Services' Annual Report to the SBA.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidation.org](mailto:BC_Agenda_Requests@oneidation.org)



awards.

- The percentage of the local Indian population below the poverty level.
- The tribe's access to capital markets.
- The tribe's assets as disclosed in the current tribal financial statement, including those which are encumbered or held in trust; the status of assets encumbered or in trust must be clearly delineated.

2. Does the Tribe or subsidiary of the Tribe own 50% or more of another business other than the applicant business? If yes, identify the names of any other business concern(s), the primary NAICS code of the other business concern(s), and which (if any) of the other business concerns have ever participated in the 8(a) BD Program.  Yes  No
3. Does the Tribe own the applicant concern directly (rather than through a subsidiary)?  Yes  No
4. Does the Tribe own the applicant business through a subsidiary? If yes, provide the name and address of that subsidiary.  Yes  No  
*Oneida ESC Group, LLC is a holding company owned directly by the Oneida Tribe of Indians of WI. Their address is: 2931 S. 108 St., Unit 131, West Allis, WI 53227*
5. Is a tribal member the highest officer or designated manager of the applicant business? If yes, provide evidence of tribal membership. If no, provide a copy of the tribal management development plan.  Yes  No

**Please provide the following documents**

- Evidence of the tribe's recognition as a tribe eligible for the special programs and services provided by the United States or by the Tribe's state of residence.
- Documentation showing the AIT's ownership of the applicant business firm.
- Copies of all governing documents, such as the tribe's constitution or business charter.
- Copies of the tribe's articles of incorporation and bylaws as filed with the organizing or chartering authority, or similar documents needed to establish and govern a non-corporate legal entity.

**NOTICE OF CRIMINAL PENALTIES AND ADMINISTRATIVE REMEDIES FOR FALSE STATEMENTS:** Under Title 18 U.S.C. § 1001 and Title 15 U.S.C. § 645, any person who misrepresents a business concern's status as an 8(a) Program participant, or makes any other false statement in order to influence the certification process in any way, or to obtain a contract awarded under the preference programs established pursuant to section 8(a), 8(d), 9 or 15 of the Small Business Act, or any other provision of Federal Law that reference Section 8(d) for a definition of program eligibility shall be: (1) Subject to fines and imprisonment of up to 5 years, or both, as stated in Title 18 U.S.C. § 1001; (2) subject to fines of up to **\$500,000** and imprisonment of up to 10 years, or both, as stated in Title 15 U.S.C. § 645; (3) Subject to civil and administrative remedies, including suspension and debarment; and (4) Ineligible for participation in programs conducted under the authority of the Small Business Act.

**CERTIFICATIONS:** By signing this form, I certify that all information in this application, including all supporting documents, is true and complete to the best of my knowledge, and that I understand that SBA is relying on this information in making its determination of my company's eligibility for 8(a) BD Program.

Form must be signed by the Tribal Chief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**PLEASE NOTE: The estimated burden for completing this form is 1 Hour per response. You are not required to respond to any collection of information unless it displays a currently valid OMB approval number. Comments on the burden should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., S.W., Washington D.C. 20416.**

**SBA Form 1010 – AIT (3/11)**

<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Bay Bancorporation</p>
<p><b>NAICS code of the business concern:</b> 522220 - Sales Financing</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Oneida Golf Enterprise Corporation</p>
<p><b>NAICS code of the business concern:</b> 713910 - Other Amusement and Recreation Industries</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Seven Generations Corporation</p>
<p><b>NAICS code of the business concern:</b> 531120 - Lessors of Nonresidential Buildings (except Miniwarehouses)</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Airport Hotel Corporation</p>
<p><b>NAICS code of the business concern:</b> 721120 - Casino Hotels</p>

<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b> <b>Name of the other business concern:</b> Oneida ESC Group, LLC</p>
<p><b>NAICS code of the business concern:</b> 000000</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b> <b>Name of the other business concern:</b> Oneida Total Integrated Enterprises, LLC</p>
<p><b>NAICS code of the business concern:</b> 562910 - Environmental Remediation Services</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Current 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b> <b>Name of the other business concern:</b> Sustainment &amp; Restoration Services, LLC</p>
<p><b>NAICS code of the business concern:</b> 237110 - Water and Sewer Line and Related Structures Construction</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Current 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Is a tribal member the highest officer or designated manager of the applicant</b></p>

**business concern?**

Evidence of tribal membership attached.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   3   /  09  /  16 

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval that the Tribal Chair or Vice-Chair signs the attached forms which are required for Sustainment & Restoration Services' Annual Report to the SBA.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Jacquelyn Zalim, OESC Chairwoman of the Board

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Business Committee approval that the Tribal Chair or Vice-Chair signs the attached forms which are required for Sustainment & Restoration Services' Annual Report to the SBA.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



Approval No. OMB 3245-0331  
Expiration Date: 04/30/2017

### American Indian Tribe Information

*The American Indian Tribe that owns at least 51 percent of the applicant business concern must complete this form. 13 C.F.R. § 124.109(b).*

**YOUR SIGNATURE ON THIS FORM INDICATES THAT YOU FULLY UNDERSTAND ALL QUESTIONS AND CERTIFIES THAT ALL RESPONSES AND DOCUMENTS ARE TRUTHFUL AND ACCURATE.**

Name of Applicant Business Concern (include any trade or d.b.a. names):

Sustainment & Restoration Services, LLC

Name of American Indian Tribe (AIT): Oneida Tribe of Indians of Wisconsin (Oneida ESC Group)

*Note: AIT means any Indian tribe, band, nation, or other organized group or community of Indians, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. 13 C.F.R. § 124.3.*

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ 920-869-4040

Address:

N7210 Seminary Road

City: Oneida County: Brown State: WI Zip: 54155

E-mail: \_\_\_\_\_ @ oneidanation.org

Mailing Address (if different from above)

Address:

POB 365

City: Oneida State: WI Zip: 54155

Indian Tribe percent ownership of applicant business concern: 100.00

**Please answer the following questions and provide the required documents:**

1. Has the Tribe previously established its economic disadvantaged status under the 8(a) BD Program? If yes, provide a copy of the SBA determination. If no, provide the following information for the tribe:

Yes  No

- The number of tribal members.
- The present tribal unemployment rate.
- The per capita income of tribal members, excluding judgment

awards.

- The percentage of the local Indian population below the poverty level.
- The tribe's access to capital markets.
- The tribe's assets as disclosed in the current tribal financial statement, including those which are encumbered or held in trust; the status of assets encumbered or in trust must be clearly delineated.

2. Does the Tribe or subsidiary of the Tribe own 50% or more of another business other than the applicant business? If yes, identify the names of any other business concern(s), the primary NAICS code of the other business concern(s), and which (if any) of the other business concerns have ever participated in the 8(a) BD Program.  Yes  No
3. Does the Tribe own the applicant concern directly (rather than through a subsidiary)?  Yes  No
4. Does the Tribe own the applicant business through a subsidiary? If yes, provide the name and address of that subsidiary.  Yes  No  
*Oneida ESC Group, LLC is a holding company owned directly by the Oneida Tribe of Indians of WI. Their address is: 2931 S. 108 St., Unit 131, West Allis, WI 53227*
5. Is a tribal member the highest officer or designated manager of the applicant business? If yes, provide evidence of tribal membership. If no, provide a copy of the tribal management development plan.  Yes  No

**Please provide the following documents**

- Evidence of the tribe's recognition as a tribe eligible for the special programs and services provided by the United States or by the Tribe's state of residence.
- Documentation showing the AIT's ownership of the applicant business firm.
- Copies of all governing documents, such as the tribe's constitution or business charter.
- Copies of the tribe's articles of incorporation and bylaws as filed with the organizing or chartering authority, or similar documents needed to establish and govern a non-corporate legal entity.

**NOTICE OF CRIMINAL PENALTIES AND ADMINISTRATIVE REMEDIES FOR FALSE STATEMENTS:** Under Title 18 U.S.C. § 1001 and Title 15 U.S.C. § 645, any person who misrepresents a business concern's status as an 8(a) Program participant, or makes any other false statement in order to influence the certification process in any way, or to obtain a contract awarded under the preference programs established pursuant to section 8(a), 8(d), 9 or 15 of the Small Business Act, or any other provision of Federal Law that reference Section 8(d) for a definition of program eligibility shall be: (1) Subject to fines and imprisonment of up to 5 years, or both, as stated in Title 18 U.S.C. § 1001; (2) subject to fines of up to **\$500,000** and imprisonment of up to 10 years, or both, as stated in Title 15 U.S.C. § 645; (3) Subject to civil and administrative remedies, including suspension and debarment; and (4) Ineligible for participation in programs conducted under the authority of the Small Business Act.

**CERTIFICATIONS:** By signing this form, I certify that all information in this application, including all supporting documents, is true and complete to the best of my knowledge, and that I understand that SBA is relying on this information in making its determination of my company's eligibility for 8(a) BD Program.

Form must be signed by the Tribal Chief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**PLEASE NOTE: The estimated burden for completing this form is 1 Hour per response. You are not required to respond to any collection of information unless it displays a currently valid OMB approval number. Comments on the burden should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., S.W., Washington D.C. 20416.**

**SBA Form 1010 – AIT (3/11)**

<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Bay Bancorporation</p>
<p><b>NAICS code of the business concern:</b> 522220 - Sales Financing</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Oneida Golf Enterprise Corporation</p>
<p><b>NAICS code of the business concern:</b> 713910 - Other Amusement and Recreation Industries</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Seven Generations Corporation</p>
<p><b>NAICS code of the business concern:</b> 531120 - Lessors of Nonresidential Buildings (except Miniwarehouses)</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b></p> <p><b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b></p> <p><b>Name of the other business concern:</b> Airport Hotel Corporation</p>
<p><b>NAICS code of the business concern:</b> 721120 - Casino Hotels</p>

<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b> <b>Name of the other business concern:</b> Oneida ESC Group, LLC</p>
<p><b>NAICS code of the business concern:</b> 000000</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b> <b>Name of the other business concern:</b> Oneida Total Integrated Enterprises, LLC</p>
<p><b>NAICS code of the business concern:</b> 562910 - Environmental Remediation Services</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Current 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?</b> <b>Name of the other business concern:</b> Mission Support Services, LLC</p>
<p><b>NAICS code of the business concern:</b> 236220 - Commercial and Institutional Building Construction</p>
<p><b>Statement as to whether the other business concern is a current or former 8(a) BD program participant:</b> Current 8(a) BD program participant.</p>
<p><b>Form1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> <b>Is a tribal member the highest officer or designated manager of the applicant</b></p>

**business concern?**

Evidence of tribal membership attached.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   3   /  09  /  16 

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval that the Tribal Chair or Vice-Chair signs the attached form which is required for OTIE's Annual Report to the SBA.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Wilbert Rentmeester, OTIE Board Chairman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Business Committee approval that the Tribal Chair or Vice-Chair signs the attached form which is required for OTIE's Annual Report to the SBA.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



Approval No. OMB 3245-0331  
Expiration Date: 04/30/2017

### American Indian Tribe Information

*The American Indian Tribe that owns at least 51 percent of the applicant business concern must complete this form. 13 C.F.R. § 124.109(b).*

***YOUR SIGNATURE ON THIS FORM INDICATES THAT YOU FULLY UNDERSTAND ALL QUESTIONS AND CERTIFIES THAT ALL RESPONSES AND DOCUMENTS ARE TRUTHFUL AND ACCURATE.***

Name of Applicant Business Concern (include any trade or d.b.a. names):  
Oneida Total Integrated Enterprises, LLC

Name of American Indian Tribe (AIT): ONEIDA TRIBE OF INDIANS OF WISCONSIN  
*Note: AIT means any Indian tribe, band, nation, or other organized group or community of Indians, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. 13 C.F.R. § 124.3.*

Telephone: ( ) \_\_\_\_\_ Fax: ( ) 920-869-4040

Address:  
N7210 Seminary Road

City: Oneida County: Brown State: WI Zip: 54155

E-mail: \_\_\_\_\_ @ oneidanation.org

Mailing Address (if different from above)

Address:  
POB 365

City: Oneida State: WI Zip: 54155

Indian Tribe percent ownership of applicant business concern: 100.00

***Please answer the following questions and provide the required documents:***

1. Has the Tribe previously established its economic disadvantaged status under the 8(a) BD Program? If yes, provide a copy of the SBA determination. If no, provide the following information for the tribe:  Yes  No
- The number of tribal members.
  - The present tribal unemployment rate.
  - The per capita income of tribal members, excluding judgment

awards.

- The percentage of the local Indian population below the poverty level.
- The tribe's access to capital markets.
- The tribe's assets as disclosed in the current tribal financial statement, including those which are encumbered or held in trust; the status of assets encumbered or in trust must be clearly delineated.

2. Does the Tribe or subsidiary of the Tribe own 50% or more of another business other than the applicant business? If yes, identify the names of any other business concern(s), the primary NAICS code of the other business concern(s), and which (if any) of the other business concerns have ever participated in the 8(a) BD Program.  Yes  No
3. Does the Tribe own the applicant concern directly (rather than through a subsidiary)?  Yes  No
4. Does the Tribe own the applicant business through a subsidiary? If yes, provide the name and address of that subsidiary.  Yes  No
5. Is a tribal member the highest officer or designated manager of the applicant business? If yes, provide evidence of tribal membership. If no, provide a copy of the tribal management development plan.  Yes  No

**Please provide the following documents**

- Evidence of the tribe's recognition as a tribe eligible for the special programs and services provided by the United States or by the Tribe's state of residence.
- Documentation showing the AIT's ownership of the applicant business firm.
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**CERTIFICATIONS:** By signing this form, I certify that all information in this application, including all supporting documents, is true and complete to the best of my knowledge, and that I understand that SBA is relying on this information in making its determination of my company's eligibility for 8(a) BD Program.

Form must be signed by the Tribal Chief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**PLEASE NOTE: The estimated burden for completing this form is 1 Hour per response. You are not required to respond to any collection of information unless it displays a currently valid OMB approval number. Comments on the burden should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., S.W., Washington D.C. 20416.**

**SBA Form 1010 – AIT (3/11)**

**Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)**

**Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?**

**Name of the other business concern:**

Bay Bancorporation

**NAICS code of the business concern:**

522220 - Sales Financing

**Statement as to whether the other business concern is a current or former 8(a) BD program participant:**

Not a current or former 8(a) BD program participant.

**Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)**

**Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?**

**Name of the other business concern:**

Oneida Golf Enterprise Corporation

**NAICS code of the business concern:**

713910 - Other Amusement and Recreation Industries

**Statement as to whether the other business concern is a current or former 8(a) BD program participant:**

Not a current or former 8(a) BD program participant.

**Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)**

**Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?**

**Name of the other business concern:**

Seven Generations Corporation

**NAICS code of the business concern:**

531120 - Lessors of Nonresidential Buildings (except Miniwarehouses)

**Statement as to whether the other business concern is a current or former 8(a) BD program participant:**

Not a current or former 8(a) BD program participant.

**Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)**

**Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern?**

**Name of the other business concern:**

Airport Hotel Corporation

**NAICS code of the business concern:**

721120 - Casino Hotels

<p>Statement as to whether the other business concern is a current or former 8(a) BD program participant: Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern? Name of the other business concern: Oneida ESC Group, LLC</p>
<p>NAICS code of the business concern: 000000</p>
<p>Statement as to whether the other business concern is a current or former 8(a) BD program participant: Not a current or former 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern? Name of the other business concern: Mission Support Services, LLC</p>
<p>NAICS code of the business concern: 236220 - Commercial and Institutional Building Construction</p>
<p>Statement as to whether the other business concern is a current or former 8(a) BD program participant: Current 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> Does the Tribe or subsidiary of the Tribe own 50% or more of another business concern other than the applicant business concern? Name of the other business concern: Sustainment &amp; Restoration Services, LLC</p>
<p>NAICS code of the business concern: 237110 - Water and Sewer Line and Related Structures Construction</p>
<p>Statement as to whether the other business concern is a current or former 8(a) BD program participant: Current 8(a) BD program participant.</p>
<p><b>Form 1010-AIT: ONEIDA TRIBE OF INDIANS OF WISCONSIN (ONEIDA ESC GROUP)</b> Is a tribal member the highest officer or designated manager of the applicant</p>

**business concern?**

Evidence of tribal membership attached.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: General Tribal Council

Accept as Information only

Action - please describe:

Motion to enter E-poll results into the record to approve Option 2 regarding the constitutional amendments. The Oneida Business Committee has determined that the amendments should be implemented immediately as a result of our earlier formal acceptance of the Secretarial Election results and in the interest of those members who wish to participate under the new constitutional language.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. email and memo

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor/Submitter: Submitted by: April Skenandore, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

**ONEIDA NATION**  
*Office of the Tribal Secretary*

**Location:**  
N7210 Seminary Road  
Oneida, WI 54155

**Phone:** (920)869-2214



**Mailing Address:**  
P.O. Box 365  
Oneida, WI 54155-0365

**Fax:** (920)869-4040

**MEMORANDUM**

**TO:** Oneida Business Committee  
**FROM:** Lisa Summers, Tribal Secretary   
**DATE:** March 1, 2016  
**SUBJECT:** Enter e-poll results into the record

On February 19, 2016 the following e-poll was conducted:

**Summary:**

The Oneida Business Committee received the decision of the Interior Board of Indian Appeals regarding Madelyn Genskow's appeal of the Secretarial Election results which approved the Tribe's constitutional amendments on Wednesday late afternoon. The decision upholds the Secretarial Election results and dismisses the appeal. Members of the Oneida Business Committee were able to meet on two different occasions since that time regarding implementation of those amendments.

This e-poll is requested as a result of our meetings, in order to provide direction to the Enrollment and volunteers registering members at the meeting this weekend. At our meetings we have determined that we would like to be able to provide a consistent message. Because of the nature of this e-poll (choose Option 1 or Option2) this will ultimately be a majority vote to provide guidance for this weekend and we will not be able to provide a consensus opinion.

**Requested Action:**

The Business Committee is requested to support one of the following options. Please reply to all as to whether you will be supporting Option 1 or Option 2.

**Option 1**

The Oneida Business Committee has not been able to schedule a special or emergency meeting to accept the decision which would result in the constitutional amendments being formalized. Further, we would not have been able to provide notice to those members ages 18, 19 and 20 in a timely manner for the General Tribal Council meeting scheduled February 20<sup>th</sup>, which was less than three days away. When we received the original notice, we had time to conduct notice mailing for the General Tribal Council meeting and the upcoming election.

The Oneida Business Committee will be formally accepting the results on February 24<sup>th</sup> at the meeting next week. We will then be able to identify how we will be meeting the notice provisions in the Ten Day Notice Policy for upcoming General Tribal Council meeting in April and accurately identifying qualifications for vacancies that may be posted in the next Special Election.

Option 2

We believe that members age 18, 19 and 20 should be able to participate in their government, especially attending General Tribal Council meetings. The Oneida Business Committee has determined that the amendments should be implemented immediately as a result of our earlier formal acceptance of the Secretarial Election results and in the interests of those members who wish to participate under the new constitutional language.

However, we do not have sufficient time to notify the membership or provide materials for the meeting scheduled this weekend. We have posted this notice on the Tribe's website and requested that it be placed on the Tribe's social media pages – Facebook, Twitter, and others. If you know of a member age 18, 19 or 20, please pass on this information.

We will provide formal notice at all subsequent General Tribal Council meetings. Thank you for your assistance in getting this information to others and understanding the process by which we were able to provide notice.

**Deadline for response:**

Please submit your response by **3:00 PM TODAY, Friday, February 26, 2016.**

Listed below are the results:

Support Option 1: Melinda J. Danforth, Jennifer Webster

Support Option 2: Lisa Summers, Brandon Stevens, Trish King, David Jordan

**April Skenandore**

---

**From:** TribalSecretary  
**Sent:** Friday, February 19, 2016 3:16 PM  
**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill  
**Cc:** Jo A. House; Brian A. Doxtator; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Nicolas A. Reynolds; Rhiannon R. Metoxen  
**Subject:** RESULTS: E-Poll Request: Constitutional Amendments  
**Importance:** High

Good Afternoon,

**E-POLL RESULTS**

The E-poll results regarding the constitutional amendments is to approve Option 2. Option 2 is as follows:

We believe that members age 18, 19 and 20 should be able to participate in their government, especially attending General Tribal Council meetings. The Oneida Business Committee has determined that the amendments should be implemented immediately as a result of our earlier formal acceptance of the Secretarial Election results and in the interests of those members who wish to participate under the new constitutional language.

However, we do not have sufficient time to notify the membership or provide materials for the meeting scheduled this weekend. We have posted this notice on the Tribe's website and requested that it be placed on the Tribe's social media pages – Facebook, Twitter, and others. If you know of a member age 18, 19 or 20, please pass on this information.

We will provide formal notice at all subsequent General Tribal Council meetings. Thank you for your assistance in getting this information to others and understanding the process by which we were able to provide notice.

Listed below are the results:

Support Option 1: Melinda J. Danforth, Jennifer Webster,

Support Option 2: Lisa Summers, Brandon Stevens, Trish King, David Jordan

For the record: Brandon Stevens & Lisa Summers commented although we don't have any time for notice we should allow 18, 19 and 20 year olds to participate As it was an appeal that halted an already approved action that we began to implement we should continue to move forward as we were prior to the appeal. Social Media blasts aren't the standard for communicating to our membership but are utilized significantly by that population segment so I am in full agreement considering our limited timeline of option 2.

*April Skenandore*  
*Executive Assistant*

Business Committee Support Office (BCSO)  
Office: (920) 869-4316

**How can the BC Support Office help you?**

**Paula "Pogi" King Dessart (Executive Assistant)** – Budgeting, Processing Accounts Payable, GTC Meeting Prep  
**April Skenandore (Executive Assistant)** – BC Scheduling & Travel  
**Debbie Melchert (Administrative Assistant)** – Signature Log, Mail Log, Kronos  
**Kathy Metoxen (Executive Tribal Clerk)** – Pardons, Boards, Committees and Commissions  
**Heather Heuer (Information Management Specialist)** – BC Meeting Agenda Requests, Packets, and Minutes

***CONFIDENTIALITY NOTICE:** This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.*

**From:** TribalSecretary

**Sent:** Friday, February 19, 2016 11:42 AM

**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill

**Cc:** Brian A. Doxtator; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Nicolas A. Reynolds; Rhiannon R. Metoxen

**Subject:** E-Poll Request: Constitutional Amendments

**Importance:** High

Good Afternoon,

**Summary:**

The Oneida Business Committee received the decision of the Interior Board of Indian Appeals regarding Madelyn Genskow's appeal of the Secretarial Election results which approved the Tribe's constitutional amendments on Wednesday late afternoon. The decision upholds the Secretarial Election results and dismisses the appeal. Members of the Oneida Business Committee were able to meet on two different occasions since that time regarding implementation of those amendments.

This e-poll is requested as a result of our meetings, in order to provide direction to the Enrollment and volunteers registering members at the meeting this weekend. At our meetings we have determined that we would like to be able to provide a consistent message. Because of the nature of this e-poll (choose Option 1 or Option2) this will ultimately be a majority vote to provide guidance for this weekend and we will not be able to provide a consensus opinion.

**Requested Action:**

The Business Committee is requested to support one of the following options. Please reply to all as to whether you will be supporting Option 1 or Option 2.

**Option 1**

The Oneida Business Committee has not been able to schedule a special or emergency meeting to accept the decision which would result in the constitutional amendments being formalized. Further, we would not have been able to provide notice to those members ages 18, 19 and 20 in a timely manner for the General Tribal Council meeting scheduled February 20<sup>th</sup>, which was less than three days away. When we received the original notice, we had time to conduct notice mailing for the General Tribal Council meeting and the upcoming election.

The Oneida Business Committee will be formally accepting the results on February 24<sup>th</sup> at the meeting next week. We will then be able to identify how we will be meeting the notice provisions in the Ten Day Notice Policy for upcoming

General Tribal Council meeting in April and accurately identifying qualifications for vacancies that may be posted in the next Special Election.

Option 2

We believe that members age 18, 19 and 20 should be able to participate in their government, especially attending General Tribal Council meetings. The Oneida Business Committee has determined that the amendments should be implemented immediately as a result of our earlier formal acceptance of the Secretarial Election results and in the interests of those members who wish to participate under the new constitutional language.

However, we do not have sufficient time to notify the membership or provide materials for the meeting scheduled this weekend. We have posted this notice on the Tribe's website and requested that it be placed on the Tribe's social media pages – Facebook, Twitter, and others. If you know of a member age 18, 19 or 20, please pass on this information.

We will provide formal notice at all subsequent General Tribal Council meetings. Thank you for your assistance in getting this information to others and understanding the process by which we were able to provide notice.

**Deadline for response:**

Please submit your response by **3:00 PM TODAY, Friday, February 26, 2016.**

*April Skenandore  
Executive Assistant  
Business Committee Support Office (BCSO)  
Office: (920) 869-4316*

**How can the BC Support Office help you?**

**Paula "Pogi" King Dessart (Executive Assistant)** – Budgeting, Processing Accounts Payable, GTC Meeting Prep  
**April Skenandore (Executive Assistant)** – BC Scheduling & Travel  
**Debbie Melchert (Administrative Assistant)** – Signature Log, Mail Log, Kronos  
**Kathy Metoxen (Executive Tribal Clerk)** – Pardons, Boards, Committees and Commissions  
**Heather Heuer (Information Management Specialist)** – BC Meeting Agenda Requests, Packets, and Minutes

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### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: New Business

Accept as Information only

Action - please describe:

Motion to enter E-poll results into the record for approval to reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. email

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Lisa Summers, Tribal Secretary

Primary Requestor/Submitter: Submitted by: April Skenandore, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

On February 25, 2016 the following e-poll was conducted:

#### Summary:

This is a request to reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

This e-poll is requested to ensure timely notice of the change may be provided.

The following Business Committee members will not be in attendance for the regular Business Committee scheduled on March 23, 2016:

- 1) Chairwoman Tina Danforth - approved travel to RES Conference
- 2) Treasurer Trish King - approved travel to RES Conference
- 3) Councilwoman Jennifer Webster - approved travel to RES Conference
- 4) Secretary Lisa Summers - approved travel to CACIC Conference

At the February 10, 2016, regular BC meeting, Vice-Chairwoman Melinda J. Danforth was also approved to attend the CACIC Conference with the exception of March 23, 2016. The Vice-Chairwoman indicated a desire to hold both the regular meeting and executive session discussion together on one day. The last week in March is a "free week" with no LOC or BC meeting scheduled. As of February 17, 2016, according to Outlook calendars, the following Business Committee members are on vacation the last week in March:

- 1) Councilwoman Fawn Billie

#### Requested Action:

Reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

#### Deadline for response:

Please submit your response by 10:00 AM on Friday, February 26, 2016. Please respond by using the voting button above. Thank you.

#### The following is the e-poll results:

Support: Lisa Summers, Trish King, Tehassi Hill, Jennifer Webster, Melinda J. Danforth, Fawn Billie, Brandon Stevens

#### Additional Comments:

Fawn Billie - Support but am unavailable for the meeting, on vacation.

Brandon Stevens - I have organizational employee meetings for the Employment Law scheduled for both afternoons. They are already noticed, if we can get the work done in the mornings I can agree to the change.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**April Skenandore**

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**From:** TribalSecretary  
**Sent:** Friday, February 26, 2016 10:37 AM  
**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill  
**Cc:** Debbie J. Melchert; Kathleen M. Metoxen; Heather M. Heuer; Paula M. King Dessart; April Skenandore; Brian A. Doxtator; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Nicolas A. Reynolds; Rhiannon R. Metoxen  
**Subject:** RESULTS: E-Poll Request: Reschedule March 23, 2016 regular Business Committee meeting to March 30, 2016, with Exec Session discussion to be held on March 29, 2016  
**Attachments:** 13.A. Approve request to reschedule March 23, 2016 regular Business Committee meeting date to March 30, 2016, with Executive Session discussion to be held on March 29, 2016.pdf  
**Importance:** High

Good Morning,

**E-POLL RESULTS**

The E-poll request to reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016 is approved. Listed below is the results:

Support: Lisa Summers, Trish King, Tehassi Hill, Jennifer Webster, Melinda J. Danforth, Fawn Billie, Brandon Stevens

**Additional Comments:**

Fawn Billie - Support but am unavailable for the meeting, on vacation.

Brandon Stevens - I have organizational employee meetings for the Employment Law scheduled for both afternoons. They are already noticed, if we can get the work done in the mornings I can agree to the change.

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**From:** TribalSecretary  
**Sent:** Thursday, February 25, 2016 2:00 PM  
**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill  
**Cc:** Brian A. Doxtator; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Nicolas A. Reynolds; Rhiannon R. Metoxen  
**Subject:** E-Poll Request: Reschedule March 23, 2016 regular Business Committee meeting to March 30, 2016, with Exec Session discussion to be held on March 29, 2016  
**Importance:** High

Good Afternoon,

**Summary:**

This is a request to reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

This e-poll is requested to ensure timely notice of the change may be provided.

The following Business Committee members will not be in attendance for the regular Business Committee scheduled on March 23, 2016:

- 1) Chairwoman Tina Danforth - approved travel to RES Conference
- 2) Treasurer Trish King - approved travel to RES Conference
- 3) Councilwoman Jennifer Webster - approved travel to RES Conference
- 4) Secretary Lisa Summers - approved travel to CACIC Conference

At the February 10, 2016, regular BC meeting, Vice-Chairwoman Melinda J. Danforth was also approved to attend the CACIC Conference with the exception of March 23, 2016. The Vice-Chairwoman indicated a desire to hold both the regular meeting and executive session discussion together on one day. The last week in March is a "free week" with no LOC or BC meeting scheduled. As of February 17, 2016, according to Outlook calendars, the following Business Committee members are on vacation the last week in March:

- 1) Councilwoman Fawn Billie

**Requested Action:**

Reschedule the March 23, 2016, regular Business Committee meeting to March 30, 2016, with executive session discussion held on March 29, 2016.

**Deadline for response:**

Please submit your response by **10:00 AM on Friday, February 26, 2016**. Please respond by using the voting button above. Thank you.

*April Skenandore  
Executive Assistant  
Business Committee Support Office (BCSO)  
Office: (920) 869-4316*

**How can the BC Support Office help you?**

**Paula "Pogi" King Dessart (Executive Assistant)** – Budgeting, Processing Accounts Payable, GTC Meeting Prep  
**April Skenandore (Executive Assistant)** – BC Scheduling & Travel  
**Debbie Melchert (Administrative Assistant)** – Signature Log, Mail Log, Kronos  
**Kathy Metoxen (Executive Tribal Clerk)** – Pardons, Boards, Committees and Commissions  
**Heather Heuer (Information Management Specialist)** – BC Meeting Agenda Requests, Packets, and Minutes

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# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to enter E-poll results into the record for approval to send memo to Direct Reports to allow staff to attend the Employment Law Informational Meetings if their schedules allow.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

On February 17, 2016 the following e-poll was conducted:

Summary:

Councilman Brandon Stevens, as the LOC Chair and Sponsor of the Employment Law is beginning a series of "Employment Law Informational Meetings" the main purpose of these meetings is to seek input and garner support for the draft Employment Law from as many employees as possible. An E-poll is being requested in order to get this memo to the Direct Reports before the first Employee meeting which is scheduled February 22, 2016 and the next BC meeting is February 24, 2016

This first series includes; 2 meetings for Managers and 2 for employees, times are blocked out for 4 hours each. Although the entire amount of time may not be needed, we will find out after these initial meetings and determine approximately how long the meetings will take, what type of information is needed, how many employees are attending and what kind of feedback is being received.

Managers

2/17 1:30 PM at Skenandoah Conference Room

2/18 9:00 AM at Skenandoah Conference Room

Employees

2/22 1:30 PM at Skenandoah Cafeteria

2/25 9:00 AM at Skenandoah Cafeteria

The Community will be engaged through Kali articles and Public Meetings, anyone will be able to submit comments any time before then. The Draft law, handbook and flowcharts are currently on the Oneida website under "latest news". A direct link to the website is <https://oneida-nsn.gov/Templates/Oneida.aspx?id=11127>, where you can find all the necessary documentation needed for your review.

This memo to Direct Reports will assist in giving the "okay" for employees to attend meetings as schedules allow and for the purpose of giving input to the Drafting team, and with so many departments there will be options for people to attend different ones.

Requested Action:

Approve the Memo to Direct Reports

Deadline for response:

Please submit your response by 4:00 PM Thursday, February 25th, 2016. Please respond by using the voting button.

The following is the e-poll results:

Support: Tehassi Hill, Lisa Summers, Patricia King, Jennifer Webster, Melinda J. Danforth

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**April Skenandore**

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**Subject:** FW: RESULTS: E-Poll Request: Employment Law Info Meetings  
**Attachments:** Emp Info Mtg Support.pdf

**From:** April Skenandore

**Sent:** Wednesday, February 17, 2016 4:17 PM

**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill

**Cc:** Brian A. Doxtator; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Nicolas A. Reynolds; Rhiannon R. Metoxen

**Subject:** RESULTS: E-Poll Request: Employment Law Info Meetings

Good Afternoon,

**E-POLL RESULTS**

The E-poll is approved to send the memo to Direct Reports to allow staff to attend the Employment Law Informational Meetings if their schedules allow. Listed below are the results:

Support: Tehassi Hill, Lisa Summers, Patricia King, Jennifer Webster, Melinda J. Danforth

**From:** TribalSecretary

**Sent:** Wednesday, February 17, 2016 12:02 PM

**To:** Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill

**Cc:** Brian A. Doxtator; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Nicolas A. Reynolds; Rhiannon R. Metoxen

**Subject:** E-Poll Request: Employment Law Info Meetings

Good Afternoon,

**Summary**

Councilman Brandon Stevens, as the LOC Chair and Sponsor of the Employment Law is beginning a series of "Employment Law Informational Meetings" the main purpose of these meetings is to seek input and garner support for the draft Employment Law from as many employees as possible. An E-poll is being requested in order to get this memo to the Direct Reports before the first Employee meeting which is scheduled February 22nd, 2016 and the next BC meeting is February 24th, 2016

This first series includes; 2 meetings for Managers and 2 for employees, times are blocked out for 4 hours each. Although the entire amount of time may not be needed, we will find out after these initial meetings and determine approximately how long the meetings will take, what type of information is needed, how many employees are attending and what kind of feedback is being received.

**Managers**

2/17 1:30 PM at Skenandoah Conference Room

2/18 9:00 AM at Skenandoah Conference Room

**Employees**

2/22 1:30 PM at Skenandoah Cafeteria

2/25 9:00 AM at Skenandoah Cafeteria

The Community will be engaged through Kali articles and Public Meetings, anyone will be able to submit comments any time before then. The Draft law, handbook and flowcharts are currently on the Oneida website under "latest news". A direct link to the website is <https://oneida-nsn.gov/Templates/Oneida.aspx?id=11127>, where you can find all the necessary documentation needed for your review.

This memo to Direct Reports will assist in giving the "okay" for employees to attend meetings as schedules allow and for the purpose of giving input to the Drafting team, and with so many departments there will be options for people to attend different ones.

**Requested Action:**

Approve the Memo to Direct Reports

**Deadline for response:**

Please submit your response **by 4:00 PM Thursday February 25<sup>th</sup>, 2016.** Please respond by using the voting button above. Thank you.

*April Skenandore  
Executive Assistant  
Business Committee Support Office (BCSO)  
Office: (920) 869-4316*

**How can the BC Support Office help you?**

**Paula "Pogi" King Dessart (Executive Assistant)** – Budgeting, Processing Accounts Payable, GTC Meeting Prep  
**April Skenandore (Executive Assistant)** – BC Scheduling & Travel  
**Debbie Melchert (Administrative Assistant)** – Signature Log, Mail Log, Kronos  
**Kathy Metoxen (Executive Tribal Clerk)** – Pardons, Boards, Committees and Commissions  
**Heather Heuer (Information Management Specialist)** – BC Meeting Agenda Requests, Packets, and Minutes

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Onondagas 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  
BUSINESS COMMITTEE**



**P.O. Box 365 • Oneida, WI 54155  
Telephone: 920-869-4364 • Fax: 920-869-4040**



**UGWA DEMOLUM YATEHE**  
Because of the help of this Onondaga Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

**To:** Direct Reports  
**From:** Oneida Business Committee  
**Date:** February 15, 2016  
**Re:** Draft Employment Law Informational Meetings

The Legislative Operating Committee (LOC) and Legislative Reference Office (LRO) are pleased to announce their series of "Employment Law Informational Meetings" with tribal operations. Gathering input from the employee base is an approved accomplishment within the strategic direction titled, "Creating a Positive Organizational Culture" with a success indicator of improving personnel policies; and the strategic direction titled, "Committing to Build a Responsible Nation" with a success indicator of effective stream-lined processes.

The main purpose of these meetings is to seek input and garner support for the Draft Employment Law. As you may be aware the Tribe's current employment process as a whole, has not been updated in over 30 years. These employee meetings align to the practical vision titled, "Accountable & Effective Governmental Design" where the Oneida Business Committee prefers outreach initiatives vs. sending a message in order to better communication on all levels.

Therefore, we are requesting your commitment as part of the organization to be involved with attending these input-seeking meetings and allowing staff to take time to be informed and give their feedback if schedules allow. If schedules do not permit, written comments will gladly be accepted by the LRO office. The Employment Law is a priority for the Oneida Business Committee and input from tribal operations is pertinent to the success of the draft Employment Law.

Yaw^ko for your time and assistance in this matter. For more information on the Employment Law or for materials to review please contact the Office of Councilman Stevens or LRO Staff Attorney, Krystal John at (920) 869 - 4375 or via email [kjohn4@oneidanation.org](mailto:kjohn4@oneidanation.org).

## Oneida Business Committee Travel Request

**1. OBC Meeting Date Requested:**    03 / 09 / 16                       e-poll requested

### 2. General Information:

Event Name: \_\_\_\_\_ 2016 Tribal Environmental Program Management Conference \_\_\_\_\_

Event Location: \_\_\_\_\_ Chicago, IL \_\_\_\_\_                      Attendee(s):

Departure Date:                       Attendee(s):

Return Date:                       Attendee(s):

### 3. Budget Information:

- Funds available in individual travel budget(s)  
 Unbudgeted  
 Grant Funded or Reimbursed

Cost Estimate: \_\_\_\_\_ \$395.24 \_\_\_\_\_

### 4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Principles                       Creating a Positive Organizational Culture  
 Committing to Building a Responsible Nation                       Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

### 5. Submission

Sponsor:

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: BC\_Agenda\_Requests@oneidanation.org

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Ron (Tehassi) Hill			
	Employee #	3416	Date of Birth	6/19/80
Destination	Chicago IL			
Departure date	April 6, 2016	Return date	April 7, 2016	
Purpose of travel	2016 Tribal Environmental Program Management Conference			
Charged GL Account	001-5230614-000-701000-XXX GAP Grant Funded			

**GSA Rate Information for the destination**

Per Diem rate per day	\$ 74	Lodging rate per day	\$ 160
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$ 74	75 %	1	\$ 55.50
Per Diem full day at destination	\$	100 %		\$
Per Diem return travel date	\$ 74	75 %	1	\$ 55.50
Subtract included meals				\$
Lodging including room rate plus taxes	\$ 186.24		1	\$ 186.24cc
Airfare plus \$200 pending sign off	\$	+ \$200.		\$
Private Car Mileage	\$ gas			\$ 50.00
Taxi or car rental	\$ parking			\$ 48.00cc
Luggage Fees	\$			\$
Registration – accept VISA?      Yes / No	\$			\$
<b>Total Cost Estimate</b>				<b>\$ 395.24</b>

I understand this advance will be deducted from my claim for reimbursement of actual travel expenses. I also understand that if this advance is not cleared within 10 calendar days after my travel return date, I shall be held responsible for the full amount advanced and that I may be reprimanded in accordance with the Personal Policies and Procedures for my failure to clear this matter within the time so allotted. Further, in the event that the advance payment is not cleared within 10 calendar days of my return, and I have not filed a formal written dispute as to the amount due, by signing below, I am hereby making a knowing and voluntary wage deduction for the entire amount outstanding.

**Signatures / Approvals**

	Signature	Date	Contact Phone #
Traveler	<i>Ron Tehassi Hill</i>	3-1-16	4420
Program Director			Not needed
General Manager			Not needed

**Brenda L. Skenandore**

---

**From:** Victoria A. Flowers  
**Sent:** Tuesday, January 26, 2016 3:26 PM  
**To:** Brenda L. Skenandore  
**Cc:** Jeffrey M. Mears  
**Subject:** FW: Hotel Reservations Information for TEPM Conference - R5TOC Meeting During the Week of April 4 - 8, 2016 in Chicago  
**Attachments:** Travel Authorization Request Form - TEPM 2016 VF.pdf; Travel Authorization Request Form - TEPM 2016 JM.pdf; Travel Justification TEPM 2016.docx  
**Importance:** High

---

**From:** Mack, Barbara [mailto:mack.barbara@epa.gov]  
**Sent:** Tuesday, January 26, 2016 1:44 PM  
**To:** andrea.junker@fdlrez.com; Andy.Boyd@millelacsband.com; ccharwood@redlakenation.org; ccoger@lbbodawa-nsn.gov; cspruce@kbic-nsn.gov; Charles F. Wheelock; deb.dirlam@lowersioux.com; Dee.allen@ldftribe.com; Desmond.berry@gtbindians.com; Douglas G. Cox; dsoulier@redcliff-nsn.gov; dwights@itcmi.org; eabinoniemi@mbpi.org; FBeaver@LRBOI.com; Frank.Shepard@fcpotawatomi-nsn.gov; Gabrielle Holman; George.beck@lvdtribal.com; gfrazer@mnchippewatribe.org; Gabriel Miller; gpenviro@boreal.org; greg.bunker@mohican-nsn.gov; hwestra@piic.org; Jennifer Kanine; Jeffrey M. Mears; Jody Lafraniere; jrodwan@nhbpi.com; Joel Smith; katies@stcroixtribalcenter.com; kbrosemer@saulttribe.net; kevin.gunderson@ho-chunk.com; Kyle Herdina; levib@ldrm.org; Matt Steinbach; mctwq@arvig.net; Melonee.montano@redcliff-nsn.gov; MikeNorthbird@ldrm.org; monicahm@whiteearth.com; rose.gurnoe-souler@redcliff-nsn.gov; rollenhagen@lrboi.com; scottw@uppersiouxcommunity-nsn.gov; Seth Moore; skniffen@sagchip.org; smckenney@mbpi.org; stan.ellison@shakopeedakota.org; swieting@hicservices.org; Tara Strey; Tina VanZile; Victoria A. Flowers; watkins@boreal.org; waynedupuis@fdlrez.com; wm\_k01@hotmail.com; Andrea Junker; ccharwood@redlakenation.org; Deb Dirlam; Gabriel Miller; Gabrielle Holman; Gary Frazer; Heather Westra; Jared Wagner; Joel Smith; levib@ldrm.org; Linda Tibetts-Barto; Mike Northbird; Monica Hedstrom; Perry Bunting; Ryan.rupp@millelacsband.com; Seth Moore; Stan Ellison; Tara Geshick; Wayne Dupuis  
**Cc:** Ambutas, Kestutis; Avant, Emma; Bezerra, Joana; Bolger, Kevin; Brody, Tom; Chapman, Burdell; Chou, Shem; Clarke, Rosita; Cozza, Daniel; DAVIS, TINA; Foreste, Paulette; Geyer, Rebecca; Giwojna, Benjamin; Hill, Kevin; Holloway, Shari; Horak, David; Jordan, Ronza; Kamke, Sherry; Lacka, Monika; Lofton, Debra; Mack, Barbara; Mangrum, Linda; Manville, Jennifer; Mayo, Kathleen; Meyer, Cynthia; Mulford, Eloise; Mysz, Amy; Nelson, Diane; Olson, Erik; Roberts, Lynne; Ruppel, James; Sadlon, Zenny; Samardzich, Daniel; Karner, Sandra (Sandy); Santos, Marco; Schilf, Julie; Sykes, Karen; Tong, Dolly; Wester, Barbara; Zywicki, Glynis  
**Subject:** Hotel Reservations Information for TEPM Conference - R5TOC Meeting During the Week of April 4 - 8, 2016 in Chicago

**Hot off the press!**

**Club Quarters Hotel, Central Loop**, 111 West Adams Street next to the Rookery and near LaSalle, Chicago, IL 60603

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You or your group will need to provide a credit card at the time of booking.

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The following is your reservation link:

<https://gc.synxis.com/rez.aspx?Chain=14601&HOTEL=58314&template=CQmain&shell=CQH&group=EPA404>

Deadline date for Reservations - **March 4, 2016**.

**Policies** cancel/changes made after 12PM hotel time one day prior to arrival will incur a \$50 fee. Cancel/changes after 12PM hotel time day of arrival will be charged one night and taxes to your credit card required to guarantee room.

**Other Hotels within walking distance of EPA Building- 77 West Jackson Blvd, Chicago, IL 60604:**

Hyatt Centric The Loop Chicago

**Website**

**Directions**

Address: 100 W Monroe St, Chicago, IL 60603

Phone:(312) 236-1234

Hotel Blake, An Ascend Hotel Collection Member

**Website**

**Directions**

Address: 500 S Dearborn St, Chicago, IL 60605

Phone:(312) 986-1234

3-star hotel

JW Marriott Chicago, Residence Inn Chicago Downtown/Loop

Website: <http://www.marriott.com/hotels/hotel-photos/chirl-residence-inn-chicago-downtown-loop/>

Address: 11 South LaSalle Street, Chicago Illinois 60603

Phone: 1-312-223-8500

Renaissance Blackstone Chicago Hotel

**Website**

**Directions**

Address: 636 S Michigan Ave, Chicago, IL 60605

Phone:(312) 447-0955

Union League Club

**Website**

**Directions**

Non-Profit Organization

Address: 65 W Jackson Blvd, Chicago, IL 60604

Phone:(312) 427-7800

Barbara Mack, Program Specialist-Project Officer

USEPA, Region 5, ORA

Indian Environmental Office

77 W. Jackson Blvd., R-19J

# 2016 Tribal Environmental Program Management (TEPM) Conference Agenda

**DRAFT**

Track 1: Lake Michigan:	Water
Track 2: Illinois Room:	Land and Chemicals
Track 3: Lake Superior:	Air and Radiation
Track 4: Lake Huron:	Multi-Media Planning
Meeting Room	Lake Erie
Meeting Room	Lake Ontario
Meeting Room	Wisconsin
Meeting Room	Indiana Room
Computer Room	Computer Room A:
Computer Room	Computer Room B: STORET/WQX On-line Training (by

Monday, April 04, 2016

12 noon to 5:00 pm (Will include Lunch)	<b>Training: Regional Climate Change Monitoring Strategy Workshop</b> Shane Bowe, Red Lake Band; Peter Jackson, EPA R5 Water Division (WD); and other invited speakers TBD	Lake Superior Room
8 am to 5 pm Monday through Wednesday	<b>STORET / WQX On-Line Training</b> Jonathan Burian, EPA R5 WD <a href="mailto:Burian.jonathan@epa.gov">Burian.jonathan@epa.gov</a> (312) 886-2916	Computer Room B (By appointment)
8 am to 5 pm	<b>Red Lake Breakout Meeting</b>	Lake Ontario Room
8 am to 5 pm	<b>Red Lake Breakout Meeting</b>	Lake Erie Room

Tuesday, April 05, 2016

8:00 am - 12 noon	Registration			
9:00 am - 10:30 am	<b>Plenary Session (Lake Michigan Room): <i>Conference Opening</i></b>  <b><i>Welcoming Remark and Status of EPA Region 5 Reorganization</i></b> <b>Cheryl Newton, Acting Deputy Regional Administrator, EPA Region 5</b>			
10:30 am - 10:45 am	MORNING BREAK			
10:45 am - 11:45 am	<b>Silver Creek Pilot Watershed Project</b>  Jim Snitgen, Oneida Jeff Smudde, NEW Water	<b>Oneida's Brownfield Cleanup effort using 128(a) and a Brownfield Cleanup Award</b>  Victoria A. Flowers, Oneida Tribe of Wisconsin	<b>Welcome and Introductions</b>  <b>Air Priorities Discussion</b> George Czerniak, Director, EPA R5 Air and Radiation Division (ARD) and Pat Childers, Senior Tribal Air Program Manager, EPA Office of Air and Radiation (OAR)	<b>Exchange Network: Region 5 Tribal Consortium for Protection Manoonin (Wild Rice)</b>  Nancy Schuldt, Fond du Lac Band
11:45 am - 1:00 pm	LUNCH BREAK - Water Division Brown Bag / Meet & Greet / Open Forum Lake Ontario Room			
1:00 pm - 2:15 pm	<b>Plenary Session (Lake Michigan Room): EPA National Advisory Council on Environmental Policy and Technology (NACEPT) and Citizen Science -- Jeff Mears, Oneida Tribe of Wisconsin; Dr. Jay Benforado, EPA Office of Research and Development (ORD); and Dr. William Ross, NACEPT</b>			
2:15 pm - 2:30 pm	AFTERNOON BREAK			

<p>2:00 pm – 3:00 pm</p>	<p><b>Stormwater Overview/Update</b> Brian Bell, EPA R5 WD</p>	<p><b>Organics Management</b> <b>Ho-Chunk Composting and Anaerobic Digestion Efforts</b> Kevin Gunderson, Ho-Chunk Nation</p>	<p><b>Air Program Networking and Planning</b> Region 5 Tribes</p>	<p><b>Working Session: Treaty Rights in Everyday Decision-making</b> Barbara Wester, EPA R5 ORC</p>
	<p><b>CAFO presentation (Tentative)</b></p>	<p><b>How to Ask the Right Questions for Anaerobic Digestion Feasibility Studies</b> Carol Staniec, EPA R5 LCD</p>		
<p>3:00 pm – 3:15 pm</p>	<p>AFTERNOON BREAK</p>			
<p>3:15 pm – 5:00 pm</p>	<p><b>Region 5 Tribal Caucus Planning Meeting (Lake Michigan Room)</b></p>			
<p>5:00 pm</p>	<p>Adjourn Day 3</p>			

Thursday, April 07, 2016

8:30 am - 9:30 am	<b>Plenary Session (Lake Michigan Room): <i>Leech Lake Band of Ojibwe, Who We Are</i></b> Levi Brown, Environmental Director, Leech Lake Band			
9:30 am - 10:30 am	<b>Great Lakes Fish Monitoring and Surveillance Program</b>  Elizabeth Murphy, EPA R5 WD <b>Evaluation of Anthropogenic Micro pollutants in Waters and Subsistence Species used by the Minnesota Chippewas</b>  Seth Moore, Grand Portage Band	<b>Brownfields: CERCLA Job Training Grant Program (Tentative)</b>  Rosita Clarke, EPA R5 SFD	<b>IAQ Diagnostic Tools and Tribal Case Study</b>  Ernie Grooms, Air Quality Technician, Red Cliff Band	Available
10:30 am - 10:45 am	MORNING BREAK			
10:45 am - 11:45 am	<b>Working Session: Required Training for Obtaining &amp; Maintaining Federal Inspector Credentials under the CWA</b>  Dean Maraldo, EPA R5 WD; Jim Snitgen, Oneida Tribe of Wisconsin; Shane Bowe, Red Lake Band; Perry Bunting and Ryan Rupp, Mille Lacs Band	<b>Brownfields: Addressing Meth/Drug Labs in Indian Country (Tentative)</b>  Rosita Clarke, EPA R5 SFD	<b>Radon- Testing Methods and Training</b>  Michael Murphy, Health Physicist, EPA R5 ARD	Available
11:45 am - 1:00 pm	LUNCH BREAK			
1:00 pm - 4:00 pm	<b>Region 5 Tribal Operations Committee (R5TOC) Meeting (Lake Michigan Room)</b>			
3:45 pm - 4:00 pm	AFTERNOON BREAK			
4:00 pm	<b>Tribal Leaders Meeting</b>			

Wednesday, April 06, 2016

8:30 am – 9:30 am	<b>Plenary Session (Lake Michigan Room): <i>EPA's Treaty Rights Guidance</i></b> Barbara Wester, EPA R5 Office of Regional Counsel (ORC), and other Presenters to be identified			
9:30 am – 10:30 am	<b>Plenary Session (Lake Michigan Room): <i>Climate Change</i></b> Dr. Steven Running, Regents Professor of Ecology, Director, Numerical Terradynamics Stimulation Group, University of Montana			
10:30 am - 10:45 am	MORNING BREAK			
10:45 am - 11:45 am	<b>Water Quality Standards and related updates &amp; panel discussion: WQS, 303(d), &amp; TAS</b>  Kathy Mayo, Dave Werbach, and David Horak, EPA R5 WD; Barbara Wester, EPA R5 ORC	<b>The New Pesticide Rule: Worker Protection Standard</b>  Don Baumgarner, EPA R5 LCD Pesticide Section	<b>Clean Power Plan (Tentative)</b>  Alexis Cain, Environmental Scientist, EPA R5 ARD  <b>AirNow Tech</b>  EPA R5 ARD	Available
11:45 am - 1:00 pm	LUNCH BREAK - Water Division Brown Bag / Meet & Greet / Open Forum Lake Ontario Room			
1:00 pm – 2:00 pm	<b>Developing a CWA 319 program: Assessment Report &amp; Management Plan</b>  Janette Marsh, EPA R5 WD	<b>Innovative Strategies and Tools to Increase Sustainable Behaviors</b>  <b>Tribal Community-Based Social Marketing Training Guide and Recycling Toolkit</b> Dolly Tong, EPA R5 LCD; Shannon Judd, Fond du Lac Band  <b>Food Too Good to Waste Toolkit</b> Julie Schilf, EPA R5 LCD	<b>Treatment in the Same Manner as a State (TAS) for Clean Air Act Authorities</b>  Benjamin Giwojna, EPA R5 ARD	<b>Data-Driven Decision-Making the Exchange Network Way</b>  Victoria Flowers, Oneida Tribe of Wisconsin
	<b>Wild Rice documentary film</b>  Shawn McKenney, Environmental Specialist, Gun Lake Tribe			

2:30 pm - 3:30 pm	<p><b>Tracking Climate Trends in Our Waters: Climate Change Monitoring in Region 5</b></p> <p>Britta Bierwagen, EPA ORD; Pete Jackson, EPA R5 WD; Jen Stamp, Tetra Tech; and Shane Bowe, Red Lake Band</p>	<p><b>Overview of the New Underground Storage Tank (UST) Regulations</b></p> <p>Mark Restaino, EPA Region 5 Land and Chemical Division (LCD) UST Program</p>	<p><b>Air Monitoring: Site Determination and Air Sensors</b></p> <p>Michael Compher, EPA R5 ARD</p>	<p><b>Grants Management: Recurring Issues, Experiences with the PPG Rule, and Opportunity for Questions</b></p> <p>Marco Santos, EPA R5 Resource Management Division (RMD) Grants</p>
3:30 pm - 4:30 pm	<p><b>Incorporating Wetlands into Watershed Planning - Case Study, Lake County Wetland Restoration and Preservation Plan</b></p> <p>Glenn H Westman, PWS CFM Principal Wetland Specialist Lake County Stormwater Management Commission</p>	<p><b>Brownfields: Developing Clean-Up Standards (Tentative)</b></p> <p>Rosita Clarke, EPA R5 Superfund Division (SFD)</p>	<p><b>Emission Inventory: Case Study</b></p> <p>Jon Mauchmar, Air Quality Specialist, Little Traverse Bay Bands of Odawa Indians</p>	Available
4:30 pm	Adjourn			

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

**2. General Information:**

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept as FYI - Emergency Management Quarterly Report

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Kaylynn Gresham/Emergency Management Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Emergency Management 1st Quarter FY 2016 Report

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



## Oneida Tribe of Indians of Wisconsin Office of Emergency Management

2783 Freedom Road, Oneida WI 54155

o-920-869-6650, c-920-366-0411,

kgresham@oneindanation.org

TO: Oneida Business Committee  
 FM: Emergency Management  
 REF: FY 2016 Quarter 1 (Oct – Dec 2015) Report/Update  
 Date: March 1, 2016

### **General Overview:**

The Emergency Management Department works to ensure the Oneida Nation is in a constant state of readiness through the use of efforts focusing on preparedness, mitigation, response and recovery. Coordinating and cooperating with numerous divisions and departments within the Tribal organization as well as differing jurisdictional response agencies/entities EM focuses on providing a coordinated timely response to emergencies and/or disasters that threaten the life safety of community members, the environment and/or assets of the Oneida Nation. Through a shared vision of coordination and cooperation emergency/disaster plans have been developed using shared principles of response initiatives; EM is the go-between for response agencies/entities of the Oneida Tribe of Indians of WI and the numerous surrounding jurisdictions when an emergency/disaster that affects the Oneida Nation or the Oneida Community occurs.

### **Executive Summary:**

The purpose of this report is to report the activities of the Emergency Management Department during the months of October, November and December 2015. During these months the Emergency Management Department participated in a number of different activities discussed throughout the following information:

**October** – The Director submitted the FY 2015 EMPG Grant to the Regional Director for approval. All of the deliverable of the grant were met, the required signatures were obtained and submitted. Oneida will be notified of approval of the grant in February 2016.

The Director attended the Annual Wisconsin Emergency Management Association (WEMA) conference as well as the Annual County/Tribal All-Hands meeting for Emergency Management in Oshkosh, WI. The Director attended a Mass Care Training Exercise at Pine Hills Golf Course, sponsored by Stock Bridge Munsee Tribe in cooperation with the Red Cross, the training discussion focused on the establishment of a Mass Care facility in response to a disaster. Discussions centered on the resources the Red Cross has to offer as well as how the Red Cross and Emergency Management can work together to develop a MARC (Multi-Agency Resource Center). The Director also attended Determining Roles in Family Assistance Centers training at the Brown County EOC. This training focused its discussion on the importance of establishing a Family Assistance Center in response to an event of significance and the resources that would be needed to properly staff and equip the center.

Outreach for the month of October was accomplished through the donation of emergency response items at the Boo Bash held at the Civic Center for Oneida Community youth. Emergency Management also provided several Pre-programmed Weather Radio's to Elder Services to distribute to the residents.

The Director attended several meetings with different departments finalizing the location of the relocation of the previous 54 One Stop Warning Siren. The Director also attended several standing monthly meetings throughout the month. The Pre-Disaster Mitigation Planning team did not meeting during this month, all updates to the plan were coordinated via email through the necessary departments as scheduled.

**November** - During November the Warning Siren was relocated next to the Water Tower across the road from Little Bear Development Center. This relocation is credited to coordination between several departments within the Oneida Organization: Planning, Development, Historic Preservation, Electrical, Utilities, DPW, the Land Commission, and Outagamie County Emergency Management. Through the coordinated efforts of all these departments and Outagamie County the siren was able to be relocated in an efficient and timely manner. Emergency Management thanks all of those involved in the project.

Most of the month of November the Director concentrated on updating ESF's (Emergency Support Function) 5 - Emergency Management, 13 – Public Safety, and 14 – Long Term Recovery and Mitigation. Upon completion of the coordinated updates the ESF's were sent to the respective departments for signatures. Emergency Management also coordinated with Oneida Nation Farm and Tsyunhehkwa to discuss updates to their Emergency Action Plans in reference to chemicals (if any) stored on each property.

During November the Director also worked on updating the Oneida Nation Emergency Response Plan, focusing on Service Agreement currency dates; during the update Oneida Nation updated its 211-Agreements with Brown County and developed a 211-Agreement with the Fox Valley. All other Service Agreements with surrounding jurisdictions are up to date and current. Emergency Management continues to participate with other tribal departments to update of the Workplace Violence Policy SOP.

Outreach for the month of November consisted of providing a cold weather preparedness presentation at the Oneida Nation Library for youth. The presentation provided awareness handouts and interactive activities for the youth in attendance. EM also provided outreach materials and incentives to the library to assist with the cold weather preparedness outreach activities they conducted through their website.

The Director attended several standing monthly meetings throughout the month; the monthly Regional Emergency Management Meeting, the EMPG Workgroup as the Tribal Representative, the WITEMA meeting as the Chairwoman, and a BC meeting to deliver a Quarterly Report. The Pre-Disaster Mitigation Planning team met on November 20<sup>th</sup> to update sections 1, 2 and 3 of the Pre-Disaster Mitigation Plan. The plan up-date is on track to be presented for public comment in April or May.

**December** – During the month of December the Director focused on working with the East Central Regional EM Director and a state Exercise Officer to develop a Tabletop Exercise for the Oneida Nation Elementary School.

The Director also worked on developing EOC (Emergency Operation Center) Activation Procedures for the Oneida Nation EOC. Following up on the AAR (After Action Report) provided from the Tabletop Exercise held with the BC in September; the Director developed a checklist of needed materials and supplies for "Go Boxes" which will be located in the EOC. These Go-Boxes will be developed for each department/area that will have staff in the EOC in the event of an event of significance.

The Director attended HRD Training: 7 Habits of Highly Effective Managers, this training was the second half of a training attended in June. The Director also attended two Tabletop exercises in Oshkosh. One tabletop exercise was in coordination with the DOT (Department of

Transportation focusing on weather related road closures; the second was with the area Health Care Coalition focusing on Food Bourne Illness Response.

The Director attended several standing monthly meetings throughout the month; the monthly Regional Management Meeting, the EMPG Workgroup as the Tribal Representative, and the WITEMA meeting as the Chairwoman. The Pre-Disaster Mitigation workgroup did not meet this month, updates were coordinated via email. The last full week of the month of December the Director was on pre-approved vacation.

In review, during the 1st quarter of FY 2016 the Emergency Management Department coordinated with numerous departments to finalize the relocation and installation of the Emergency Warning Siren located at Water Tower Circle. EM participated in and provided community outreach through the distribution of preparedness supplies and informational material. EM updated and submitted for approval Emergency Support Function (ESF) 14 – Long Term Recovery and Mitigation to the Regional Director for credit towards deliverables of the EMPG, the update was completed and signed off by the respective entities for approval and update acknowledgement. ESF 5 – Emergency Management is in the process of obtaining all required signatures. EM continues to work on the Annual required updates to the Oneida Emergency Response (ERP) plan through the validation of call-trees, updates to geographic and population changes as well as ensuring information contained within the ERP continues to be relevant and up to date.

----- End of Report -----

Kaylynn Gresham  
Director Emergency Management  
Oneida Nation

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept Self-Governance FY '16 1st quarter report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

\_\_\_\_\_  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

# Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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

Phone: (920) 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 made possible.

## Tribal Self-Governance Quarterly Report to the Oneida Business Committee

Submitted By:  
Christopher Johns, SG Coordinator

March 1, 2016

### BUDGET

#### **Restore FY 2012 sequestration cuts and exempt Tribal funding from future sequestrations.**

Tribes experienced heavy budgetary cuts as a result of the 2012 sequester. The cuts affected direct services to Tribal citizens. Among the services affected were public safety, social welfare, and health care services. As Congressional members debate the FY 2016 appropriations, Self-Governance Tribes must continue to urge Congress to restore these funds to at least their pre-sequestration levels. We also must continue to insist that the Federal Government uphold their trust responsibility and amend the Budget Control Act of 2011 to exempt Tribal funding from future sequestrations.

***WASHINGTON -- On February 9, 2016, the President released his FY 2017 budget, which reflects the fiscal 2017 discretionary spending caps agreed to in the budget deal with former House Speaker John Boehner. However, the current House Speaker, Paul Ryan (R-Wis.), has admitted he is having trouble getting the Republican majority in the House to adhere to the budget deal. Given the current election process, it is highly unlikely that the President's Budget Request will be enacted in full and much more likely that another deal will have to be brokered between a "lame-duck" President and a Congress engaged in extreme party politics.***

***Nevertheless, Indian Country still has the opportunity to build upon the progress made under President Obama over the last several years. The President's Budget Request for 2017 includes a 5% increase in funding for Interior's Bureau of Indian Affairs and an 8% increase in funding for Health and Human Services' Indian Health Service. A strong, concerted effort by Tribal Leaders throughout Indian Country will be needed to support the proposed budget.***

**Authorize mandatory funding and fully fund Contract Support Costs and expedite payments to Tribes.**

Self-Governance Tribes support the President's current budget proposal to fully fund Contract Support Costs (CSC) in FY 2016 and to shift CSC from discretionary funding to mandatory funding. Self-Governance Tribes expressly support the shift in funding to remedy the need for Administrators to make fiscal decisions without consultation from Congressional members and Tribal leaders. Additionally, mandatory funding protects appropriations that are allocated for direct services in Tribal communities.

***The President's Budget Request for 2017 honors the President's pledge to fully-fund Contract Support Costs. Joint Tribal-Federal Workgroups have been busy working out new federal policies to manage the process since the old policies were based on the assumption that Congress would only appropriate a portion of the overall need for CSC funds. Tribal Consultations on the new policies will begin within the next few weeks.***

**Preserve authority to include one-time or short-term resources in Self-Governance Funding Agreements.**

Self-Governance Tribes have noticed a troubling trend that DOI is moving one-time funding to grants that cannot be included in Self-Governance Funding Agreements and are restrictive in nature – undermining core Self-Governance tenets. This trend allows DOI to heavily regulate and restrict the inclusion of indirect costs to administer Tribal programs; and hinders Tribal governments' ability to re-design programs to better meet the needs at the local level.

**Enact Advanced Appropriations for the Indian Health Service.**

Since FY 1998, there has been only one year (FY 2006) when the Interior, Environment and Related Agencies budget, which contains the funding for IHS, has been enacted by the beginning of the fiscal year. Late funding creates significant challenges to Tribes and IHS provider budgeting, recruitment, retention, provision of services, facility maintenance and construction efforts. Providing sufficient, timely, and predictable funding is needed to ensure the federal government meets its obligation to provide health care for American Indian and Alaska Native people. Enacting advanced appropriations will provide more stable funding and sustainable planning for the entire Indian Health Care system by appropriating funding two years in advance.

**White Papers**

Policy priorities and goals do not often change, but strategy to implement the priorities change as external decisions are made, new data is reported, or progress is reported. The White Papers below provide the most up-to-date administrative and legislative actions as well as new strategy ideas.

- Analysis of DOI Budget Equity for Self-Governance Tribes
- Advanced Appropriations
- Sequestration

**POLICIES**

Administrative policies often directly affect Self-Governance Tribes and the programs they choose to manage. Many of the policy priorities identified in the National Tribal Self-Governance

2015-2017 Strategic Plan & Priorities are critical to efficiently manage programs and leverage external opportunities to improve Tribal programs.

There are many competing policy goals for Self-Governance Tribes, however those listed below have momentum or support outside of Self-Governance Tribes. To see the full list of policy priorities, download the full version of the National Tribal Self-Governance 2015-2017 Strategic Plan & Priorities.

**Revise and streamline each agency's Contract Support Costs Policy.**

After years of advocacy, CSC funding has changed monumentally in the last twelve months. As a result of full funding and Presidential support for mandatory funding, each agency must identify, assess, and implement modifications to each agency's CSC policy that reflects recent legislative and funding changes. Each agency has a Tribal-Federal Workgroup that made several recommendations to update the CSC policy. Self-Governance Tribes urge each agency to review those recommendations begin updating the policy as quickly as possible.

***The most pressing issue facing the Indian Health Service CSC Workgroup is to develop a workable process of reconciling estimated CSC needs, and the resulting payments, to "incurred costs." While the agency must fully fund CSC, the IHS must also be a "responsible steward of federal funds" and avoid overpayments. Bob McSwain, IHS Acting Director, has assured the group that IHS does not contemplate a five-year reconciliation process. Rather, it can conclude as soon after the performance period as "actual costs" can be determined. Unfortunately, Mr. McSwain's pervasive use of the incurred-cost terminology confirmed that the agency remains committed to reconciling funding to expenditures, a misinterpretation of the Indian Self-Determination and Education Assistance Act (ISDEAA) that threatens to wreak havoc with tribal accounting and budgeting processes.***

**Expand Tribal consultation on allocation and formula distribution of Bureau of Indian Affairs.**

In 2012, Self-Governance Tribes published the Program Formulas Matrix Report, which identifies areas where the formulas and methodologies currently used by the Bureau of Indian Affairs (BIA) for distribution can be improved and provide recommendations for eleven programs. Action on these recommendations has stalled in the last several years. However, as DOI seeks to move funding to one-time grants, the Formula Matrix Report recommendations are increasingly important. Continued consultation and discussion with BIA officials and Tribes is needed to implement changes recommended in the report.

**Foster greater transparency announcing new DOI funding opportunities.**

Access to program and initiative funding is critical as Tribes work to meet the needs of their citizens locally. As such, Self-Governance Tribes encourage DOI agencies to streamline their grant and funding announcements so that all Tribes have equal opportunity for one-time funding and support.

***The Office of Self-Governance (OSG) in the Interior Department and the Office of Tribal Self-Governance (OTSG) in Health and Human Services have both established systems whereby new funding opportunities will be communicated to SG Tribes through the Education and Communication website and email as those opportunities are announced. All new funding opportunities are referred on to the Grants Office and the appropriate program director.***

**Include Purchase and Referred Care in all VA-IHS reimbursement agreements.**

When the IHS and the Veterans Administration (VA) negotiated the first national agreement, required under the Indian Health Care Improvement Act (IHCIA), the agencies only included reimbursement for direct care provided by IHS facilities. This agreement has become the model for Tribal programs in negotiating with local VA facilities. However, it does not adequately address the specialty care Tribal systems provide eligible veterans. After two years of implementation and changes to the Veterans Administration health care delivery, Self-Governance Tribes believe the time is right to revisit the reimbursement agreement and include specialty and referred care.

**Institute a Tribal Advisory Committee for Office of Management and Budget.**

Given the role the Office of Management and Budget (OMB) plays in the Tribal funding – from guiding the President’s annual budget request to distributing appropriations to all federal agencies – a Tribal Advisory Committee could prioritize Tribal needs and requests. Other advisory committees have assisted in educating and building momentum within agencies and departments to further Tribal sovereignty and priorities.

**Update the IHS Facilities Construction Policy to include broad Tribal input.**

The IHS Health Care Facilities Design and Construction Policy does not currently reflect new authorities available under IHCIA, nor does it accurately reflect the tenants of Self-Governance. Additionally, the Facilities Appropriations Advisory Board (FAAB) recently decided to review and possibly update the Policy to reflect new authorities and make recommendations to the prioritization system. Self-Governance Tribal leadership believes the time is ripe to make changes that have broad Tribal support and allow for greater flexibility in construction projects.

**Evaluate the Indian-specific provisions of the Patient Protection and Affordable Care Act (ACA) and continue consultation to implement outstanding provisions.**

After nearly five years of implementation, an assessment is needed to ensure that Indian-specific provisions of the ACA are working effectively and efficiently. Additionally, some provisions continue to require Tribal consultation and technical fixes that may be successful through negotiated rulemaking process.

**Supporting White Papers**

Policy priorities and goals do not often change, but strategy to implement the priorities change as administrative and legislative changes occur. The White Papers below provide the most up-to-date administrative and legislative actions as well as new strategy ideas.

- Implementation of the Patient Protection and Affordable Care Act (ACA) P.L. 111-148
- Implementation of the Violence Against Women’s Act
- Self-Governance Concept for the Environment Protection Agency
- Self-Governance in Tribal Transportation
- Streamline and Expedite Grants authorized by Special Diabetes Program for Indians (SDPI)
- Implementation of the Tribal Law and Order Act
- Wildland Fire

## **LEGISLATION**

Legislation is critical to expanding Self-Governance and reaffirming its tenants throughout the Federal government. Self-Governance Tribes seek to further the self-determination across the spectrum of Tribal programs, while building local capacity to meet local needs. Self-Governance Tribes are interested in a vast number of legislative ideas, but identified the items below as their key priorities for the 114th Congress.

### **Amend Title IV of the Indian Self-Determination and Education Assistance Act.**

Amending Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA) has been a top legislative priority for Self-Governance Tribes for over a decade. Over the past 35 years, the ISDEAA has been one of the most successful mechanisms allowing Tribes to develop the capacity for government-building activities. Self-Governance Tribes must continue to advance the vision of the ISDEAA by working to amend Title IV of the ISDEAA to create consistency between Title IV Self-Governance in the DOI and Title V Self-Governance in the Department of Health and Human Services (HHS) to create administrative efficiencies for Self-Governance Tribes.

### **Reauthorize the Native American Housing Assistance and Self-Determination Act.**

Current authorization of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) expired on September 30, 2013. NAHASDA is the main authorization of Tribal housing programs. Tribal programs under NAHASDA have been successful in allowing Tribes the self-determination necessary to provide effective programs for Tribal citizens. Tribes are now exercising their right to self-determination by designing and implementation their own housing and other community development infrastructure programs. Reauthorization of NAHASDA is critical to continue to support Tribal housing authorities that build keystone housing and community infrastructure in Tribal communities.

### **Enact legislation that strengthens and reaffirms the original tenets of Public Law 102-477.**

The 477 Program provides Tribal governments with the flexibility to design employment, training, and economic development plans that utilize funding from several federal programs to best meet the needs of their local communities. While PL 102-477 is still technically a “demonstration project,” the 477 Program has existed for over two decades and currently over 250 Tribes and Tribal organizations consolidate multiple programs into a single 477 Plan. Despite nearly two decades of success, the viability of the 477 Program was jeopardized by two Federal agency actions. Legislation is necessary to make the 477 Program permanent and remove administrative burdens for Self-Governance Tribes.

### **Expand Self-Governance to the Department of Transportation.**

Congress has sought to address transportation infrastructure deficiencies in Indian Country by increasing funding available to Tribes, broadening eligibility for direct Tribal participation in Federal transportation programs and by extending the ISDEAA to several of those programs. With increased funding and expanded authority, Tribes have demonstrated that they are best positioned to ensure the effective and efficient use of federal transportation infrastructure funds. Despite these results, the Departments of Transportation (DOT) and Interior have been unwilling to extend the ISDEAA framework into new program areas, such as transit and highway safety. However, reauthorization of transportation legislation expires in May 2015 and Tribal advocates are urging Congressional members to expand Self-Governance tenants to the DOT.

***The FAST Act authorizes of a version of the Department of Transportation (DOT) Tribal Self-Governance Program that Tribes have been advocating for several years. Essentially this provision would extend many of the Self-Governance provisions of Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA) to DOT.***

***The first step toward implementing the FAST Act is to establish a “negotiated rule-making” committee. This committee would be responsible for interpreting and setting forth regulations which would govern the process by which tribes would assume a Self-Governance program with the DOT.***

***Permanently reauthorize and provide full funding for the Special Diabetes Program for Indians.***

Congress established the Special Diabetes Program for Indians (SDPI) in 1997 as part of the Balanced Budget Act to address the growing epidemic of diabetes in American Indians and Alaska Natives communities. SDPI programs have become the nation’s most strategic and comprehensive effort to combat diabetes. Self-Governance Tribes believe the success of these programs require the permanent reauthorization and supporting funding for SDPI.

***On April 14, 2015, the U.S. Senate passed a two (2) year renewal for the Special Diabetes Program for Indians (SDPI). The renewal was contained in a larger bill called: "H.R. 2 - The Medicare Access and CHIP Reauthorization Act of 2015." The measure was passed the Senate by a bipartisan vote of 92-8. This follows action by the House of Representatives on March 26, 2015, which also passed the legislation by a bipartisan vote. President Obama signed the legislation into law. The legislation funds SDPI at \$150 million per year but will expire on September 30, 2017.***

***Enact Medicare-Like Rates for IHS outpatient services for IHS, Tribal and Urban facilities.***

IHS, Tribes and Tribal organizations currently cap the rates they will pay for hospital services to what the Medicare program would pay for the same service (the “Medicare-Like Rate” or “MLR”). Currently, this MLR cap applies only to hospital services, which represent only a fraction of the services provided through the Purchase and Referred Care system. Proposed legislative fixes would amend Section 1866 of the Social Security Act to expand application of the MLR Cap. It would direct the Secretary to issue new regulations to establish a payment rate cap applicable to medical and other health services in addition to the current law’s cap on services provided by hospitals. It would make the MLR cap apply to all Medicare-participating providers and suppliers. Self-Governance Tribes support this legislative fix to leverage the limited resources provided to IHS, Tribal and Urban health programs.

***Advance legislation to expand Self-Governance to other Health and Human Services agencies and programs.***

Title VI of the ISDEAA required the Secretary of HHS to conduct a study to determine the feasibility of a Tribal Self-Governance demonstration project for appropriate HHS PSFA in agencies other than IHS. HHS submitted the required report to Congress in March of 2003. The report concluded that the demonstration project was feasible. Although Congress has considered legislation to authorize a Self-Governance demonstration project, legislation has not been enacted into law to date. HHS has since convened a Self-Governance Tribal Federal Workgroup (SGTFW) and issued a final report in September 2014. After repeated attempts to reconstitute the SGTFW to continue working on the report recommendations, Self-Governance Tribes will seek out legislative proposals to implement recommendations outlined in the report.

Supporting White Papers

Legislative priorities and goals do not often change, but strategy to move legislation forward changes based on external opportunities and information available. The White Papers below provide the most up-to-date administrative and legislative actions as well as strategy changes. .

- Contract Support Costs
- Amending Title IV of ISDEAA
- P.L. 102-477, Indian Employment and Training Act
- Education

Additional Resources

In addition to the White Papers identified above, the following documents are available upon request.

- 2015 – 2017 National Strategic Plan
- Self-Governance Acronyms
- Self-Governance Definitions
- Self-Governance Major Statutes
- HIS - OTSG Funding Agreement Components
- DOI/OSG Financial Operations
- DOI - Federal Financial Systems
- SGAC Protocols
- TSGAC Protocols
- White Paper – Budget Equity
- White Paper – HIS Advance Appropriations
- White Paper – Sequestration
- White Paper – Contract Support Costs
- White Paper – Amending Title IV
- White Paper – 477 Program
- White Paper – Streamline SDPI Process
- White Paper - TLOA
- ACA Implementation
- VAWA Update
- Tribal Transportation Update
- Expanding SG to EPA

2016 Self-Governance Meetings

Jan. 26-28, 2016	1st Quarter SG Advisory Committees Meeting	Washington D.C.
Mar. 29-31, 2016	2nd Quarter SG Advisory Committees Meeting	Washington D.C.
April 24-28, 2016	SG Annual Consultation Conference	Orlando FL
July 19-21, 2016	3rd Quarter SG Advisory Committees Meeting	Washington D.C.
Sept. 7-8, 2016	SG Tribal Strategic Planning Conference	TBD
Oct. 25-27, 2016	4th Quarter SG Advisory Committees Meeting	Washington D.C.

**Emerging Issues:**

***A significant number of tribes have expressed concern about potential threats to their information systems, the data within those systems and the security of the***

***communication networks that are used to share tribal data with the federal government. Additionally, some of those tribes have also expressed concern about the data shared with the federal government and the recent reports of hacking going on between agencies of the federal government. Many tribes do not have the resources to prevent unauthorized access to their information systems and are requesting assistance from the federal government. The federal government – particularly the BIA and the Indian Health Service do not have the resources to assist tribes with this potentially huge and serious threat.***

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

**2. General Information:**

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept report as information and accept call back SOP.

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.



## Oneida Tribe of Indians of Wisconsin

Oneida Nation Ombudsman  
 P.O. Box 365  
 Oneida WI 54155  
 Phone: (920)-490-3717  
 Toll Free: 1-888-490-2457  
 Fax: (920)-490-3799

### Oneida Office of the Ombudsman Quarter 1 Report/Update FY16 October, November December; 2015 Dianne McLester-Heim; CO-OP Ombudsman

#### General Overview:

The Oneida Tribe of Indians of Wisconsin created the Office of the Ombudsman (OoO) via a directive of General Tribal Council (GTC) on July 11, 2005. The directive specifically stated that an Ombudsman was to be created to "listen to the concerns of the employees of the health center and tribal community members." The OoO seeks to promote fairness and equity by functioning as a designated neutral advocating for "fair process" and positive resolution at the lowest level possible. In this capacity the OoO does not represent any party or entity in the pursuit of just, fair, and equitable administration of process and delivery of services for all.

As an independent impartial party, the OoO receives ongoing oversight from a top level of management (currently the Oneida Business Committee) while being ultimately accountable and responsible to GTC. As an informal and confidential party, the OoO does not participate in formal actions and holds the highest level of confidentiality possible for those with whom it has contact. The OoO also does not demand actions but rather assists in the identification of concerns, potential resolutions, and offers services and recommendations to reach resolution and positive improvement.

#### Vision:

To ensure the consistent application of utilizing equality, fairness, respect, value, and objectivity for all in the development of systematic processes and the provision of services across the Oneida Nation.

#### Mission:

To provide a confidential, neutral, and informal route for individuals or groups to bring forward questions, concerns, complaints, or suggestions for the purpose of preventing or resolving problems in a fair and equitable manner. The Oneida Ombudsman addresses issues in an impartial and objective manner to assist with the development of options and suggestions to resolve problems, develop processes, and ensure services are provided in a fair and equitable manner.

#### Strategic Priorities:

1. Organizational excellence & exhibiting 'best practices' in performance and service
2. Improve public administration
3. Awareness, Accessibility, & Responsiveness
4. Promote administrative justice/improvement

### Actions and activities:

The OoO works on initiatives and activities which fall within the four strategic priorities that have been identified by the office. The strategic priorities have been set to align with the Four Strategic Directions as identified by the Onida Business Committee. Overall, the initiatives and activities of the OoO are based upon the concept of continuous growth and positive development of the Onida Nation.

#### 1. **Organizational excellence and 'best practice'**

- Review and revision of office SOP's. A call back SOP has been developed for the office of the Tribal Ombudsman and is attached for review and acceptance of the OBC.
- Renewal of membership with International Ombudsman Association.
- Maintain connection with professional network of Ombudsman to stay abreast of current hot topics, tools, and resources
  - Continually seeking and preparing for professional development opportunities both local and those connected to the International Ombudsman Association and professional facilitation and mediation groups. This is for the purpose of office use and continuation of certification as a Certified Organizational Ombudsman Practitioner.

#### 2. **Improve public administration**

- Work with areas and departments within the organization to assist in collaborative initiatives for organizational growth and development.
  - Elder Services and CHD, Community Service Team via Behavioral Health, Budget sessions, Long-term Care initiative, Dialysis Center review, and CHD with HRD regarding hiring and compensation.

#### 3. **Awareness, Accessibility, and Responsiveness**

- Identify work to be done in the next fiscal year to help improve community and organizational awareness of the Office of the Tribal Ombudsman
  - Begin the outline of a communication plan for the Onida Community and Organization to become more aware of the Office of the Tribal Ombudsman.
- Continue to create and implement plans for increasing the interaction of the OoO with specific organizational areas such as Comprehensive Health departments (including Behavioral Health), Human Resource, Child Care departments, and other potential areas where collaboration can increase the effectiveness of service delivery
  - Input on policy development from the perspective of the OoO to decrease future conflict or discrepancy
  - General facilitation of collaborative work between departments
  - Facilitation of organizational and community interactions
- General numbers of individual matters coming to the Office of the Tribal Ombudsman by organizational area:
  - Comprehensive Health Division 13 all issues are closed
    - Provider/staff related 3
      - Customer service interactions
    - Pharmacy services 3
      - Understanding Policy
    - Purchased Referred Care 5
    - Access to Service 2
  - Internal Services 6 all issues closed
    - Referral for direct contact to address questions
      - Insurance related
      - Hiring related
    - Internal process questions
      - Formal complaint information provided

- Governmental Services 6 all issues closed
  - Child Support 4
    - Still related to failure of the website to be updated
  - Economic Support 2
- General Resource Questions 7 issues were referrals to entities and are closed
  - Resource questions regarding tribal services

#### 4. **Promote administrative justice/improvement**

- Work with various aspects of the Onida Tribal Organization in the development of policy, procedure, and process by providing the services of an Organizational Ombudsman as an identified neutral as matters are worked on.
- Facilitate conversation and interaction between service components of the Onida Tribal organization for the purpose of improving working relationships and collaborative work as organizational, policy, and process changes are explored for the improvement of service delivery and functionality of the Onida Tribe.
  - Specifically advancing work within the area of Governmental Services

#### **Identified actions going forward:**

- Continue to work on the updates to office process and procedure. Some delay has been experienced within this area as the OBC continues to roll out the reorganization plan. Where the Office of the Tribal Ombudsman is placed within the organizational structure has a direct impact on office processes and procedures. Finalization is needed by the Office of the Tribal Ombudsman in order for the Tribal Ombudsman to complete updates in this area.
- Increased interaction with the LOC as identified and suggested by OBC members as process and policy development occurs to increase communication between trending data of the OoO and Oneida's Legislative process.
- Revamp of the structure of the OoO reports for the improvement of clarity and understanding to meet the identified requested information from leadership and the Onida Community to be implemented with FY16. This is ongoing as again, the alignment of the Oneida Tribal Organization has a direct impact on how the reports are formatted to ensure goals and expectations are being met.

<b>ONEIDA TRIBE OF WISCONSIN STANDARD OPERATING PROCEDURE</b>	TITLE: Call Back	ORIGINATION DATE:  REVISION DATE:  EFFECTIVE DATE: After last signature
AUTHOR: Dianne McLester-Heim	APPROVED BY:	DATE:
DEPARTMENT: Tribal Ombudsman	APPROVED BY:	DATE:
DIVISION:	APPROVED BY:	DATE:
	APPROVED BY:	DATE:
EEO REFERENCE NUMBER:	COMPLIANCE REVIEW BY: <i>EEO</i>	DATE:
PAGE NO: 1 of 2	APPROVED BY: <i>HRD Manager</i>	DATE:

## 1.0 PURPOSE

- 1.1 To establish a standardized procedure for the Office of the Tribal Ombudsman to utilize in when receiving contact from parties seeking the service or assistance of the Office of the Tribal Ombudsman.
  - 1.1.1 This process is primarily intended for use with individual parties or groups contacting the Office of the Ombudsman for service and/or assistance
  - 1.1.2 This process may not be applicable with respect to addressing systemic matters within the organization.

## 2.0 DEFINITIONS

- 2.1 All terms contained within are used with standard meaning

## 3.0 WORK STANDARDS / PROCEDURES

### Work Standards

- 3.1 Contact with the Oneida Tribal Ombudsman's Office shall be accepted by phone, e-mail, mail, or delivered in person to the Office of the Tribal Ombudsman.
- 3.2 All service related contact made with or by the Office of the Tribal Ombudsman's Office shall be documented for accountability purposes in a general log.
  - 3.2.1 Documented information shall only include general demographic information such as date, time, general nature of the contact made, and outcome of contact if appropriate.
  - 3.2.2 No specific identifying information will be maintained in a accountability log.

- 3.3 All contact with the Office of the Tribal Ombudsman's Office for service must be made by an individual directly involved or affected by the matter, or by the guardian of such an individual.
- 3.3.1 The Tribal Ombudsman **does not** have the authority to act on any matter related to a specific individual without the specific individual's knowledge or consent.
- 3.3.2 The Tribal Ombudsman **does** have the authority to receive a referral for service and make contact to individuals whom maybe directly involved and/or affected for the purpose of offering services.
- 3.4 Contact received by the Office of the Tribal Ombudsman that is of a third party nature shall be treated as a referral for service.
- 3.4.1 The individual(s) specifically involved or affected by the matter has the authority to accept or decline services offered by the Office of the Tribal Ombudsman.
- 3.4.2 Such result of offered service shall be documented for accountability purposes.
- 3.5 All contacts received by the Office of the Tribal Ombudsman, and the information contained within conjunction to be considered property of the Office of the Tribal Ombudsman and covered by the Confidentiality and Privileged Information SOP for the Office of the Tribal Ombudsman.
- 3.6

### Procedures

#### **Contact made to the Office of the Tribal Ombudsman**

- 3.7 Document date, method, and time (if possible) in which contact was received by the Office of the Tribal Ombudsman on the Intake Data Form (or into an established data base).
- 3.8 Document the contacting parties name and contact information on the Intake Data Form (or into an established data base).
- 3.9 Document any information relating to the purpose for contacting the Office of the Tribal Ombudsman on the Intake Data Form (or into an established data base).
- 3.10 Acknowledge receipt of contact by returning a call to the contacting party and documenting action on the Intake Data Form (or into an established data base).
- 3.10.1 Acknowledgement responses shall be made within 3 business days of receipt of contact by the Office of the Tribal Ombudsman.
- 3.10.2 Acknowledgement responses shall be made by phone unless no phone contact information was provided by the contacting party.
- 3.10.2.1 If the contacting party provided another means of contact, the Office of the Tribal Ombudsman will attempt contact via the method provided within 3 business days.
- 3.10.3 Three (3) separate attempts will be made to reach a contacting party by the Office of the Tribal Ombudsman.
- 3.11 Document all attempts made to reach the contacting party on the Intake Data Form (or into an established data base).
- 3.12 Following three (3) failed attempts to reach a contacting party, Closure will be

assigned to the identified original contacting information.

3.12.1 Closure will be noted on the Intake Data Form (or into an established data base).

3.12.1.1 This note will include the date on which closure was determined and the reason for closure as lack of follow up by contacting party.

#### **4.0 REFERENCES**

- 4.1 General Tribal Council Directive from July 11, 2005 (TC Minutes, 07-11-05)
- 4.2 Oneida Code of Laws Chapter 3– Code of Ethics (BC-09-27-06-E)
- 4.3 Oneida Code of Laws Chapter 7– Open Records and Open Meetings (BC-10-14-09-B)
- 4.4 Confidentiality and Privileged Information SOP of the Office of the Tribal Ombudsman
- 4.5 International Ombudsman Association – Code of Ethics
- 4.6 International Ombudsman Association – Standard of Practice

#### **5.0 FORMS**

- 5.1 Intake Data Form

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Defer Bay Bancorporation Inc. FY '16 1st quarter report to the March 30, 2016, regular Business Committee meeting

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Lisa Liggins, Executive Assistant II  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Jeff Bowman, President/Bay Bancorporation Inc  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Per Councilman David Jordan, alternate liaison to Bay Bancorporation Inc., Jeff Bowman, President, will out on work-related travel and is respectfully requesting the deferral of the FY '16 1st quarter report to the March 30, 2016, regular Business Committee meeting.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 3 / 9 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Attached is the Narrative Report for Oneida Seven Generations for the Business Committee meeting Wednesday, March 9th, 2016.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)



## Oneida Seven Generations Corporation

### **Narrative Report:**

#### **Explanation of the core of the Corporation's business practices:**

The purpose of Oneida Seven Generations Corporation (OSGC) is to engage in activities related to commercial leasing. OSGC manages commercial developments such as the Bellin facility on Commanche Avenue, the Schneider facility on Glory Road, the Badger Sheet Metal Works facility on Partnership Drive, and the West Mason and Packerland business malls. As of June 30, 2015 we have three properties with lease space available; they are half of the former Tower Foods facility, the restaurant space at the Travel Center, and an office facility on Flightway Drive. We have spoken to a number of potential tenants on the restaurant site. There are fifteen properties under OSGC's management; with over thirty leasable areas.

The Wisconsin Supreme Court ruled in favor of OSGC on our lawsuit against the City of Green Bay for the waste-to-energy plant.

#### **Explanation of the Corporation's market information:**

*Property Management:* OSGC employs one part-time tribal elder member who assists in managing approximately 30 tenant leases. In addition to monitoring the leases, the leasing person assists in making sure the corporation buildings are insured and that tenants insure their occupancy, implementing property management procedures, and compiling data information.

#### **Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same:**

The vision for OSGC is to increase the profitability of the company's real estate income base. This will occur by reducing expenses.

We are marketing our properties through Facebook and other social media outlets. We have seen an increase in properties being marketed through the internet which is less costly and has the ability to reach more businesses looking for space. In order to remain competitive we are moving into this market area.



## Oneida Seven Generations Corporation

### **Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given present status, strategies and risks:**

Our medium to long range goals includes the following:

- To dissolve OSGC, per the GTC motion, once it's economically feasible due to the current lawsuits.

### **Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets:**

**Financial / Physical:** Checking accounts; buildings; other business ventures

**Employees:** OSGC has two employees; one full-time and one part-time.

**Main Customers:** Bellin Health Systems; Schneider National; Badger Sheet Metal Works; United States Postal Services and Oneida Tribe of Indians of Wisconsin

### **Summary and status update of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject:**

OSGC won in the appeal process with the City of Green Bay regarding our rescinded permit. The Wisconsin Supreme Court ruled in favor of OSGC.

OSGC is awaiting a decision from the Appellate Court in Cook County on a case filed by ACF.

OSGC is in the preliminary stages of arbitration with a former tenant.

OSGC is also in the preliminary stages of arbitration with a former vendor.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the OGE 1st Quarter Report for FY16

3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Janice Skenandore-Hirth - President  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

To update the Business Committee on the performance of Oneida Golf Enterprise d/b/a Thornberry Creek at Oneida for the 1st Quarter of FY16.

Request a motion to accept the OGE 1st Quarter Report for FY16.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

## Oneida Golf Enterprise Corporation

### Fiscal year-To-Date Reporting for period Ending:

December, 2015

The Oneida Golf Enterprise Corporation (OGEC) is a corporation of the Oneida Tribe of Indians of Wisconsin established to oversee and manage the business known as Thornberry Creek at Oneida.

### Narrative Report

#### Business Practice, Market Overview, Place Within Market:

- Thornberry Creek at Oneida (TCO) is a 27 hole premier golf course settled in a rural prestigious housing development on the Oneida reservation.
- TCO is the Official Golf Course of the Green Bay Packers.
- TCO is one of 10 Official PGA Family golf courses in Wisconsin offering tees for kids based upon skill level and ability to further enjoy the game.
- TCO includes a banquet facility, practice range, golf shop and sports pub & grill.
- TCO is considered a leader in charitable golf event hosting and a leading choice for future brides.
- TCO hosted 127 special events in the fourth quarter

#### Competitive Analysis:

##### GOLF

- Area competitors in this market for public golf courses with 9 holes is Village Green in Howard; 27 holes includes Mid Vallee in De Pere; 18 holes include Brown County and Crystal Springs.
- Outside our 10 mile radius are other courses such as Royal St. Patrick's, Ledgeview, The Woods, and Northbrook. Courses outside the area but still considered competitors include The Bull in Sheboygan and Blackwolf Run/Whistling Straits in Kohler.
- Our nearest competitor, Brown County Golf Course, had temporary greens due to winter damage and have renovated and rebuilt all their greens to be ready for opening in spring 2014. **Competitive analysis was completed in August of 2015 and the course conditions left a lot to be desired. Paired with non-existent service, Brown County has little to no perceived value and should not be considered a threat.**

##### Banquet

- Thornberry Creek at Oneida has 7,000 square feet of flexible banquet space with large windows and spectacular views. This space will accommodate 300 guests at round tables.

We also future a porch room that accommodates up to 40 people. Included in this space is the Cupola available for smaller wedding ceremonies and intimate gatherings.

- Thornberry Creek at Oneida also offers a full range of conference equipment and amenities for the corporate client.
- Our large bar and grill offers full coverage on all 24 HDTV flat screen televisions for all sporting events and seats up to 160 customers.
- Area competitors in this market include Rock Gardens and the Radisson.

#### Strategies for Improved Value:

- *Drone Hub Media* completed work on the golf course providing high definition video of the entire property, this will be utilized on the website including trade shows for 2016
- The Annual Halloween Cash bash was a success and included well over 100 attendees and an additional 30+ contestants
- Released Packer Performance Pricing and it continued to be a hit through early December when the course finally closed
- Our annual Big Cup brought about record participation at a higher rate
- The Packer Radio show continues to bring significant impact to the restaurant with approximately 120 in attendance weekly
- Our brand image continues to be elevated as we're seen and heard across all the major networks: FOX, CBS, NBC and WIXX
- We met with IBS, Integrated Business Systems, to discuss an overall upgrade to our software that would eliminate and integrate all business units into one
- Facebook reviews grew significantly in the 4<sup>th</sup> quarter and our overall rating improved by almost a full point
- The Annual Ugly Sweater party brought over 100 guests and continues to be a successful event in our annual lineup
- OGEC went into a sanctioning agreement with the LPGA to host a brand new event starting in 2017, this event will bring about national awareness and engagement and ultimately catapult the Oneida Nation in the category of destinations
- The newly remodeled Golf Shop was up 49% in sales in its first quarter for FY 2016 over last year
- Tobacco sales continue to grow as sales were up 117% over the first quarter in 2015
- On course food and beverage was up 52% in the first quarter over 2015
- TCO continues to donate rounds of golf to various charities in the area and is becoming a leader in giving
- TCO continues to see engagement from outside markets with Chicago being #3 in Google Analytics

Material Changes or Developments in Market/Business:

- Preliminary discussions are in place with 3 general contractors discussing the possible renovations of the entire facility
- Rick Jacobsen, the original golf course architect, has been onsite discussing possible design ideas
- We are exploring new ideas for team member engagement and loyalty as this proves to be a difficult area
- Retaining the good team members is proving difficult as the area is experiencing an all-time low concerning unemployment
- With the addition of the LPGA tournament in 2017 we have focused our efforts on the elevation of the brand in all platforms
- Banquet and special event business continues to decline and we're exploring the opportunity to hire a sales task force to help supplement the winter season
- The Pub continues to see growth in both food and beverage sales; our loyalty amongst guests continues to grow

Market Growth:

- Our social media presence continues to grow, up 85% since May of 2014 and up 13% in the first quarter of 2016
- Our special event series continues to generate revenue and overall attendance continues to grow year over year
- Wedding inventory for 2016 is almost completely sold out and we have dates in 2017 sold as well
- Golf course revenue has been greatly impacted due to the weather; golf rounds were up 24% and round revenue up 67% over 2015
- Golf shop sales grew 49% over 2015 in the first quarter
- Josh Doxtator was nominated for a Future 15 award by the Green Bay Chamber of Commerce, Current Young Professionals
- TCO continues to elevate their brand through campaigns in both social and market media

Pending Legal Action:

- No litigation pending.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Reports

Accept as Information only

Action - please describe:

Motion to accept the OAHC 1st Quarter Report for FY16.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. OAHC d/b/a Radisson 1st Quarter Report 3. [Empty text box]

2. Three Clans Airport d/b/a Wingate 1st Qtr Report 4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

Primary Requestor/Submitter: Janice Skenandore-Hirth - President  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

To update the Business Committee on the performance of OAHC d/b/a Radisson Hotel & Conference Center and Three Clans Airport d/b/a Wingate by Wyndham for the 1st Quarter of FY16.

Request a motion to accept the OAHC 1st Quarter Report for FY16.

1) Save a copy of this form for your records.

2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

Oneida Airport Hotel Corporation  
Radisson Hotel & Conference Center  
Quarterly Report  
For the quarter ended: December 31, 2015

## **Narrative Section**

### Business practice, market overview, place within market:

- STR report shows for the Quarter that we are down in Occupancy YOY -2.4% index, down in ADR YOY -2.5% index with a result of -4.8% index YOY for RevPAR; group rooms had great pick up for October, due to 2 less Packers games in YOY during same time period was a factor in negative occupancy numbers and ADR.
- Sales team attended a Madison sales blitz in October; Radisson hosted Boomers in Group Conference at the Radisson at the end of October; The sales team continues to be at events including Chamber Networking breakfasts monthly; BNI meetings weekly; Current luncheons/events monthly; Management Women events monthly; WSAE event quarterly; WBTA event quarterly – to gain leverage for the Radisson in the Green Bay market.

### Competitive analysis:

- Casino's non-tribal food outlets continue to be revenue competition for hotel F&B.

### Strategies for improved value:

- Developed packaging in Corporate/Association Meetings, Tour & Travel, Wedding, Travel Agents and Transient markets to gain short term bookings for Q1 and other need months
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition
- Working with Aimbridge Regional properties to gain leverage and recognition
- Working closely with Green Bay CVB in markets to keep hotel top of mind initiatives to ensure ROI

### Material changes or developments in market/business:

- KI Convention Center Expansion opened September 2015, adding 23,000 square ft. meeting space will have total of 80,000.
- Appleton will be adding a Convention Center on land near the Radisson Appleton

### Market growth:

- Green Bay downtown remodeling Northland Hotel 147 room complimenting KI Convention Center expansion, due to open July 2016

- Ashwaubenon new construction Residence Inn 100 room property located Hwy 172 and the Fox River due to open 2017
- Ashwaubenon new construction 4-Star 200 room property adjacent the Lambeau Field–Lodge Kohler due to open 2017
- Ashwaubenon new construction Home 2 Suites on Holmgren Way across from Grainger. No date set at this time.
- Green Bay West side new construction TBD property Broadway near The Cannery

Pending legal action:

- None

Oneida Airport Hotel Corporation  
Three Clans Airport, LLC  
Quarterly Report  
For the quarter ended: December 31, 2015

Business practice, market overview, place within market:

- Ranking for the 1st quarter from the STR Report the Wingate is 1 out of 5 based on REVPAR and 1 out of 5 based on Occupancy. The Wingate's strategy of growing through occupancy is the contributing factor of being number 1 in each of these areas.
- The Wingate averaged an occupancy of 74.1% which grew by 7.1% year over year.
- The Wingate was also able to increase REVPAR by 1.2% to end 1<sup>st</sup> quarter at \$60.78.

Competitive analysis:

- The competitors ran a REVPAR of \$85.29 to Wingate's \$60.78 for the quarter.
- The competitive set had an occupancy of 62.9% to the Wingate's 74.1%.

Strategies for improved value:

- Focused strategy to grow rate on higher demand dates and to offer less discounted rates on slower dates.
- The Wingate continues to use all third party booking channels to increase bookings on low demand dates.
- Continues to run last minute deals on Expedia and Hotels.com to increase weekend short term bookings.
- The Radisson Sales team continues to cross sell the hotel. We have begun to see new leads and new bookings from this joint effort.
- Negotiated in October new contract with a new airline Endeavor leading to an occupancy 1<sup>st</sup> quarter increase.

Material changes or developments in market/business:

- Recognizing an industry-wide trend many corporate travel entities utilizing Travel Agent services. Wingate experienced an increase travel agent bookings and slight decrease in third party website bookings.
- Successfully negotiated rates with new local companies to add to the Wingate's preferred list. Two examples Alter Trading and Suominin Corporation.

Market growth:

- For the 1st Quarter, the Wingate ended with 71.3% REVPAR Index which grew by 7.2% year over year.
- Revenues for the first quarter were \$441381 which were up from prior year by \$216.00.

Pending legal action:

- None

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   3   /  09  /  16 

## 2. General Information:

Session:    Open    Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval of report

## 3. Supporting Materials

Report    Resolution    Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Wilbert Rentmeester, OTIE Board Chairman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Corporate reporting requirement - Business Committee approval of report

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# Oneida Total Integrated Enterprises

## 1st Quarter Report 2016 February 17, 2016

*Prepared by:*

Nick Ni, PE, President

*Submitted to:*

OTIE Board of Managers: Butch Rentmeester, Chairperson,  
Jeff House, Jackie Zalim, Wayne Metoxen, Leslie Wheelock

OTIE Report 01-20160217



## Narrative Report

### a. Explanation of the core of the Corporation's business practices and market overview

Oneida Total Integrated Enterprises (OTIE) provides environmental, remediation, construction, engineering, and munitions response services to government agencies, as well as commercial clients in the United States and across the world. OTIE's services evolve in response to clients' changing needs. Our core services contribute a majority of OTIE's backlog in response to federal and state project requirements, changing infrastructure demands, and the often accompanying regulatory challenges. We provide solutions that allow our customers to cost-effectively achieve their mission while adapting to evolving performance parameters.

As a service-based company, OTIE revenue is primarily derived through the labor-based contracts and task orders, rather than capital-intensive project requirements.

Our revenue potential is driven by our ability to retain existing clients as well as attract new ones, provide quality and responsive value-oriented project management at competitive rates, and identify and retain a qualified roster of dedicated employees.

OTIE directs our primary business pursuits from a stable customer base concentrated in federal, State and municipal government entities. Our tribal business, aerospace industry (commercial), and electric utility company contracts are exceptions to OTIE's heavy reliance on government contracting, and in all cases our customer base offers outstanding opportunity for securing projects and targeting:

- long-term, high-dollar contracts to offer steady and profitable backlog
- low risk contracts to stabilize the Company's business base
- capturing market share in emerging or expanding growth markets

OTIE operates in a fiercely competitive, expanding market that seeks diversity and economic vitality through government contracting. Our advantage over emerging small business competitors is maintained through steadfast conformance with quality, safety and contracting/acquisition requirements and regulations imposed by the federal government.

As reported in prior Quarterly Reports, the market for our services remains highly competitive. An abundance of Architecture / Engineering / Construction (AEC) firms provide similar services offered by OTIE. Competitive factors for our success include performance reputation, price, geographic location and availability of technically skilled personnel. We are pleased with our accomplishments and continue the drive to becoming a top-tier competitor.



b. Explanation of the Corporation's current place within the market

OTIE is a Native American, tribally-owned, SBA-certified 8(a) small disadvantaged business (SDB). Other small business (SB) categories in the marketplace include: HUB-Zone; Woman-owned; Veteran-owned; Service Disabled Veteran-owned; Alaskan Native Corporation; Native Hawaiian Owned; and Native American-owned.

OTIE operates in a fiercely competitive, expanding market that seeks diversity and economic vitality through government contracting. Our advantage over emerging small business competitors is maintained through steadfast conformance with quality, safety and contracting/acquisition requirements and regulations imposed by the federal government. We pride ourselves in offering "no drama" project performance, and continued requests for OTIE project leadership occurs.

We face substantial competition in each of our business profiles as markets crowd and customers become more price-sensitive. Within Small Business circles, OTIE remains a sturdy, medium-sized competitor. Some competitors are large firms with vast financial resources, requiring OTIE to be selective in our marketing and sales efforts and more adept in developing strategic partnerships to enhance our competitive advantage.

Looking at the 8(a) market, OTIE is distinguished from others by our size and longevity as a company. Now in our third decade of business operations, we are a mature, tested and proven SB with infrastructure that rivals many large businesses. Some of our SB competitors have similar performance tenure in our industry; others in the market are emerging businesses aiming to secure their first federal contracts. We believe that our present size and diversified service offerings - relative to the smaller, niche companies - are advantageous to OTIE.

Our success in key growth areas demonstrates our ability to broaden our market positions in spite of stiff competition. In two key technical areas OTIE gained traction and increased our visibility and competitive posture in the market:

- ***Engineering Services*** – Responding to our USAF customer's requirements by adding new engineering disciplines and licensed staff. OTIE fortified our mechanical, electrical and structural engineering capabilities and we now self-perform challenging engineering projects that would have previously been subcontracted to team partners.
- ***Environmental Response*** – OTIE won the re-compete of EPA Region 4's Small Business START contract. This win represents long-term revenue opportunity and promotes employee retention where, without this contract, employees would have been furloughed or relocated.
- ***Environmental Compliance*** – OTIE won a contract for site investigations in 22 locations for an emerging groundwater contaminant known as perfluorinated compounds (PFCs). This project offers follow-on potential if executed to the client's expectations.



The company's position in the marketplace remains healthful and configured for future success. Our financial and project performance are coequal metrics that are tracking along gradual improvement vectors, and are indicative of steady growth instead of punctuated spikes that are harder to sustain.

c. **Explanation of the outlines of strategies by the Corporation for improved value in the market**

To improve OTIE's value and position in the marketplace we identify opportunities with government and other customers where funding is reliable and alignment with our core competencies is commensal. Examples include engineering services, Munitions Response Services (MRS), and design/construction contract management. We also target areas that we believe are attractive for building professional development for our staff. With enhanced capabilities we form effective and efficient teams that deliver on successful projects, such as Military Family Housing design (Title I) and construction phase services (Title II). Evidence of our improved value in the marketplace includes OTIE's AE services in Asia, and engineering studies and assessments for improvements in energy efficiency, and facility upgrades.

Specifically, the following elements drive our strategy going forward:

**1) Pursuing larger contract opportunities.** With continued development of a strong infrastructure and expanded engineering capabilities, we focus on pursuing larger prime contracts and expanding our pool of opportunities. We continue to strengthen our relationships with other firms to create teaming arrangements that better serve our clients, but our goal remains prime contracts instead of team-sub positions.

**2) Leveraging of our services.** OTIE has diverse services to offer to a growing customer base. We leverage OTIE capabilities and remain vigilant for 8(a) set-asides for OTIE. The combination of our multiple skill sets and broad service offerings allows us to work efficiently in a new economic environment, whether selling services, or via effective use of our design and construction management skills supporting DoD and bridging such skills to other customers such as state and municipal government.

**3) Expanding our international footprint.** OTIE is one of AFCEC's select, "go-to" AE firms for Title I and Title II services. Our forward operating Guam presence has strengthened OTIE's position in Asia/Pacific, and based on superior performance in theater, PACAF has contacted OTIE to ensure that we are configured and ready to propose for an upcoming Environmental Services Contract.

**4) Investing in our people.** We are committed to building on our employee's accomplishments while expanding our reach through new hires. Continued profitable growth is projected to occur through our carefully executed hiring strategies. OTIE attracts and hires staff that enhance our relationship-building and improve our competitive position in the marketplace.



**5) Geographic and client expansion through acquisition.** We will direct an active acquisition strategy focused on expanding our ability to offer our technical services in new geographic areas and with new clients (e.g., NAVFAC and USACE) through the acquisition of complementary businesses. While we continue to invest in our people, we must continue to pursue strategically and financially sound acquisitions. Being disciplined in valuing and structuring the transactions, OTIE avoids acquisitions merely for the sake of revenue.

Overall, OTIE's strength in the market is built on relationships with key customers, and our ability to discover new opportunities early in the acquisition cycle and respond with discipline and direction. OTIE's strategy is to:

- Get in front of the right people
- Present compelling information and arm the company with winning tactics
- Partner with proven industry leaders preferred by the customer
- Reinforce our sales tactics with proven past performance.

By marketing to the right decision-makers, and conducting objective determinations on potential for success, OTIE fiercely competes when probability for success is high, and we forego opportunities where we see minimal chance of success. Using this focused approach reduces costs and improves our win percentage, both of which are key components of building value in the marketplace.

**d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market**

OTIE's SBA-approved 8(a) competitors include Alaskan Native Corporations (ANCs); Native American, tribally-owned SBs; and Native Hawaiian Organizations (NHOs). Each of these business concerns is treated in a category of SBs that may be awarded prime contracts without competition. OTIE also competes against other 8(a) firms for set-aside acquisitions, including SBs that are categorized as Woman-Owned, HUBZone, Service Disabled Veteran Owned SB, and others.

Typical competitors for OTIE include:

- Small Business firms with fewer than 500 employees in NAICS 562910 (e.g. EA; Baywest; Insight; Stell Environmental and others) plus regional transportation engineering firms in Wisconsin.
- Current 8(a) small businesses (Ayuda, Earth Resources Technology; Prudent Technologies; Dawson Group; CTI & Associates and others).
- 8(a) "graduates" (e.g., Bhate, Cabrera, CAPE, ERRG, HydroGeoLogic, Nobis, Terranear PMC, Tidewater and others). These SBs are now mature businesses developing past performance and earning customers that keep them "entrenched" in specific situations.



OTIE continues to be viewed by other SBs as extremely competitive on major ID/IQ prime acquisitions. Our federal agency customers have commended OTIE on the high quality of our ID/IQ contract proposals, as well as the ease of negotiations and businesslike interactions. In general, our customers view OTIE as a robust, durable and agile Small Business that acts like a large business.

Regarding task order proposals, OTIE has struggled against other Small Business competitors to win work under Multiple Award Task Order contracts (MATOC). We fair better under Best Value procurements and tend to lose out on opportunities awarded based in Low-Price, Technically Acceptable evaluation.

Viewing OTIE's competitive position from a geographic perspective, we remain very well positioned for continued DoD work overseas. We are ideally suited to deliver AE Services in Asia/Pacific under the recently AFCEC AE13 DCS contract awarded to the Joint Venture of OTIE-RS&H. The Defense Department's force posture in Asia aligns with OTIE's planned growth: We are pre-positioned for lucrative contract performance in the Asia/Pacific theater where DoD focus has pivoted, and we are reaping the rewards of the long-term vision and investments made.

OTIE has garnered nationwide (and international) attention as a vigorous small business competitor. We hold a wide variety of diverse federal contracts, and our performance on these contracts sets us apart from most of our competitors.

e. **Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period**

In FY15 we witnessed the continued, government-wide preference to procure MATOCs as the default contract type and acquisition strategy. Observations by our customers over past few years indicate a favorable bid climate, which is forcing contractors to sharpen their fee proposals and cut costs wherever possible.

One of the last agencies to adopt MATOC strategies is USEPA, whose Remedial Action Contract (RAC) acquisition strategy for decades has relied on single awards in each EPA Region. Under the new Remedial Action Framework (RAF) a Design and Engineering Services (DES) contract is being acquired across three large "zones" and with up to seven firms per zone. OTIE will pursue a prime contract award for EPA Regions 8, 9 and 10; we will be in a sub-contractor role for EPA Regions 4, 5, 6 and 7; and we will forego pursuit in EPA Regions 1, 2 and 3. Future Small Business contracts under the RAF will include an Environmental Services and Operations (ESO) and Remediation Environmental Services (RES). For the ESO and RES pursuits OTIE will team with our SBA Mentor Protégé Program partner, CH2M.

As a 25+ year experienced 8(a) firm, OTIE counterbalances the impact of a bias toward MATOCs through an ID/IQ contract portfolio blending MATOC and single-award 8(a) contracts (where competition is not required for task order assignment). Going forward an acknowledged risk post-2017 is the loss of an 8(a) contracting option for OTIE, and a probable continuation of MATOC acquisitions.



Perhaps the most significant development in NAICS 562910 (Environmental Remediation) is the Rule Change by SBA to increase the Small Business size standard (i.e. definition) from its current 500 employee maximum to 750 employees. SBA has published their final regulation on January 26, 2016 and the change is effective February 26, 2016. OTIE will now compete against firms that are larger and that have access to far more resources.

To counteract the increase in OTIE's Small Business Size Standard, it becomes critical that the Oneida Tribe continue to support OESC's new 8(a) subsidiary companies. The invested capital can help our "sister" companies become stronger, and better positioned to build a performance history to compete for more direct awards. With strengthened financials each company becomes a competitive entity offering contracting options with our federal customers. Promoting diversified primary NAICS codes, the Tribe enjoys breadth of competitive, SB possibilities.

An emerging development in our industry has the potential to adversely affect many of the small business Munitions Response Services providers like OTIE. The DoD anticipates ratifying a costly certification protocol for Advanced Geophysical Classification of subsurface anomalies. Firms seeking certification would be required to dispatch their geophysics staff, equipment, and other support personnel to a test scenario/examination location in Maryland. We expect an unintended stratification in the munitions response market: Certified providers of Advanced Geophysical Classification may be afforded more contract opportunities, and collateral damage may result, including reduced MRS opportunities for Small Business concerns.

OTIE owns none of the equipment required to deliver Advanced Geophysical Classification, and we presently subcontract geophysics requirements on MRS task orders. Our plan is to remain actively engaged with DoD on this potential certification protocol and position ourselves to minimize any competitive harm to the company.

In spite of changes in our industry, our ability to adapt to the evolving needs of the marketplace has enabled us to build a resilient business that is closely aligned to the spending priorities of our federal clients. Because we are accustomed to competing against formidable small and large businesses, OTIE is configured to succeed in an atmosphere of increased competition and reduced budgets. Our business development strategies aim to collect early information on upcoming procurements, affording us time to develop winning strategies and allowing us to sharpen our pricing.

- f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same

#### ***Goals for OTIE***

Growth is the primary business goal for OTIE. Success for OTIE comes when we align and invest along growth profiles and manage/measure accordingly to make sure that our clients prosper.



In the first fiscal quarter of 2016, OTIE executed new contracts that were fewer in number, but vigorous in terms of the work scope, nature of the contract, and with customers in key growth areas, all of which arms us to gain traction against some competitors. We are seeing some former competitors exit the marketplace through M&A actions, insolvency, or tough decision-making regarding withdrawal and re-focus in other areas. OTIE is seizing opportunities to flourish through gradual expansion of service delivery and staff counts, and our accomplishments in the first fiscal quarter exemplify the performance achievements that have brought us continued success.

Some of the larger, long-term new contract wins in 1QFY16 include:

- Contract for Site Inspections of Aqueous Film Forming Foam (AFFF) groundwater contamination at multiple USAF installations in EPA Regions 6 and 9
- Contract for Hazardous Waste Operations and Spill Response at Fort Bliss, TX
- Task Order for Engineering Services to equip EMCS and fiber optic cable at Yokota AB, Japan.
- Work Assignment at the AMCO Superfund Site in Northern California under our USEPA 8(a) Site-Specific RAC.
- Multiple new TOs under the USAF 45th Space Wing Range AE Inspection Services (RAEIS) program in Florida.

These federal task order awards were augmented by other contract starts with the Oneida Tribe and Wisconsin Department of Transportation. In addition, OTIE executed a sublease for an office in Honolulu, Hawaii to continue serving the Pacific Air Forces and the Hawaii Electric Company projects.

In the second and third fiscal quarters, a more stable funding cycle will drive a tempo of steadiness in activity, but corporate caution will endure such that we avoid the exuberance that has brought hard times onto some of our Small Business competitors. Our experience has shown that carrying momentum into the later part of each FY pays dividends and reduces exposure to the cyclic nature of the government spend.

Over the next two years OTIE faces two challenges:

- SBA 8(a) status “graduation,” and
- SBA size standard increase from 500 employees to 750 staff

OTIE will be competing against firms that are larger and that have access to far more resources.

Going forward, OTIE will leverage opportunities and advantages of our SB status—we will pursue three avenues: identify and secure 8(a) direct awards; compete in the



8(a) set aside contract category from existing and new customers; and compete for SB awards and occasionally unrestricted competitions.

### ***Targets for OTIE***

OTIE targets growth in government contracting where our skills and experience align with our customers' mission priorities. In the aggressive market of federal agency contracting - especially in times of budgetary uncertainty - every advantage is crucial to maintain OTIE's position in the elite levels of SB contracting. Gaining a competitive advantage takes strategic planning and research to focus on opportunities that are robust (high confidence customer spend) and enduring (affording long-term growth opportunity). We pursue emerging or growing markets and seek entry and profit in these areas, while closely monitoring entry costs and barriers. Identified market segments or locations for expansion by OTIE include:

- Facility/infrastructure engineering and asset management
- Diversified environmental services
- Munitions Response Services (MRS)
- Expansion of USEPA services, contracts and Regions
- Growth in the Asia/Pacific region

Described below are the accomplishments for OTIE's targets.

Facility/infrastructure engineering and asset management – aging DoD real property/infrastructure is a target with legitimate potential for sustained growth. Over the last five years OTIE has expanded the engineering services we provide to our customers. Presently we have engineering projects in the mainland US plus Hawaii and Alaska and at DoD installations in Japan and Korea. We are winning engineering projects for facility/infrastructure design improvements that have typically been awarded to competing engineering giants like Jacobs Engineering, AECOM, and CH2M Hill. *On the new AE13DCS contract, OTIE-RS&H JV has been awarded a multi-disciplined services supporting PACAF requirements.*

Diversified environmental services – OTIE holds prime contracts in USACE Districts that are serving the US Air Force's needs for base-wide environmental services. We are under contract for fence-to-fence (F2F) environmental services and we anticipate proposing on similar opportunities in FY16. We are positioning for a forthcoming USAF Pacific Air Forces (PACAF) Environmental Services Contract (ESC). *The Tulsa District chose OTIE for an 8(a) Direct Award for PFC Site Investigations.*

Munitions Response Services (MRS) – OTIE is one of the only 8(a) firms with broad capability and past performance in MRS, affording significant competitive advantage to OTIE. This service line and its growth profile are “target rich” and we will compete for small- and large projects going forward. Contract spending by DoD has been slow, and existing contract capacities are virtually spent. This means new opportunity for ID/IQ contracts in FY16 and beyond. We see Advanced Classification



(AC) Treatability Studies (TS) as a ‘coming of age’ Business Development opportunity as DoD hustles to leverage new technologies for detection and removal of ordnance. Approximately 500 sites need AC TS and OTIE is leveraging our AC experience in combination with our 8(a) status to USACE, USAF and NAVFAC by targeting AC TS and other requirements. *OTIE won a contract for munitions response services addressing advanced classification treatability studies at Mt. Owen.*

Expansion of services/contracts with USEPA – OTIE was awarded a significant work assignment at the AMCO site in Northern California under the USEPA Region 9 8(a) site-specific RAC. In addition, we won the START in EPA Region 4, and we are positioned for new contracts in late 2016. *Long-term, high dollar contracts are targeted by OTIE, and in FY16 we will compete for Design and Engineering Services (DES) in several EPA Regions under the revised Remedial Action Framework.*

Growth in the Asia/Pacific region – Over the last ten years we have systematically expanded the service offerings and the level of self-performance by OTIE instead of team subcontractors on contracts that we have with the Air Force and USACE. *AFCEC awaits award of the second of two, worldwide AE Services contracts. OTIE was the only small business to win both contracts. Our newest project location with AFCEC is on Maui in Hawaii, where we anticipate a one-year follow-on project for Title II services*

g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies

To uphold and fulfill OTIE’s value and position in the marketplace we focus on those opportunities where the federal government continues funding and that clearly align with OTIE’s customers, such as engineering services, Munitions Response Services (MRS), and design/construction contract management. We also continue to focus on areas that we believe offer attractive enough returns to our clients that they will continue to fund efforts, such as Military Family Housing design (Title I) and construction type services (Title II) including infrastructure improvements internationally, and studies and assessments for improvements in energy efficiency, and facility upgrades.

We have gradually grown OTIE into elite, highly capable small business, and we have out-competed small and large businesses for some of our industry’s most prized contracts. As a very credible competitor, our staff growth and geographic distribution enhances our win potential and our resources to serve customers. Going forward a challenge for our Regional Managers and Business Unit Managers is to identify and equip project-level staff to continue to grow the business. We are committed to sustaining internal efforts, such as investment in our people, such that “seller-doers” have the necessary training and tools to identify and win new work.

Our service lanes are sturdy and rich in potential. However, risks in business are a constant, and lasting companies endure risks with careful plotting for avoidance, and



calculated mitigation once the risks are encountered. Acknowledged risks for OTIE include:

- We operate in highly competitive industries and contracting is often erratic and unpredictable; a reduction or delay in pending awards by government agencies could adversely affect us
- Our inability to win or renew government contracts could adversely affect us
- We are exposed to risks associated with operating internationally
- Our failure to properly manage projects may result in additional costs or claims
- An economic downturn may adversely affect our business
- In order to succeed we need to keep up with a variety of rapidly changing technologies
- We are highly dependent on key personnel
- Future acquisitions may not go as expected and may have unexpected costs and consequences
- The government may adopt new contract laws or regulations at any time.

Fundamental keys to our success are our personnel, infrastructure, financial strength, and cost-consciousness. If any one of these requirements is neglected, OTIE will miss our goals and targets, and competitors may capitalize on weaknesses and gain market advantage. These key OTIE features mold our strategies and processes for identifying growth opportunities that align our business – services, customers, channels and geographic areas – and augment the largest proportion of revenue and profits.

The primary key to OTIE’s continued success is to remain customer focused, sensitive to the mission, and adaptable to change. More specific customer focused factors for sustained growth include:

- A growth strategy that is based on OTIE’s existing customers. This strategy involves creating High Impact Value Propositions for new customer sub-segments. What we sell is a service wrapped in value, and the foundational strategy relies on 1) customers viewing OTIE through alternative lenses, opening windows of opportunity for business performance across other OTIE disciplines, and 2) cross-marketing OTIE’s other service capabilities to new sub-segments of our long-standing customer base. For example, the USACE Sacramento District continues award new contracts to expand the services that they expect OTIE to provide, directing work away from our competitors. Under several MESA and POCA contracts, Sacramento District reached OTIE for Advanced Classification / Treatability Studies, essentially bridging to OTIE’s MRS service line.



- A customer-focused strategy that penetrates agencies with strong strategic links to OTIE's core – creating adjacent business lanes. OTIE's USAF customers are relying on us for delivering AE requirements to support their space launch missions, with economic and environmental benefits. In the remaining years on the contract, we will emphasize and activate a clear link to OESC companies, pre-positioning us for follow-on work under the Range AE Inspection Services (RAEIS) program and 8(a) competition.
- Customer and contract-focused strategies are key for new ID/IQ contracts. Despite having won an abundance of prime 8(a) contracts, two challenges face us: 1) we have suffered losses on competitive task order proposals awarded under prime contract tools, losing on both cost and technical approach; and 2) backfilling 8(a) contracts so that we continue to be valued and demanded by our customers. OTIE's strategy to remain customer-focused on ID/IQ proposals will incorporate a performance assessment to evaluate proposal responsiveness, win or lose. Mindful of where we can improve, we mitigate potential performance or business risks, and this behavior begins at the proposal and Work Plan phases on all projects.

OTIE's organizational structure aligns with client expectations and industry standards. Being customer focused, we grow the business by implementing principles and strategies to:

- Organize work around results that customers consider valuable
- encourage operational accountability and concentration on high-quality achievements;
- create streamlined and flexible relationships in response to customers' evolving needs; and
- provide employees with corporate support required to create opportunities and grow our company.

As an expanding SB enterprise, OTIE successfully strengthens our market position based on our systematic business development and responsive value-added proposals. We generate revenue and profit after successfully winning work under our hard-fought proposals. And we provide an outstanding level of service delivery, which ultimately determines our customers' propensity and desire to continue a business relationship with OTIE. Supporting all that we do is sturdiness in our finance and accounting capabilities – a key infrastructure component that often retards growth by our smaller competitors.



## **OTIE Educational and Other Outreach Programs**

OTIE continues to implement its outreach programs with the Oneida community and membership that focuses on the Oneida youth, elders and veterans. Our support in educational activities and opportunities for Oneida youth to encourage their consideration of careers in engineering and science will include: 1) sponsorship of up to two Oneida high school students to attend a Milwaukee School of Engineering summer camp session to learn more about engineering and a potential career in the engineering field; 2) award up to two \$5000 merit scholarships to an Oneida-member high school senior and/or a college-level senior for excellent academic performance and the desire to study the sciences for a potential career in engineering or environmental sciences; 3) sponsorship of math and technology activities for Oneida middle school students; 4) OTIE is exploring the opportunity to provide internship(s) for Oneida students.

OTIE will also continue to sponsor ongoing tai chi and chair yoga exercise classes for the Oneida elders to support the health and well-being of the elders. This sponsorship is accomplished with the assistance of Oneida Elder Services and the Oneida Fitness Center. OTIE will explore available sponsorship options with the Oneida Veterans group.

### **h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks**

Despite slow economic growth and the budget challenges facing our government clients, we are encouraged by trends in the other key markets that make up our balanced business. Our backlog has grown and our utilization is very high — an indicator that being diversified as a company serves to safeguarded The Oneida Tribe’s investment.

We have successfully groomed long-term business relationships with key DoD agencies for services delivered in the Continental US and around the world, and we are poised to benefit from an anticipated recovery and continued “rebalancing” to the Asia/Pacific theater. With a solidified agreement by the US Congress on federal budget initiatives, government contracting remains an exceptionally reliable market in terms of payment, stability, and growth opportunity. Our medium- and long-term prospects reinforce our projections for steady, sustained growth.

#### ***Medium-term prospects***

OTIE’s prospects in the two- to five-year term rely on our sturdy performance in engineering, science and construction to existing clients; adjacent clients/services and geographic areas; and new service offerings to new clients.

OTIE’s increased focus and investment in business development and talent acquisition has allowed us to significantly increase both new task orders and backlog going into FY16. We continue to strongly believe that OTIE’s capabilities and strengths align well with the future needs and demands of our clients.



### *Existing Services/Existing Clients*

Maintaining quality service to existing clients is a top priority for OTIE. Common business vernacular repeats the mantra that our best business development is with the customers we already serve. Outstanding performance allows our good reputation to flourish and paves the way for follow-on contracts and task order opportunities.

OTIE will continue providing services to our existing customers, aiming to exceed expectations and become the preferred provider. Internationally and locally we see very strong alignment between our capabilities and the services our customers require, including WisDOT, Oneida Tribe, DoD and EPA.

In FY16 we will continue to reinforce key growth areas for DoD customers. Examples include: Munitions Response Services and traditional engineering services; and strategic actions by the company that provide legitimate growth and align with our customers' spending trajectory.

- **Munitions Response Services (MRS)** – OTIE has invested in this growth market but the activity has been slow to kick in. Real property encumbered by MEC will not get magically remedied, and OTIE is poised to capture market share in MRS in spite of the slow start that our industry has experienced. Our challenge is to become better recognized as a safety- and quality-focused “go-to” MRS provider in any location. Additionally, the combination of our core capabilities is an important MRS selling feature as customers look for a single source to meet their needs. OTIE is competitive among the firms that combine MRS with environmental engineering design and construction capabilities in “one package.” Our acquisition of OER and their technical capabilities has expanded our ability to deliver broader capabilities in a full range of situations, and with support from specialty providers, such as geophysics. We will actively pursue customers that require combined services as we leverage our capabilities into the changing economic environment.
- **Engineering Services** – coupled with OTIE’s consistent performance for WisDOT and other engineering customers, our new Asset Management task orders open significant growth potential in engineering services. Firms that engage early in the asset management process have the advantage of time and knowledge. By knowing the spending priority for capital investments and infrastructure sustainment, restoration and modernization, OTIE will gain crucial intelligence and position for design contract opportunities. The deferred maintenance on building systems remains a phenomenal growth opportunity in the next several years. With higher direct labor utilization than construction type projects (where subcontracting is a substantial portion of project budgets) OTIE can expect strong financial performance in Engineering Services. The higher labor utilization can drive down overhead, so a “flywheel effect” is created, permitting re-investment and continued growth in Engineering Services.



Customers will continue to rely on OTIE as integral to their success — by delivering their most valuable projects safely, on time, within budget, and to their quality requirements. In the two- to five-year term we will work closely with them to find practical and innovative solutions, adding tactical value.

*“Adjacent” Clients, Services and Geographic Locations*

Bridging out to new clients or offering new services to existing clients is an important component of our vision for growth. In FY15 we merged the skills offered to one customer into new client groups and geographic areas, including the housing neighborhood design project for the Oneida Tribe. We featured OTIE’s multi-year performance with design and construction quality assurance for DoD, where we have been prime on over 2,000 Military Family Housing unit designs or construction QA. In the two- to five-year term we will follow and build upon this initial success.

OTIE’s two- to five-year strategy is to start this process by focusing on current customers whom have strong strategic links to the core of our business. Meetings with the most creative/innovative customers can be a valuable source of potential opportunity for OTIE.

*New/Strategic Services, Clients and Geographic Locations*

OTIE is expanding to meet customer requirements by adding engineering disciplines including electrical, mechanical and structural engineering. We see these key areas as having growth potential in the near future with current and future clients.

During FY16 OTIE will collaborate with a Joint Venture partner, RS&H to chase AE projects in geographic areas like Europe where OTIE has only limited work experience. We will also market to NASA, USF&WS, and Army Environmental Center customers to identify opportunities for additional penetration and competitive traction.

In geographic regions like the US Southeast, OTIE is better positioned to find business growth by hiring key personnel.

These and other new customers and locations present outstanding opportunities for service growth and diversification. In FY16 OTIE will continue the drive to target customers and new markets for additional projects.

***Long-term prospects***

In spite of considerable budget constraints in FY14 and FY15, OTIE envisions steady growth with our DoD and USEPA customers over the long term. Considering that over one-third of the federal budget is devoted to defense spending, OTIE delivers projects where funds historically flow and our competitive posture has continued to improve in the last decade.

Continued reliance on low-price awards is a known risk, and we continue to adjust OTIE’s pricing structure to ensure that we remain competitive across all business segments, while remaining conscious of the need to deliver profitable performance.



Similarly, we are concentrating our marketing efforts on maximizing our return on investment through expanding support for existing customers, developing tasks under existing contracts, and collaborating with firms that need either SB participation or our specialized expertise.

We believe that the five year period from 2016 to 2020 will be strong years for OTIE. Being well positioned in key markets and critical geographic locations, we are confident that the long-term strategy of diversifying our offerings, maintaining geographic reach, and focusing on our customers' business objectives will continue to serve us well. The prospects look particularly optimistic in the Asia/Pacific region, where OTIE has methodically expanded our presence and our service offerings.

For the last two years of OTIE's 8(a) status our primary business objective will remain capturing and safely delivering on 8(a) contracts. As a small business of substantial size, OTIE differentiates ourselves from the emerging 8(a) firms that lack the infrastructure, experience, and resources in the federal marketplace.

OTIE is prepared for graduation from 8(a) status. We know from experience not to rely on "graduation gifts" and that the best success strategy is to be prepared and to be experienced competing for work. A standing agenda topic in Executive Management meetings will be OTIE's exit from the 8(a) program.

- i. Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)

Growth in FY15 was primarily organic or internal for OTIE. Organic growth presents sales and BD potential only if we hire top-caliber employees with connections, knowledge and experience in the market.

In FY16 OTIE will add staff to meet the increased workload under contracts such as the AFCEC AE13ES and AE13DCS contracts. We have already identified new hires to support Title II contract performance in Japan. Such organic growth will remain our primary method of expanding business volume and market share.

In addition to internal or organic growth, our current strategy involves growth through additional acquisitions of complementary businesses, as well as growth from acquisitions that would diversify our current service offerings. We frequently engage in *ad hoc* evaluations of potential acquisitions which, if warranted are further explored. Ultimately, and if consummated, new acquisitions could be significant to OTIE's growth.

As a top-tier contractor to the federal government, OTIE has a large and diverse blend of federal, State, municipal, tribal and commercial business customers. We provide science, engineering, construction, and specialized technical services to DoD, USEPA, WisDOT and other customer groups in support of a wide range of mission-critical programs. Having one highly sought-after contract in FY15, we see outstanding potential for market growth internationally and in the Continental US.



- j. Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.

### OTIE ASSETS

#### **Financial (On Balance Sheet)**

Cash –Checking Accounts  
 Accounts Receivable from Customers  
 Work In Process on Current Projects  
 Fixed Assets such as Vehicles, Furniture and Fixtures, Survey Equipment, Monitoring Equipment  
 Goodwill from the purchase of T N & Associates  
 Other Assets such as Prepaid Expenses, Investment in Joint Ventures

#### **Employees**

Total of 322 Employees  
 88 Engineers  
 77 Scientists  
 19 Construction Professionals  
 26 Technicians  
 6 Skilled Trades  
 43 Administrative  
 4 Land Surveyors  
 7 Marketing  
 39 MMRP/UXO Specialists  
 13 Military Base Security Specialists

#### **Customers**

77% of Revenue from our Federal clients, such as the Department of Defense, which includes the Air Force, Navy, and Corps of Engineers. Other Federal clients include the Environmental Protection Agency  
 6% Commercial –WE Energies, Raytheon  
 8% State and Municipal – WI Department of Transportation, California National Guard, Ventura County, City of San Marcos, Division of State Facilities  
 9% from Oneida Nation

- k. Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.

OTIE is named as a defendant in a lawsuit filed by the artist of a mural. The case is Kammeyer v. USACE.

In 1976, Kammeyer painted a mural on a dam in California after winning a contest. The mural was painted as part of the bicentennial celebration. Over time, the paint began to flake off, thereby contaminating the environment around the dam. The USACE Los Angeles District recently determined that the paint used to create the mural was lead-based. OTIE was hired by USACE to remove a mural to stop the lead-based paint contamination. Several months after the contract was awarded,



Kammeyer filed a lawsuit against USACE and OTIE to prevent the destruction of the mural. Shortly after filing the lawsuit, Kammeyer filed a temporary restraining order against USACE and OTIE in June, which was granted by a judge one day before OTIE was to begin removing the mural. OTIE demobilized from the site at USACE's direction.

OTIE has hired local counsel to represent OTIE's interests in the lawsuit. OTIE requested plaintiff's counsel to remove OTIE from the lawsuit by not including OTIE as a defendant in plaintiff's second amended complaint. Plaintiff's counsel refused. On August 24, the court granted the plaintiff's motion for a preliminary injunction. The court found in favor of the plaintiff on nearly every issue, but did not address any of the claims against OTIE. It is expected that the project will not move forward for some time, if at all. OTIE's next step is to decide whether to file a motion to dismiss.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   3   /  09  /  16 

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval of report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Jacquelyn Zalim, OESC Chairwoman of the Board

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

# Oneida Business Committee Agenda Request

**6. Cover Memo:**

Describe the purpose, background/history, and action requested:

Corporate reporting requirement - Business Committee approval of report

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf OR print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

# **Oneida ESC Group, LLC**

**1<sup>st</sup> Quarter Report – FY 2016**

**February 17, 2016**

**OESC Board of Managers:**

**Jacquelyn Zalim, Chair**

**Wilbert Rentmeester**

**Jeffrey House**

Oneida ESC Group, LLC (OESC), was formed in 2012 as the catalyst for continued growth for Oneida owned firms doing business in Construction NAICS codes for federal government contracts. Oneida Total Integrated Enterprises (OTIE) has exceeded the \$33.5M limit in certain NAICS codes and is unable to bid and obtain contracts that fall within these NAICS codes as a prime contractor under the small business or 8(a) business categories in the federal procurement process. OESC and its subsidiaries are positioned to bid and pursue small business or 8(a) contracts where OTIE has exceeded size standards.

OESC and its subsidiaries are supported by OTIE with general management and administrative functions, including accounting and contracting management, human resource management, IT support, overall management, and marketing, bid and proposal. Below is a summary of OESC and its subsidiary's activities.

### **Narrative Report**

#### **a. Explanation of the core of the Corporation's business practices and market overview**

OESC was created to serve as a holding company for subsidiary limited liability companies with an 8(a) certification. This type of holding company structure is modeled after the Alaskan Native Corporations (ANC) and other Native American Tribes that have created similar entity structures. This holding company structure allows ANCs and Native American Tribes to perpetually establish different 8(a) companies with different primary NAICS codes.

OESC currently has two subsidiaries, Mission Support Services (MS2) and Sustainment & Restoration Services (SRS). MS2 obtained its 8(a) certification in 2013. SRS received its 8(a) certification in 2014.

As part of the overall strategic plan for continued growth, OTIE will be moved under OESC as a third subsidiary upon OTIE's graduation from the 8(a) program in 2017.

#### **b. Explanation of the Corporation's current place within the market**

MS2 is focused on construction contracts with a size standard not to exceed \$33.5M. SRS is pursuing contracts with a size standard not to exceed \$14.5M. Only firms with less than \$33.5M or \$14.5M on average over a 3-year period can compete as a prime contractor. Since OTIE can no longer compete as a prime contractor under the small business or 8(a) business category under that size standard, OESC and its subsidiaries are strategically positioned to compete with OTIE support.

OTIE is currently focusing on developing both MS2 and SRS. The financial and technical resources that OESC needs are provided by OTIE.

#### **c. Explanation of the outlines of strategies by the Corporation for improved value in the market**

OESC's strategy is to develop its subsidiaries. The initial pursuits will take advantage of OTIE's existing networking capability and MS2's and SRS' key personnel who have existing relationships with federal clients. These federal clients have various federal facilities nationwide.

OTIE has been supporting MS2 and SRS to recruit several employees including managers or staff that have proven past performance and existing working relationships with many federal clients. OTIE has led MS2 and SRS to their existing clients. Those clients have the work and usually will procure under the small or 8(a) category under the applicable NAICS code. This advantage will help MS2 and SRS to develop their capabilities rather quickly.

Currently MS2 is working in California, Florida, Delaware and Illinois. MS2's current projects include sustainment, restoration, and modernization (SRM) projects for general facilities, asset/energy management and safety consulting. Additional projects will be pursued in civil construction, utilities, energy management, and general facilities engineering requirements. More competencies will be added as opportunities are sought.

SRS is currently pursuing work to provide waste management services for multiple clients in California. SRS established an office in Santa Barbara to pursue this opportunity. SRS established an office in Chicago, Illinois for pursuit of a US EPA Region V 8(a) START contract proposal and SRS was awarded this contract in November 2015.

**d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market**

OESC and its subsidiaries are start-up companies. It will be difficult for them to compete with established small businesses that are active in the industry market. To offset this disadvantage, OTIE will support and lead OESC and its subsidiaries to take advantage of existing relationships already built by MS2's and SRS' key employees or from OTIE's networking. While competition will be very challenging for OESC and its subsidiaries, OTIE's support will help to overcome those challenges through the years. With OTIE's support, OESC can reach a point where its subsidiaries can become more competitive and sustainable in their industries.

**e. Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period**

None.

**f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same**

Opportunities continue to exist in geographies where OTIE, MS2, or SRS key personnel have successful past performance, and where personnel involved in such projects have established strong relationships with teaming partners and clients in those locations. Downstream opportunities continue to emerge based on MS2 project performance and combined efforts of OTIE and MS2's marketing and sales efforts. Target clients continue to include Vandenberg AFB, NAVFAC SW, NAVFAC SE, NAVFAC Great Lakes, and NAS Pensacola.

Additional new target clients include Naval Base Ventura County, USACE Jacksonville, the US Army Joint Munitions Command (JMC), Edwards AFB, the Air Force Civil Engineering Center.

With SRS' recently awarded work, SRS target clients include EPA Region V and Naval Station Great Lakes. Additional new targets include USACE LA District and EPA Region VI.

OTIE is supporting MS2 and SRS on many marketing and proposal efforts. MS2 and SRS have been introduced by OTIE to many potential government clients, and as a result, more opportunities are within reach so that they can recruit more capable people to support each federal agency's mission as well as increase their technical capabilities. The following is the assistance that OTIE has provided to MS2 and SRS:

- MS2 and SRS have performed some projects as a subcontractor to OTIE.
- MS2 has submitted proposals and was awarded three projects which will sustained staff at Vandenberg AFB through FY15 and additional work is expected.
- OTIE's senior managers continue to introduce MS2 and SRS to different federal facilities in different states and continue to help M2 and SRS pursue several contract opportunities.

MS2 has been awarded the following contracts, with the most recent Edwards AFB being awarded in the 1<sup>st</sup> quarter. These contracts were awarded in part due to OTIE's support and using OTIE's resources. Additionally, we continue to receive task orders under these contracts.

- 1) Great Lakes Naval Station Construction Project – design/build facility construction project.
- 2) Great Lakes Naval Station – project to replace facility gates in Green Bay, WI
- 3) Joint Munitions Command, IA – facility electrical services contract that we anticipate ongoing work for the next one to two years.
- 4) Naval Air Station, Pensacola, FL – construction contract that includes renovation of HVAC and lighting.
- 5) Dover Air Force Base, DE – continued study work that follows upon previous MS2 work conducted at the base. MS2 expects that design work will follow the study.
- 6) Naval Base Ventura County – Job Operations Contract (JOC) – received three task orders for facility renovation work including utilities, civil and site development.
- 7) Joint Munitions Command – contract to provide three full-time explosive safety personnel.
- 8) Edwards AFB – contract for facility demolition and abatement awarded to MS2-MEC JV. Contract kick off and seed project start up anticipated for 2Q FY16. (1<sup>st</sup> quarter award).

SRS completed its first prime contract with the Federal government for an above ground storage tank removal in Green Bay by Naval Station Great Lakes.

SRS was also awarded the Hazardous Material Storage Locker Refurbishment contract from Naval Station Great Lakes. More than 70 storage lockers will be transported to a facility in Mequon, WI to be cleaned, refurbished, painted and then shipped back to their point of origin.

SRS was awarded an 8(a) START contract from EPA Region V. Kick off meetings were held in December 2015 and work on that contract commenced in January 2016.

**g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies**

The primary strengths at the outset will be personnel-related. MS2 and SRS key personnel understand federal construction and construction-related professional services, and have strong knowledge of competitors, target clients, and strong business relationships in several geographies.

The primary risk includes lack of immediately available resources and bonding capacity, limited availability of cash on hand, and demonstrated past performance. These must be offset or mitigated by client knowledge of key MS2 and SRS personnel, pursuit of realistic project opportunities, and timely support from the owners or parent company with respect to bonding requirements.

**h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks**

Same as (g) above.

**i. Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)**

As a start-up organization, OESC and its subsidiaries intend to grow organically through the methods identified above.

- j. **Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.**

OESC ASSETS
<p><b><u>Financial (On Balance Sheet)</u></b>            Cash –Checking Account            Work In Process on Current Projects            Fixed Assets such as Vehicles, Furniture and Fixtures, and Miscellaneous Equipment            Other Assets such as Prepaid Expenses, Investment</p> <p><b><u>Employees</u></b>            OESC - 0 employees                MS2 -20 employees                SRS - 11 employees</p> <p><b><u>Customers</u></b>            95% of Revenue from Federal clients.</p>

- k. **Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.**

No current pending legal action.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16  
~~02 / 24 / 16~~

EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to defer the Land Claims Commission FY '16 1st quarter report to the March 9, 2016, regular Business Committee meeting and to request the Liaison to contact them and ask for a representative to be present, seconded by Brandon Stevens. Motion carried unanimously.

2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Other - LCC quarterly report

Agenda Header: Reports

Accept as Information only

Action - please describe:

To approve Land Claims 1st quarterly report as written

3. Supporting Materials

Report  Resolution  Contract

Other:

1. LCC quarterly report

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Jennifer Webster, Council Member

Primary Requestor/Submitter: Dakota Webster, Land Claims Commission acting Secretary  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

ONEIDA LAND CLAIMS COMMISSION  
QUARTERLY REPORT  
October 2015 – December 2015

Submitted by Dakota Webster, LCC acting Secretary

**LAND CLAIMS COMMISSIONERS:**

Chairwoman Amelia Cornelius, Vice Chairwoman Loretta Metoxen, acting Secretary Dakota Webster, new elected Commissioners Jay Rasmussen, Donald McLester

**PURPOSE:**

Make recommendations to the Business Committee on ways to foster General Tribal Council participation in the decision making process regarding the settlement of the Oneida Land Claims in New York State. Article I Authority 1-b LLC By-Laws

**OBJECTIVES:**

The Oneida Land Claims Commission is an elected governing body that does strive to meet the needs of the GTC. The Oneida Land Claims Commission strives to help educate GTC on the status of our land claim options and educate GTC to learn more about the Upstate New York our original homelands and why they are significant.

**ACTIVITIES:**

Land Claims Executive Assistant Jennifer Stevens resigned. Land Claims has distributed her duties within the Commission members. The Commission has been highlighting significant Oneida treaties with New York State and other tribes in an attempt to bring light to any opportunities for our tribe in moving forward with the Claims situation. Land Claims Commission has been working on updating the By-Laws.

**MEETINGS:**

Land Claims Commission has been meeting once a month on a regular basis as scheduled, the third Thursday of every month at 5PM. All meetings are open to the public.

**FOLLOW UP:**

- LCC is working on getting a joint meeting with the BC
- Consolidation of all files related to Land Claims
- LLC needs a status on its request to fill open positions

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 03 / 09 / 16

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Please accept the FY2016 First Quarter Report of the Oneida Library Board.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Nicolas A. Reynolds/BC Executive Assistant  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Carol Cornelius/Library Board Secretary  
Name, Title / Dept.

Additional Requestor:

\_\_\_\_\_  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

Describe the purpose, background/history, and action requested:

Per the request of the Library Board, the following report is being submitted for consideration and approval by the Business Committee.

- 1) Save a copy of this form for your records.
- 2) Print this form as a \*.pdf *OR* print and scan this form in as \*.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** \*.pdf file to: [BC\\_Agenda\\_Requests@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

**ONEIDA COMMUNITY LIBRARY BOARD**  
**QUARTERLY REPORT October, November, December 2015**

**MISSION STATEMENT:** Provide for the informational needs of the Oneida Community while building a collection that reflects our unique Oneida heritage. All persons will have access to current, balanced materials, services and programs that will enrich their information, cultural and recreational needs.

**NAME OF BOARD:** Oneida Community Library Board

**CONTACT:** Melinda K. Danforth, Chairperson Resigned

**MEMBERS:** Roxanne Anderson, Vice Chairperson  
 Dr. Carl Cornelius, Secretary  
 Kitty Meldert Member Resigned  
 Bridget John, Member

**BC LIAISON:** Fawn Billie

**MINUTES:**

The following meeting minutes have been approved by the Oneida Community Library Board and sent to Kathy Metoxen:

Oct. 21, 2015  
 Nov. 18, 2015  
 Dec. 16, 2015

**ACTION TAKEN:**

The Board meets at the Library, the second Wednesday of the month at 4:30 p.m.

**HIGHLIGHTS OF THE LIBRARY:**

Oct. 2015

- \* Lou Williams, Library Manager reported on the ATALM 2015 International conference on Indigenous Archives, Libraries, and Museums. He attended 10 sessions and was impressed with the speakers who shared ideas, stories, and some of the same issues as other libraries. A list of Native American authors was shared and our library has many of these books and will select more titles from the list. There was also a list of Native American authors back to the 1800s
- \* Resignation of chairperson Melinda K. Danforth
- \* Continue work to provide safer surveillance equipment for Green Earth Branch Library, and invited the DARE officer to speak with children.
- \* Patron count: 214

Nov. 2015

- \* Presentation by Kimberly Pelky who is the Library liaison to the Department of Public Instruction's Public Library Division for Special and Youth Service. This grant provides kits for STEAMMY (Science, Technology, Engineering, Art, Math, Music, Youth) to promote literacy.
- \* Two additional staff, one grant funded and one light duty worker assist with the desk while these "drop in" activities take place on Saturdays.
- \* Celebrate Native American month was celebrated with Native children's picture books, corn husk doll making, decorating a picture of moccasins and corn soup.
- \* Green Earth hosted 80 preschool children ages 3-4 from Headstart and the Face program for Early Literacy Story time. Other activities included Boo Bash, apple fest "Makers Monday" made pickles.
- \* Rising Nation Motorcycle Club Resurrected Ridez Car Club, donated 1200 Festival Foods cards to purchase healthy food for children after school.

\*Patron Count 2,592

December 2015

\* Presentation by Hiza Skenandore on language materials she has created for young families.

\*The Library Board accepted Kitty Melchert resignation,

\*Security camera system for Green Earth is in the process of being ordered.

\* Oneida Language classes will begin on Jan. 5th, Tuesday and Thursdays at 4 pm

\* There are now 7 classrooms from FACE program and Headstart who go to the Green Earth Branch Library for monthly activities promoting literacy.

Patron count: 2,871

#### **FINANCIAL:**

All library budgets have a positive variance.

The Library will continue to apply for grants and will follow purchasing guidelines to stay within the budget.

The Library is taking great care to abide by cost containment guidelines.

#### **SPECIAL EVENTS AND TRAVEL:**

Reference Highlights of the Library above.

#### **UPCOMING EVENTS**

Planning a series of workshops on climate change with the Environmental department.

#### **PERSONAL COMMENTS:**

The Board would like to commend the Library Staff for the valuable services they provide to the community.

The Oneida Library provides a safe, welcoming, and positive place for our young people and the community.

The Oneida Library provides a hub of activities for families and the community.

Library Patron Count remained steady even though the construction made it an adventure to get to the Library.