



## **Oneida Business Committee**

### **Executive Session**

**9:00 a.m. Tuesday, August 23, 2016**

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

### **Regular Meeting**

**9:00 a.m. Wednesday, August 24, 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: [oneida-nsn.gov/government/business-committee/agendas-packets/](http://oneida-nsn.gov/government/business-committee/agendas-packets/)

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

#### **II. OPENING**

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

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

*page 9*

**A. Oneida Land Commission** – Rebecca Webster and Lloyd Powless Jr.

**B. Oneida Land Claims Commission** – Charles Wheelock, Chris Cornelius, and Tomas Escamea

**C. Oneida Nation Commission on Aging** – Mary Ann Kruckeberg, Dale Webster, and Arlie Doxtator

**D. Oneida Trust/Enrollment Committee** – Norbert Hill Jr., Dylan Benton, and Loretta Metoxen

**E. Oneida Nation School Board** – Shanna Torres

**F. Oneida Election Board** – Brian Beaulieu and Teresa Schuman

#### **V. MINUTES**

**A. Approve August 3, 2016, special meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

*page 11*

**B. Approve August 10, 2016, regular meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

*page 14*

**VI. RESOLUTIONS**

- A. Adopt resolution titled Adoption of the Oneida Youth Leadership Institute's Charter** *page 32*  
Sponsor: Joanie Buckley, Division Director/Internal Services
- 1. Approve corresponding Oneida Youth Leadership Institute's by-laws** *page 45*
- B. Adopt resolution titled Wisconsin Dept. of Transportation (WisDOT)/Tribal Historic Preservation Office (THPO) Project** *page 54*  
Sponsor: Joanie Buckley, Division Director/Internal Services
- C. Adopt resolution titled Oneida Nation of Wisconsin 2015-2020 Pre-Disaster Mitigation Plan** *page 63*  
Sponsor: Kaylynn Gresham, Director/Emergency Management

**VII. APPOINTMENTS**

- A. Approve recommendation to appoint Beverly Anderson and Twylite Moore to Oneida Police Commission** *page 84*  
Sponsor: Tina Danforth, Tribal Chairwoman
- B. Approve recommendation to appoint Jennifer L. Hill and Michael Denny to Oneida Library Board** *page 87*  
Sponsor: Tina Danforth, Tribal Chairwoman
- C. Approve recommendation to appoint Peter Stevens to Southeastern Oneida Tribal Services Advisory Board** *page 90*  
Sponsor: Tina Danforth, Tribal Chairwoman
- D. Approve recommendation to appoint Teresa Schuman to Oneida Pow Wow Committee** *page 92*  
Sponsor: Tina Danforth, Tribal Chairwoman
- E. Approve recommendation to appoint Melinda K. Danforth and Wesley Martin Jr. to Child Protective Board** *page 94*  
Sponsor: Tina Danforth, Tribal Chairwoman
- F. Approve recommendation to appoint Leland Wigg-Ninham, Eric Krawczyk, and Jennifer L. Hill to Oneida Personnel Commission** *page 97*  
Sponsor: Tina Danforth, Tribal Chairwoman

**VIII. STANDING COMMITTEES**

- A. Legislative Operating Committee**  
Sponsor: Councilman Brandon Stevens, Chair
- 1. Accept August 3, 2016, Legislative Operating Committee meeting minutes** *page 100*
- B. Finance Committee**  
Sponsor: Tribal Treasurer Trish King, Chair
- 1. Approve August 15, 2016, Finance Committee meeting minutes** *page 103*

**IX. GENERAL TRIBAL COUNCIL**

- A. Approve three (3) requests regarding a Reconvened Special General Tribal Council meeting from the August 10, 2016, Special General Tribal Council meeting** page 113  
Sponsor: Lisa Summers, Tribal Secretary
- B. Approve meeting date and time for 2017 Annual General Tribal Council meeting; reserving February 13, 2017, as an alternate date in event of inclement weather** page 304  
Sponsor: Lisa Summers, Tribal Secretary
- C. Accept verified petition submitted by Madelyn Genskow and Yvonne Metivier regarding incentive stipends for Oneida Nation elections starting 2017; and request appropriate analyses** page 306  
Sponsor: Lisa Summers, Tribal Secretary

**X. STANDING ITEMS**

- A. Accept update regarding Work Plan for Cemetery Improvements project # 14-002** page 317  
Sponsor: James Petitjean, Interim Assistant Division Director/Development

**XI. UNFINISHED BUSINESS**

- A. Review update regarding Oneida Sacred Burial Grounds and determine appropriate next steps** page 322  
Sponsor: Brandon Stevens, Councilman and Liaison/Trust and Enrollment Committee

*EXCERPT FROM JUNE 8, 2016: Motion by Lisa Summers to accept the information in the memorandum from the Trust Department dated May 31, 2016, as information, noting there have been two (2) identified alternative sites for a cemetery should the need arise and to send this item to the next available Officers' meeting for continued follow-up with the overall cemetery work plan, seconded by Tehassi Hill. Motion carried unanimously.*

*EXCERPT FROM MARCH 9, 2016: (1) Motion by Tehassi Hill to accept the presentation regarding the Oneida Sacred Burial Grounds per GTC Directive, seconded by Trish King. Motion carried unanimously. (2) Amendment to the main motion by Tehassi Hill to request an update at the first regular Business Committee meeting in June regarding potential locations of the cemetery, seconded by Trish King. Motion carried unanimously.*

- B. Approve updated Oneida Head Start/Early Head Start Selection Criteria** page 327  
Sponsor: Don White, Division Director/Governmental Services

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

- C. Approve request from Tribal Member to direct Division Director of Environmental Health & Safety to provide timelines, clarifications, and accountability regarding Environmental Health & Safety FY '16 3<sup>rd</sup> quarter report (*This item is scheduled at 10:00 a.m.*)** page 330  
Sponsor: Tina Danforth, Tribal Chairwoman

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

**XII. TABLED BUSINESS**

- A. Adopt resolution titled Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021 Adopted by General Tribal Council on June 13, 2016** page 341  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
- EXCERPT FROM JULY 13, 2016: (1) Motion by Lisa Summers to adopt resolution titled Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021 Adopted by General Tribal Council on June 13, 2016, seconded by Brandon Stevens. Motion ruled out of order by Chairwoman Tina Danforth. (2) Motion by Lisa Summers to table this item to the July 27, 2016, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.*

**XIII. NEW BUSINESS**

- A. Approve request to post one (1) vacancy on the Southeastern Oneida Tribal Services Advisory Board with a term end date of November 12, 2017** page 352  
 Sponsor: Lisa Summers, Tribal Secretary
- B. Approve request to direct Business Committee Officers to complete reorganization of Utilities/Wastewater Dept. to the Dept. of Public Works in accordance with Standard Operating Procedure titled Reorganizing Positions** page 354  
 Sponsor: Trish King, Tribal Treasurer

**XIV. TRAVEL****A. UNFINISHED TRAVEL REPORTS**

- 1. Accept travel report – Chairwoman Tina Danforth – American Indian Sovereignty in Action – Havana, Cuba – July 18-22, 2016** page 357
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*

**B. TRAVEL REPORTS**

- 1. Accept travel report – Secretary Lisa Summers – National Congress of American Indians (NCAI) mid-year conference – Spokane, WA – June 27-30, 2016** page 362
- 2. Accept travel report – Secretary Lisa Summers – Midwest Alliance of Sovereign Tribes (MAST) summer meeting – New Buffalo, MI – July 20-21, 2016** page 365

**C. UNFINISHED TRAVEL REQUESTS**

- 1. Enter E-Poll results into the record for approval of Oneida Arts Board travel request in accordance with the Travel & Expense Policy – Three (3) Music from Our Culture (MOC) teachers and six (6) Kids Learning their Culture/Ways (KLU) students – National Indian Tourism Conference – Seattle, WA – September 13-15, 2016** page 368  
 Sponsor: Lisa Summers, Tribal Secretary

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

#### **D. TRAVEL REQUESTS**

- 1. Approve travel request in accordance with Travel & Expense Policy – Four (4) Oneida Language Department staff – Kaliwiyo Ceremonies – Corfu, NY (Tonawanda Seneca Longhouse) – September 9-16, 2016**

page 378

Sponsor: Don White, Division Director/Governmental Services

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

#### **A. UNFINISHED REPORTS**

- 1. Accept Internal Services Division FY '16 3<sup>rd</sup> quarter report (1:30 p.m.-1:50 p.m.)**

page 384

Sponsor: Joanie Buckley, Division Director/Internal Services

*EXCERPT FROM AUGUST 10, 2016: Motion by Lisa Summers to defer the Internal Services Division FY '16 3<sup>rd</sup> quarter report to the August 24, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.*

#### **B. OPERATIONAL REPORTS**

- 1. Accept Comprehensive Health Division FY '16 3<sup>rd</sup> quarter report (1:50 p.m.-2:10 p.m.)**

page 398

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

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

- 1. Accept Land Claims Commission FY '16 3<sup>rd</sup> quarter report (2:10 p.m.-2:35 p.m.)**

page 448

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

- 2. Accept Oneida Nation School Board FY '16 3<sup>rd</sup> quarter report (2:35 p.m.-2:50 p.m.)**

page 450

Chair: Debra Danforth  
Liaison: Fawn Billie, Councilwoman

- 3. Accept Oneida Library Board FY '16 3<sup>rd</sup> quarter report (2:50 p.m.-3:05 p.m.)**

page 453

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

- 4. Accept Environmental Resources Board FY '16 3<sup>rd</sup> quarter report (3:05 p.m.-3:20 p.m.)**

page 456

Chair: Marlene Garvey  
Liaison: Tehassi Hill, Councilman

- 5. Defer Child Protective Board FY '16 3<sup>rd</sup> quarter report to the September 14, 2016, regular Business Committee meeting**

page 460

Chair: Dale Powless  
Liaison: Lisa Summers, Tribal Secretary

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

1. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director page 462
2. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel page 475
  - a. **Enter E-Poll results into the record approving 1<sup>st</sup> Amendment to Attorney McAndrews employment contract # 2013-0873** page 476
  - b. **Approve limited waiver of sovereign immunity – LexisNexis-Time Matters Annual Maintenance Agreement – contract # 2016-0909** page 483
  - c. **Approve Andrus Intellectual Property Law LLP. – contract # 2016-0912** page 493
3. **Accept Chief Financial Officer report** – Larry Barton, Chief Financial Officer page 501

**B. STANDING ITEMS**

1. **Land Claims Strategy** (*No Requested Action*)
2. **Oneida Golf Enterprise – Ladies Professional Golf Association** page 508  
(*This item is scheduled at 10:00 a.m.*)  
Sponsor: Trish King, Tribal Treasurer

**C. UNFINISHED BUSINESS**

1. **Accept Chief Counsel report dated August 9, 2016** – Jo Anne House, Chief Counsel page 516  
  
*EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
2. **Approve two (2) recommendations by sub-committee; and close-out complaint # 2016-DR06-01** page 518  
Sponsors: Tehassi Hill, Councilman; Brandon Stevens, Councilman; Jennifer Webster, Councilwoman

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

*EXCERPT FROM JUNE 22, 2016: Motion by Jennifer Webster to defer the update regarding complaint # 2016-DR06-01 to the August 10, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.*

*EXCERPT FROM MAY 25, 2016: Motion by Lisa Summers to accept the update regarding complaint # 2016-DR06-01; and to defer item to the June 22, 2016, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.*

*EXCERPT FROM MARCH 30, 2016: Motion by Tehassi Hill to accept Complaint # 2016-DR06-01, to acknowledge merit, and to assign Councilman Brandon Stevens, Councilman Tehassi Hill, and Councilwoman Jennifer Webster, seconded by Fawn Billie. Motion carried with one abstention.*

- 3. Approve investigation results and close-out concern # 2016-CC-09** page 523  
 Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman; Fawn Billie, Councilwoman
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
- EXCERPT FROM JUNE 22, 2016: Motion by Jennifer Webster to defer concern # 2016-CC-09 to Vice-Chairwoman Melinda J. Danforth and Councilwoman Fawn Billie, seconded by Fawn Billie. Motion carried unanimously.*
- 4. Approve two (2) requests regarding complaint # 2016-DR07-01** page 547  
 Sponsors: Lisa Summers, Tribal Secretary; David Jordan, Councilman; Brandon Stevens, Councilman
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
- EXCERPT FROM JULY 27, 2016: Motion by Melinda J. Danforth to assign Secretary Lisa Summers, Councilman David Jordan, and Councilman Brandon Stevens to form a subcommittee to investigate the complaint, seconded by Fawn Billie. Motion carried unanimously.*
- 5. Enter E-Poll results into the record approving (4) four requests regarding Family Court Judge job description and position** page 550  
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
- 6. Approve limited waiver of sovereign immunity – First Data Merchant Services – contract # 2016-0564** page 596  
 Sponsor: Louise Cornelius, Gaming General Manager
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
- 7. Approve request to support procedural exception to reallocate funds from CapEX to Technology Set Aside regarding Surveillance System Replacement project for FY '16 and FY '17** page 629  
 Chair: Mark A. Powless Sr., Gaming Commission  
 Liaison: Brandon Stevens, Councilman
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*
- 8. Approve request from Tribal Member for accountability to be provided regarding violation of Code of Ethics by Oneida Business Committee member at the July 27, 2016, regular Business Committee meeting** page 632  
 Sponsor: Tina Danforth, Tribal Chairwoman
- EXCERPT FROM AUGUST 10, 2016: Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting..., seconded by Lisa Summers. Motion carried unanimously.*

- 9. Review request from Tribal Member regarding depletion of Bureau of Indian Affairs – General Assistance Grant funds and determine appropriate next steps** page 644  
Sponsor: Tina Danforth, Tribal Chairwoman

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

- 10. Accept update regarding Chief Financial Officer employment contract as information** page 649  
Sponsor: Trish King, Tribal Treasurer

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

**D. NEW BUSINESS**

- 1. Approve limited waiver of sovereign immunity – BDO USA LLP. – contract # 2016-0279** page 665  
*(This item is scheduled at 9:00 a.m.)*  
Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety

**XVII. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 3:00 p.m., Friday, August 19, 2016, pursuant to the Open Records and Open Meetings Law, section 7.17-1.

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

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

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 Rebecca Webster and Lloyd Powless Jr, to the Oneida Land Commission. Charles Wheelock, Chris Cornelius, and Tomas Escamea to the Oneida Land Claims Commission. Mary Ann Kruckeberg, Dale Webster, and Arlie Doxtater to the Oneida Nation Commission on Aging. Norbert Hill Jr, Dylan Benton and Loretta Metoxen to the Oneida Trust/Enrollment Committee. Shanna Torres to the Oneida School Board. Brian Beaulieu and Teresa Schuman to the Oneida Election 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:

There was a Special Election on July 9, 2016 for Elected Boards, Committees and Commissions.

- 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: 08 / 24 / 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 August 3, 2016, special meeting minutes

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. <input type="text" value="August 3, 2016, special meeting minutes"/>	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: Submitted by: Heather Heuer, Info. Mgmt. Specialist/BC Support Office  
Your Name, Title / Dept. or Tribal Member

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

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



# Oneida Business Committee

Special Meeting  
8:00 a.m. Wednesday, August 3, 2016  
Executive Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center

## Minutes - DRAFT

### SPECIAL MEETING

**Present:** Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Council members: Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

**Not Present:** Chairwoman Tina Danforth, Secretary Lisa Summers;

**Arrived at:** Councilwoman Fawn Billie at 8:55 a.m.;

**Others present:** Larry Barton, Jo Anne House, Janice Hirth-Skenandore, Josh Doxtator, Heather Heuer, Chris Liro, Steve Krueger;

### I. CALL TO ORDER AND ROLL CALL

For the record: Secretary Lisa Summers is attending the Community Analysis Process for Planning Strategies in Prior Lake, MN.

### II. OPENING

### III. ADOPT THE AGENDA

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

Ayes: Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Fawn Billie, Lisa Summers

Motion by David Jordan to go into executive session at 8:05 a.m., seconded by Trish King. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Fawn Billie, Lisa Summers

*Councilwoman Fawn Billie arrives at 8:55 a.m.*

Motion by David Jordan to come out of executive session at 9:35 a.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Jennifer Webster

Not Present: Tina Danforth, Lisa Summers

**IV. EXECUTIVE SESSION**

**A. NEW BUSINESS**

**1. Review update regarding Oneida Golf Enterprise – Ladies Professional Golf Association**

Agent: Janice Skenandore-Hirth  
Liaison: Trish King, Tribal Treasurer

Motion by Jennifer Webster that the Business Committee acting as the representative of the shareholder of the Oneida Golf Enterprise operating the business Thornberry Creek at Oneida Golf Course selects Thornberry Creek LPGA Classic as the name of the LPGA tournament, seconded by Trish King. Motion carried with one opposed:

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

Motion by Brandon Stevens to direct the Oneida Law Office to bring forward options with regards to this issue to the August 24, 2016, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously:

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

**V. ADJOURN**

Motion by David Jordan to adjourn at 9:37 a.m., seconded by Fawn Billie. Motion carried unanimously:

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

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

1. Meeting Date Requested: 08 / 24 / 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 August 10, 2016, regular meeting minutes

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. <input type="text" value="August 10, 2016, regular meeting minutes"/>	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: Submitted by: Heather Heuer, Info. Mgmt. Specialist  
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, August 9, 2016

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

### Regular Meeting

9:00 a.m. Wednesday, August 10, 2016

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

### Minutes - DRAFT

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#### EXECUTIVE SESSION

**Present:** Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, David Jordan, Brandon Stevens, Jennifer Webster;

**Not Present:** Vice-Chairwoman Melinda J. Danforth, Councilman Tehassi Hill;

**Arrived at:** Chairwoman Tina Danforth at 9:11 a.m.;

**Others present:** Jo Anne House, Larry Barton, Mark A. Powless Sr., Dave Cluckey, Matt Denny, Tom Danforth, Barbara Erickson, Cathy Metoxen, Denise Beans, Gerald Hill, Katrina Mungo, Nancy Barton;

#### REGULAR MEETING

**Present:** Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens;

**Not Present:** Vice-Chairwoman Melinda J. Danforth, Councilwoman Jennifer Webster;

**Arrived at:** ;

**Others present:** Brad Graham, Bill Graham, Geraldine Danforth, Don White, Ravinder Vir, Patrick, Stensloff, Norbert Hill Jr., Jessica Wallenfang, Jo Anne House, Heather Heuer, Tonya Webster, Wes Martin Jr., Henrietta Cornelius, Jessica Wallenfang, Lisa Hill, Kathleen Danforth, James Poels, William Stempski, Doreen Perrote, Cheryl Stevens, Nancy Barton, Rhiannon Metoxen, Ed Delgado, Mike Debraska, Cathy Metoxen, Larry Barton, Leyne Orosco, Brian Doxtator, Jen Falck, Matt Denny, Nic Reynolds, RaLinda Ninham-Lamberies, Josh Cottrell, Barbara Kolitsch, Dianne McLester-Heim, Chris Johns, Mark A. Powless Sr., Janet Danforth, Yetsi Danforth, Sheila Huntington, David Danforth, Kurt Jordan, Kate Miller, Dave Bischoff, Robin Doxtator, Sue Doxtator, Joan Christnot, Travis Wallenfang, Jed Schacht, Marsha Danforth, Sylvia Cornelius, Ken Hill, Apache Danforth, Tom Danforth, Dawn Moon-Kopetsky, Lisa Liggins, Jennifer Berg-Hargrove, Sarah Wunderlich, Lois Strong, Lois Powless, Vickie Cornelius, Jeff Metoxen;

#### **I. CALL TO ORDER AND ROLL CALL** by Chairwoman Tina Danforth at 9:03 a.m.

For the record: Vice-Chairwoman Melinda J. Danforth out of the office on vacation time.  
Councilwoman Jennifer Webster is out of the office on personal time.  
Councilman David Jordan is excused for the afternoon on personal time.

**DRAFT****II. OPENING** by Councilman Tehassi Hill**A. Special Recognition for Years of Services**

Sponsor: Geraldine Danforth, Area Manager/Human Resources Department

*Special Recognition by Patrick Stensloff of Lisa Hill (35 years); Special Recognition by James Poels of Kathleen Danforth (35 years); Special Recognition by Dr. Ravinder Vir of Dr. William Stempski (30 years); Special Recognition by Cheryl Stevens of Doreen Perrote (30 years); Special Recognition by Kurt Jordan of David Danforth (25 years); Special Recognition by Jeff Metoxen of Vickie Cornelius (25 years); Special Recognition by Geraldine Danforth of the following individuals who were not present: Jean Metoxen for 35 years of service, Allen Doxtator for 35 years of service, Cecelia Cornelius for 35 years of service, Kendall Barton for 30 years of service, Wendy Bloedorn for 30 years of service, Gregory Laehn for 30 years of service, Albert King for 30 years of service, Cynthia Niesen for 25 years of service, Robert Ninham for 25 years of service, Lawrence Cornelius for 25 years of service, and Timothy Huff for 25 years of service.*

**III. ADOPT THE AGENDA (00:23:07)**

Motion by Lisa Summers to adopt the agenda with the following changes: [Delete item 10.A Accept update from Constitutional Amendments Implementation Team; and to delete item 11.A. Approve request to delete from agenda the approval of concept paper for Capital Improvement Project # 13-011 – Oneida Nation High School], seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

**IV. OATHS OF OFFICE (No Requested Action)****V. MINUTES (00:23:58)****A. Approve July 27, 2016, regular meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to approve the July 27, 2016, regular meeting minutes, seconded by Trish King. Motion carried with two abstentions:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens

Abstained: David Jordan, Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

**VI. RESOLUTIONS (00:24:45)****A. Adopt resolution titled Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida

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One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens  
 Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**B. Adopt resolution titled Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens  
 Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**C. Adopt resolution titled Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

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Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes:	Fawn Billie, David Jordan, Trish King, Brandon Stevens
Opposed:	Lisa Summers
Abstained:	Tehassi Hill
Not Present:	Melinda J. Danforth, Jennifer Webster
For the record:	Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**D. Adopt resolution titled Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes:	Fawn Billie, David Jordan, Trish King, Brandon Stevens
Opposed:	Lisa Summers
Abstained:	Tehassi Hill
Not Present:	Melinda J. Danforth, Jennifer Webster
For the record:	Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't

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be selling alcohol in our facilities and that's just for clarification for the record.

**E. Adopt resolution titled Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie.

Motion carried with one opposed and one abstention:

Ayes:	Fawn Billie, David Jordan, Trish King, Brandon Stevens
Opposed:	Lisa Summers
Abstained:	Tehassi Hill
Not Present:	Melinda J. Danforth, Jennifer Webster
For the record:	Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**F. Adopt resolution titled Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie.

Motion carried with one opposed and one abstention:

Ayes:	Fawn Billie, David Jordan, Trish King, Brandon Stevens
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Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**G. Adopt resolution titled Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens  
 Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**H. Adopt resolution titled Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages

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in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens  
 Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**I. Adopt resolution titled Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens  
 Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

**J. Adopt resolution titled West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law**

Sponsor: Larry Barton, Chief Financial Officer

Motion by David Jordan to adopt resolution # 08-10-16-A Oneida Airport Hotel Corp. dba Radisson Inn-Green Bay Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-B Oneida Bingo & Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-C Oneida Golf Enterprise for Thornberry Creek at Oneida Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-D Oneida One Stop – Larsen Selling Alcohol Beverages in

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Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-E Oneida One Stop – Packerland Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-F Oneida One Stop – E & EE Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-G Oneida One Stop – Westwind Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-H Oneida Casino Travel Center Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-I Three Clans Airport Wingate by Wyndham Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law; to adopt resolution # 08-10-16-J West Mason Street Casino Selling Alcohol Beverages in Accordance with the Oneida Alcohol Beverage Licensing Law, seconded by Fawn Billie. Motion carried with one opposed and one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens  
 Opposed: Lisa Summers  
 Abstained: Tehassi Hill  
 Not Present: Melinda J. Danforth, Jennifer Webster  
 For the record: Secretary Lisa Summers stated I just want to note that I oppose these every year. It's not that I don't support the businesses or the entities that apply for the licenses. I just have a personal philosophy that we shouldn't be selling alcohol in our facilities and that's just for clarification for the record.

*Councilwoman Fawn Billie departs at 9:37 a.m.*

**K. Adopt resolution titled Mortgage & Foreclosure (Law)**

Sponsor: Brandon Stevens, Councilman

Motion by Lisa Summers to adopt resolution # 08-10-16-K Mortgage & Foreclosure (Law), seconded by Tehassi Hill. Motion carried unanimously:

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

*Councilwoman Fawn Billie returns at 9:39 a.m.*

**L. Adopt resolution titled Defining Comprehensive Housing Division in the Mortgage and Foreclosure Law**

Sponsor: Brandon Stevens, Councilman

Motion by Lisa Summers to adopt resolution # 08-10-16-L Defining Comprehensive Housing Division in the Mortgage and Foreclosure Law, seconded by Tehassi Hill. Motion carried unanimously:

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

**M. Adopt resolution titled Conflict of Interest Policy Emergency Amendments**

Sponsor: Brandon Stevens, Councilman

Motion by Lisa Summers to adopt resolution # 08-10-16-M Conflict of Interest Policy Emergency Amendments, seconded by Tehassi Hill. Motion carried unanimously:

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

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

**DRAFT****VIII. STANDING COMMITTEES (00:44:08)****A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

*Councilman Tehassi Hill departs at 10:07 a.m.**Councilman Tehassi Hill returns 10:13 a.m.***1. Accept July 6, 2016, Legislative Operating Committee meeting minutes**

Motion by Brandon Stevens to accept the July 6, 2016, Legislative Operating Committee meeting minutes, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

**2. Accept July 20, 2016, Legislative Operating Committee meeting minutes**

Motion by Brandon Stevens to accept the July 20, 2016, Legislative Operating Committee meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

*Treasurer Trish King departs at 10:31 a.m.***3. Review memo regarding Employment Law and determine next steps on how to proceed with presenting Employment Law and handbook to General Tribal Council**

Motion by Lisa Summers to accept the updated written report; to direct this item be placed on the 2017 Annual General Tribal Council meeting agenda; and included in that item will be a request for General Tribal Council to schedule a special General Tribal Council meeting to specifically address this item, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers

Not Present: Melinda J. Danforth, Trish King, Jennifer Webster

Motion by Lisa Summers to request the team working on this item include in the communication plan that Employment Law and handbook be provided and distributed 30 (thirty) days prior to the 2017 Annual General Tribal Council meeting, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers

Not Present: Melinda J. Danforth, Trish King, Jennifer Webster

*Treasurer Trish King returns at 10:35 a.m.***4. Review certified Marriage Fee Schedule Rule and Marriage Fine Schedule Rule**

Motion by Lisa Summers to approve the Marriage Fee Schedule Rule and to change the cost back from \$100 to \$50. Motion withdrawn.

For the record: Secretary Lisa Summers stated I am not going to support a motion to accept this at this point. I think the fee needs to be changed. It wasn't specifically brought to our attention that they were going to deviate from what the fee schedule was that we previously set. I understand that there may have been a hearing on this at some point and I think that the Business Committee's previous position on this should have been taken

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into consideration by the agency when it was making its determination about the schedule itself.

Motion by Brandon Stevens to accept the rule regarding Marriage Fee Schedule and rule regarding Marriage Fine Schedule as presented, to go into effect August 18, 2016, seconded by David Jordan. Motion carried with one opposed:

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

*Secretary Lisa Summers departs at 11:00 a.m.*

*Secretary Lisa Summers returns at 11:11 a.m.*

**5. Accept memo regarding update on Active Files List as information**

Motion by Lisa Summers to accept memo regarding update on Active Files List as information, seconded by Fawn Billie. Motion carried unanimously:

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

**B. Finance Committee**

Sponsor: Tribal Treasurer Trish King, Chair

**1. Approve August 1, 2016, Finance Committee meeting minutes**

Motion by Trish King to approve the August 1, 2016, Finance Committee meeting minutes, seconded by David Jordan. Motion carried with one abstention:

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

**IX. GENERAL TRIBAL COUNCIL (2:40:18)**

**A. Petitioner Michael Debraska: Special GTC meeting regarding Per Capita Distribution \$3,000/\$5,000**

Sponsor: Lisa Summers, Tribal Secretary

*Councilman David Jordan departs at 11:44 a.m.*

*Councilman David Jordan returns at 11:51 a.m.*

**1. Accept legislative analysis**

Motion by Lisa Summers to accept the legislative analysis regarding Petitioner Michael Debraska: Special GTC meeting regarding Per Capita Distribution \$3,000/\$5,000, seconded by Brandon Stevens. Motion carried unanimously:

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

**DRAFT****2. Accept legal analysis**

Motion by Lisa Summers to accept the legal analysis regarding Petitioner Michael Debraska: Special GTC meeting regarding Per Capita Distribution \$3,000/\$5,000, seconded by Brandon Stevens. Motion carried unanimously:

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

*EXCERPT FROM JULY 27, 2016: (1) Motion by Tehassi Hill to defer the legislative analysis regarding Petitioner Michael Debraska: Special GTC meeting regarding Per Capita Distribution \$3,000/\$5,000, back to the Legislative Reference Office for specifics on laws and policies affected, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Jennifer Webster to defer the legal analysis regarding Petitioner Michael Debraska: Special GTC meeting regarding Per Capita Distribution \$3,000/\$5,000, to the August 10, 2016, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

*EXCERPT FROM JULY 13, 2016: (1) Motion by Lisa Summers to accept the legislative progress report, seconded by David Jordan. Motion carried unanimously. (2) Motion by Lisa Summers to accept the legal progress report, seconded by Fawn Billie. Motion carried unanimously.*

*EXCERPT FROM MAY 25, 2016: Motion by Lisa Summers to accept the financial analysis, seconded by David Jordan. Motion carried unanimously.*

*EXCERPT FROM MAY 12, 2016: Motion by David Jordan to accept the verified petition from Michael Debraska regarding Per Capita Distribution; 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) day, seconded by Lisa Summers. Motion carried unanimously.*

Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting with the exception of item 09.B. Approve Special General Tribal Council FY2017 Budget meeting materials and item 13.B. Approve 2016 Special Election Final Report and declare official results which are to be moved to special Business Committee meeting to be coordinated and scheduled by the Tribal Secretary for next week, seconded by Lisa Summers. Motion carried unanimously:

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

**B. Approve Special General Tribal Council FY2017 Budget meeting materials**

Sponsors: Lisa Summers, Tribal Secretary; Trish King, Tribal Treasurer

*Item deferred to a special Business Committee meeting to be scheduled during the upcoming week.*

**X. STANDING ITEMS****A. ~~Accept update from Constitutional Amendments Implementation Team~~**

~~Sponsor: Melinda J. Danforth, Tribal Vice Chairwoman~~

~~*EXCERPT FROM JULY 27, 2016: Motion by Tehassi Hill to defer the update from the Constitutional Amendments Implementation Team to the August 10, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.*~~

~~*Item deleted at the adoption of the agenda.*~~

**DRAFT****XI. UNFINISHED BUSINESS****~~A. Approve request to delete from agenda the approval of concept paper for Capital Improvement Project # 13-011 – Oneida Nation High School~~**~~Sponsor: Troy Parr, Assistant Division Director/Development~~~~*EXCERPT FROM JULY 27, 2016: Motion by Melinda J. Danforth to defer this item to the August 10, 2016, regular Business Committee meeting; and to request the Tribal Secretary's Office to schedule a time for the Oneida School Board, School Administrator and Principal, and Planning & Development Department to be in attendance to discuss this issue further, seconded by Fawn Billie. Motion carried unanimously.*~~*Item deleted at the adoption of the agenda.***XII. TABLED BUSINESS****A. Adopt resolution titled Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021 Adopted by General Tribal Council on June 13, 2016**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM JULY 13, 2016: (1) Motion by Lisa Summers to adopt resolution titled Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021 Adopted by General Tribal Council on June 13, 2016, seconded by Brandon Stevens. Motion ruled out of order by Chairwoman Tina Danforth. (2) Motion by Lisa Summers to table this item to the July 27, 2016, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.**Item deferred to the August 24, 2016, regular Business Committee meeting.***XIII. NEW BUSINESS****A. Approve updated Oneida Head Start/Early Head Start Selection Criteria**

Sponsor: Don White, Division Director/Governmental Services

*Item deferred to the August 24, 2016, regular Business Committee meeting.***B. Accept 2016 Special Election Final Report and declare official results**

Chair: Vicki Cornelius, Oneida Election Board

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

*Item deferred to a special Business Committee meeting to be scheduled during the upcoming week.***C. Approve request from Tribal Member to direct Division Director of Environmental Health & Safety to provide timelines, clarifications, and accountability regarding Environmental Health & Safety FY '16 3<sup>rd</sup> quarter report**

Sponsor: Tina Danforth, Tribal Chairwoman

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**DRAFT****XIV. TRAVEL****A. TRAVEL REPORTS**

1. **Accept travel report – Chairwoman Tina Danforth – American Indian Sovereignty in Action – Havana, Cuba – July 18-22, 2016**

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**B. TRAVEL REQUESTS**

1. **Approve Oneida Arts Board travel request in accordance with the Travel & Expense Policy – Three (3) Music from Our Culture (MOC) teachers and six (6) Kids Learning their Culture/Ways (KLU) students – National Indian Tourism Conference – Seattle, WA – September 13-15, 2016**

Chair-Elect: Dawn Walschinski, Oneida Arts Board

Liaison: Jennifer Webster, Councilwoman

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

Motion by Brandon Stevens to recess at 12:04 p.m. and to reconvene at 1:30 p.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,  
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

*Meeting called to order by Chairwoman Tina Danforth at 1:35 p.m.*

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

**XV. REPORTS (3:03:25) (This section of the agenda is scheduled to begin at 1:30 p.m.)****A. OPERATIONAL REPORTS**

1. **Accept Human Resources Department FY '16 3<sup>rd</sup> quarter report (1:30 p.m.-1:50 p.m.)**  
Sponsor: Geraldine Danforth, Area Manager/Human Resources Department

Motion by Lisa Summers to accept the Human Resources Department FY '16 3<sup>rd</sup> quarter report, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers

Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

*Secretary Lisa Summers departs at 2:21 p.m.*

*Secretary Lisa Summers returns at 2:30 p.m.*

*Treasurer Trish King departs at 2:32 p.m.*

**DRAFT****2. Accept Governmental Services Division FY '16 3<sup>rd</sup> quarter report (1:50 p.m.-2:10 p.m.)**

Sponsor: Don White, Division Director/Governmental Services

Motion by Fawn Billie to accept the Governmental Services Division FY '16 3<sup>rd</sup> quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

*Treasurer Trish King returns at 2:37 p.m.*

*Councilman Tehassi Hill departs at 2:37 p.m.*

*Councilman Tehassi Hill returns at 2:40 p.m.*

**3. Accept Ombudsman FY '16 3<sup>rd</sup> quarter report (2:10 p.m.-2:30 p.m.)**

Sponsor: Dianne McLester-Heim, Tribal Ombudsperson

Motion by Trish King to accept the Ombudsman FY '16 3<sup>rd</sup> quarter report, seconded by Tehassi Hill.

Motion carried unanimously:

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

**4. Defer Internal Services Division FY '16 3<sup>rd</sup> quarter report to the August 24, 2016, regular Business Committee meeting**

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by Lisa Summers to defer the Internal Services Division FY '16 3<sup>rd</sup> quarter report to the August 24, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously:

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

**B. CORPORATE REPORTS (No Requested Action)****C. BOARDS, COMMITTEES, AND COMMISSIONS****1. Accept Oneida Commission on Aging FY '16 3<sup>rd</sup> quarter report (2:30 p.m.-2:45 p.m.)**

Chair: Wes Martin Jr.

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Trish King to accept the Oneida Commission on Aging FY '16 3<sup>rd</sup> quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

**2. Accept Oneida Election Board FY '16 3<sup>rd</sup> quarter report (2:45 p.m.-3:00p.m.)**

Chair: Vicki Cornelius

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Tehassi Hill to accept the Oneida Election Board FY '16 3<sup>rd</sup> quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

*Councilman Tehassi Hill departs at 3:41 p.m.*

**DRAFT****3. Accept Oneida Gaming Commission FY '16 3<sup>rd</sup> quarter report (3:00 p.m.-3:15 p.m.)**

Chair: Mark A. Powless Sr.  
Liaison: Brandon Stevens, Councilman

Motion by Brandon Stevens to accept the Oneida Gaming Commission FY '16 3<sup>rd</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

*Councilman Tehassi Hill returns at 3:50 p.m.*

**XVI. EXECUTIVE SESSION****A. REPORTS****1. Accept Chief Counsel report – Jo Anne House, Chief Counsel**

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**B. STANDING ITEMS****1. Land Claims Strategy (No Requested Action)****C. UNFINISHED BUSINESS****1. Accept verbal update regarding complaint # 2016-DR06-01 and defer item to August 24, 2016, regular Business Committee for final recommendation**

Sponsors: Tehassi Hill, Councilman; Brandon Stevens, Councilman; Jennifer Webster, Councilwoman

*EXCERPT FROM JUNE 22, 2016: Motion by Jennifer Webster to defer the update regarding complaint # 2016-DR06-01 to the August 10, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.*

*EXCERPT FROM MAY 25, 2016: Motion by Lisa Summers to accept the update regarding complaint # 2016-DR06-01; and to defer item to the June 22, 2016, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.*

*EXCERPT FROM MARCH 30, 2016: Motion by Tehassi Hill to accept Complaint # 2016-DR06-01, to acknowledge merit, and to assign Councilman Brandon Stevens, Councilman Tehassi Hill, and Councilwoman Jennifer Webster, seconded by Fawn Billie. Motion carried with one abstention.*

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**2. Approve investigation results and close-out concern # 2016-CC-09**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman; Fawn Billie, Councilwoman

*EXCERPT FROM JUNE 22, 2016: Motion by Jennifer Webster to defer concern # 2016-CC-09 to Vice-Chairwoman Melinda J. Danforth and Councilwoman Fawn Billie, seconded by Fawn Billie. Motion carried unanimously.*

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**DRAFT****3. Approve two (2) requests regarding complaint # 2016-DR07-01**

Sponsors: Lisa Summers, Tribal Secretary; David Jordan, Councilman; Brandon Stevens, Councilman

*EXCERPT FROM JULY 27, 2016: Motion by Melinda J. Danforth to assign Secretary Lisa Summers, Councilman David Jordan, and Councilman Brandon Stevens to form a subcommittee to investigate the complaint, seconded by Fawn Billie. Motion carried unanimously.*

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**4. Approve four (4) requests regarding Family Court Judge job description and position**  
*(This item is scheduled at 1:30 p.m.)*

Sponsors: Melinda J. Danforth, Tribal Vice-Chairwoman; Fawn Billie, Councilwoman; Tehassi Hill, Councilman; Jennifer Webster, Councilwoman

*EXCERPT FROM JULY 27, 2016: (1) Motion by Melinda J. Danforth to accept the resignation letter in accordance with section 7.2 of employment contract # 2013-0856, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Melinda J. Danforth to assign Vice-Chairwoman Melinda J. Danforth, Councilwoman Fawn Billie, Councilman Tehassi Hill, and Councilwoman Jennifer Webster to a subcommittee to work on the Family Court Judge job description; to invite the Chief Judges of the Judiciary and Family Court Clerk to participate in the development of the job description; and to bring back a final job description to the August 10, 2016, regular Business Committee meeting for approval, seconded by Fawn Billie. Motion carried unanimously.*

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**D. TABLED BUSINESS (No Requested Action)****E. NEW BUSINESS****1. Approve limited waiver of sovereign immunity – First Data Merchant Services – contract # 2016-0564 (9:00 a.m.-9:30 a.m.)**

Sponsor: Louise Cornelius, Gaming General Manager

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**2. Approve request to support procedural exception to reallocate funds from CapEX to Technology Set Aside regarding Surveillance System Replacement project for FY '16 and FY '17 (9:30 a.m.-10:00 a.m.)**

Chair: Mark A. Powless Sr., Gaming Commission

Liaison: Brandon Stevens, Councilman

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**3. Approve request from Tribal Member for accountability to be provided regarding violation of Code of Ethics by Oneida Business Committee member at the July 27, 2016, regular Business Committee meeting (This item is scheduled at 10:00 a.m.)**

Sponsor: Tina Danforth, Tribal Chairwoman

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**DRAFT**

**4. Review request from Tribal Member regarding depletion of Bureau of Indian Affairs – General Assistance Grant funds and determine appropriate next steps**

*(This item is scheduled at 11:00 a.m.)*

Sponsor: Tina Danforth, Tribal Chairwoman

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**5. Accept update regarding Chief Financial Officer employment contract as information**

Sponsor: Trish King, Tribal Treasurer

*Item deferred to the August 24, 2016, regular Business Committee meeting.*

**XVII. ADJOURN**

Motion by Lisa Summers to adjourn at 3:58 p.m., seconded by Trish King. Motion carried unanimously:

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

1. Meeting Date Requested: 08 / 24 / 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 the Resolution titled Adoption of the Oneida Youth Leadership Institute's Charter and approve the corresponding by-laws.

## 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.



**BC Resolution # \_-\_-\_-  
Adoption of the Oneida Youth Leadership Institute’s Charter**

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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 Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Business Committee recognizes the value of the youth leadership programs in the Oneida community; and

**WHEREAS,** funding youth leadership programs in the Oneida community is a large cost to the Oneida Nation; and

**WHEREAS,** the Oneida Business Committee wishes to create the Oneida Youth Leadership Institute (OYLI) pursuant to section 7871(a) of the Internal Revenue Code an agency of the Nation created to operate and support programs and activities which promote leadership qualities in Oneida youth, and to solicit charitable tax deductible donations to fund such programs and activities; and

**WHEREAS,** OYLI qualifies for treatment under section 7871(a) of the Internal Revenue Code as an integral part of Nation’s government based on the following relevant factors:  
a) The OYLI is not separately incorporated under state law;  
b) The Nation exerts a substantial degree of control over the OYLI, including appointment of its Board members and approval of its by-laws;  
c) The Nation is liable for the OYLI’s actions;  
d) The OYLI is an agency of the Nation; and  
e) The Nation has made a substantial financial commitment to the OYLI, including making employees of the Nation available for the OYLI’s use as needed; and

**WHEREAS,** a separate account from the Nation’s general fund has been created in the name of the OYLI for receiving tax deductible contributions from donors under Internal Revenue Code Section 170 and 7871(a); and

**WHEREAS,** the OYLI is designed to operate as a perpetual fund in which contributions are dedicated exclusively to the generation and accumulation of income over a specified period of time, after which the earnings from the accumulated fund are used to fund delivery of youth leadership services to the Oneida community; and

**WHEREAS,** the OYLI’s board of directors is not a board, committee or commission for purposes of the Comprehensive Policy Governing Boards, Committees and Commissions; and

52 **NOW THEREFORE BE IT RESOLVED**, that the Oneida Business Committee hereby adopts the OYLI's  
53 charter; and

54  
55 **BE IT FURTHER RESOLVED**, that the Oneida Business Committee hereby repeals BC Resolution 05-15-  
56 14-G because the "Youth Leadership Fund" has been renamed; and

57  
58 **BE IT FURTHER RESOLVED**, that the OLYI's work team shall provide candidates for appointment,  
59 pursuant to the terms of the Charter, within sixty (60) calendar days from the date the Charter is adopted  
60 and the Oneida Business Committee shall appoint the OYLI Board directors in a timely fashion; and

61  
62 **BE IT FURTHER RESOLVED**, that the OYLI work team, consisting of Susan White, Joanie Buckley, Susan  
63 House, JoAnn Ninham, and Paula Rippl shall serve as the OYLI's interim board until a board of directors is  
64 appointed by the Oneida Business Committee; and

65  
66 **BE IT FURTHER RESOLVED**, that the OYLI's interim board shall operate under the by-laws approved by  
67 the interim board on July 26, 2016 and by the Oneida Business Committee on \_\_\_\_\_; and

68  
69 **BE IT FURTHER RESOLVED**, no funds may be distributed from the OYLI's account until the Oneida  
70 Business Committee appoints a board of directors and the board adopts disbursement policies; and

71  
72 **BE IT FINALLY RESOLVED**, that the OYLI's governing documents shall be reviewed by the board of  
73 directors with a report to the Oneida Business Committee including any recommendations within twelve  
74 (12) months of the date the board is appointed by the Oneida Business Committee.



**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54115-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## **Statement of Effect**

*Adoption of the Oneida Youth Leadership Institute's Charter*

### **Summary**

This resolution adopts a charter for the Oneida Youth Leadership Institute.

*Submitted by Douglass A. McIntyre, Staff Attorney, Legislative Reference Office*

### ***Analysis by the Legislative Reference Office***

The Oneida Business Committee, by adopting this resolution will adopt a charter for the Oneida Youth Leadership Institute (OYLI). The charter and by-laws has been drafted and reviewed by the Oneida Law Office, and this statement of effect does not review that document.

This resolution adopts a charter for the OYLI. The Nation has a long history of funding youth leadership programs in the Oneida community and has provided other substantial financial commitment to these programs. The OYLI was created for the purpose of:

1. Supporting these programs and activities; and
2. Soliciting charitable tax deductible donations to fund such programs and activities.

The OYLI was created pursuant to section 7871(a) of the Internal Revenue Code as an agency of the Nation. OYLI is eligible for section 7871(a) based on the following factors:

1. The OYLI is not separately incorporated under state law;
2. The Nation exerts a substantial degree of control over the OYLI, including appointment of its Board members and approval of its by-laws;
3. The Nation is liable for the OYLI's actions; and
4. The OYLI is an agency of the Nation.

### **Funding**

a separate account from the Nation's general fund has been created in the name of the OYLI for receiving tax deductible contributions from donors under Internal Revenue Code Section 170 and 7871(a); and

the OYLI is designed to operate as a perpetual fund in which contributions are dedicated exclusively to the generation and accumulation of income over a specified period of time, after which the earnings from the accumulated fund are used to fund delivery of youth leadership services to the Oneida community; and

### **Board of Directors**

The OYLI is headed by a board of directors. This resolution indicates that this board is not a board, committee or commission for purposes of the Comprehensive Policy Governing Boards,

Committees and Commissions. An interim board, comprised of the work team members Susan White, Joanie Buckley, Susan House, Joann Ninham, and Scott Elm, will serve until a board of directors is appointed by the Oneida Business Committee.

These appointments will be selected from the candidates for appointment, pursuant to the terms of the Charter, within sixty (60) calendar days from the date the charter is adopted.

Additionally, the resolution repeals resolution BC-05-15-14-G (Youth Leadership Fund).

No funds may be distributed from the OYLI's account until the board members are appointed and the board adopts disbursement policies.

### **Conclusion**

There are no legal bars to adopting the resolution.

ONEIDA YOUTH LEADERSHIP INSTITUTE CHARTER

Section I. Establishment of the Oneida Youth Leadership Institute.

A. Creation. The Oneida Youth Leadership Institute (“OYLI”) is hereby established as a wholly owned unincorporated agency of the Oneida Nation (the “Nation”), and shall be governed and managed by a Board of Directors, subject to the provisions of this Charter; the Board of Directors is not a board, committee or commission for purposes of the Comprehensive Policy Governing Boards, Committees and Commissions.

B. Purpose. The purpose of OYLI is to operate and support programs and activities which promote leadership qualities in Oneida youth, and to solicit charitable donations to fund such programs and activities.

C. Location. OYLI shall maintain its offices on the Oneida Reservation, but may conduct its activities both on and off the Reservation.

D. Instrumentality of the Nation. As a wholly owned instrumentality of the Nation, OLYF and its assets and activities shall have all the privileges and immunities of the Nation, including immunity from taxation, regulation and unconsented suit, subject to the limitations in this Charter and applicable law. The Nation shall at all times retain the sole proprietary interest in OYLI.

E. Exercise of Authority. Any exercise by OYLI of any powers or authorities in accordance with this Charter shall constitute the exercise of a governmental function of the Nation.

F. Allocation of Authority. All rights, powers or privileges not expressly delegated herein to OYLI shall be reserved to and held by the Oneida Business Committee and the Oneida General Tribal Council.

Section II. Authority. The Oneida Business Committee grants this Charter based upon the authority vested in it by the Oneida General Tribal Council and Art. IV, §§ 1(g) and (h) of the Oneida Nation Constitution and By-Laws, and pursuant to the inherent sovereign rights of the Nation.

Section III. Term of Existence. OYLI shall be formed as of the time of the granting of this Charter and its term of existence shall be perpetual, unless it is earlier dissolved pursuant to section XII of this Charter.

Section IV. Jurisdiction. OYLI is created under and is subject to the jurisdiction, laws, and ordinances of the Nation.

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**Section V. Privileges and Immunities.**

- A. Privileges and Immunities. OYLI shall be entitled to all of the privileges and immunities of the Nation, including sovereign immunity, to the same extent as the Nation itself, together with all rights and privileges arising from tribal sovereignty.
- B. Waiver of Sovereign Immunity. The Nation or OYLI may waive OYLI’s sovereign immunity, provided that any such waiver is made in conformity with the Nation’s Sovereign Immunity Ordinance, Chp. 14, Oneida Nation Code of Laws.
- C. The liabilities and obligations of OYLI shall only be enforceable against OYLI, to the extent permitted by and consistent with any valid waiver of OYLI’s sovereign immunity, and shall not be enforceable against the Nation or any assets and revenues of the Nation, except as specifically authorized by the Nation in conformity with the Nation’s laws.
- D. The liabilities and obligations of the Nation shall not be enforceable against OYLI or its assets, revenues or activities.
- E. The assets, liabilities, rights and obligations of OYLI shall be separate and distinct from the assets, liabilities, rights and obligations of the Nation.

**Section VI. Rights, Powers and Authorities**

- A. It is the intent of this Charter to authorize OYLI to do all things necessary and desirable in connection with the fulfillment of its purpose.
- B. OYLI shall have the power in its own name to:
  - 1. solicit and receive charitable contributions;
  - 2. receive, collect and own all revenues and pay all expenses arising from or related to its activities;
  - 3. purchase, take, receive, lease, obtain by gift of bequest, or otherwise acquire, own, hold, improve, or use real or personal property, or any interest therein, wherever situated;
  - 4. sell, convey, mortgage, pledge, lease, exchange, transfer or otherwise dispose of or encumber all or any part of its property and assets;
  - 5. purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, loan, pledge, or otherwise dispose of, and otherwise use and deal with, shares or other interests in, or obligations of, corporations, associations, partnerships of other entities, or individuals, or direct or indirect

93 obligations of the United States or of any other government, tribe, state, territory,  
94 governmental district or municipality, or any instrumentality thereof;

95  
96 6. make and enter into contracts and incur liabilities, indebtedness and other  
97 obligations, including the issuance of guarantees, and the borrowing of money at  
98 such rates of interest as it may determine, and to issue its notes, bonds, debt  
99 securities and other obligations, and secure any of such obligations by mortgage  
100 or pledge of any or all of its property, revenues and income;

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102 7. employ contractors, consultants, agents, managers, advisers and accountants;

103  
104 8. loan money, invest and reinvest its funds, and take and hold real and personal  
105 property as security for the payment of funds so loaned or invested;

106  
107 9. hire, supervise and terminate employees, consultants and agents, and define  
108 their duties and fix their compensation, provided that all employees shall be  
109 employees of the Nation and governed by the Nation’s personnel policies;

110  
111 10. establish and maintain procedures for its day-to-day operations;

112  
113 11. make and amend By-laws, consistent with this Charter and the laws of the  
114 Nation and the United States, for the administration and regulation of its affairs;

115  
116 12. open and maintain such deposit and securities accounts with banks,  
117 securities intermediaries and other financial institutions, and to deposit therein  
118 any or all revenues, provided that its accounts shall be separate from the accounts  
119 of the Nation and its assets shall not be commingled with other assets of the  
120 Nation;

121  
122 13. sue and be sued in its own name, including submitting any matter to  
123 arbitration or alternative dispute resolution, provided that the grant of power  
124 herein to sue and be sued does not in and of itself constitute a waiver of OYLI’s  
125 sovereign immunity;

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127 14. consent to the jurisdiction of any federal, state or tribal court, and waive the  
128 requirement of the exhaustion of tribal remedies; and

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130 15. exercise all powers necessary to further its purpose, to the extent not  
131 inconsistent with anything herein.

132  
133 **Section VII. Limitations on Powers and Authorities.** OYLI shall not have authority to  
134 exercise any regulatory, legislative or judicial power, and shall not exercise any power or  
135 authority reserved to the Oneida Business Committee or General Tribal Council.

136  
137 **Section VIII. Assets.** OYLI’s assets shall consist of all of its revenues, proceeds and earnings  
138 and whatever other assets it develops, generates or acquires as provided in this Charter, and shall

139 include: all real and personal property transferred to OYLI by the Nation; all funds which OYLI  
140 may acquire by grant, loan, gift or other means; all real and personal property which OYLI may  
141 a acquire by grant, loan, gift or other means; and all earnings, interest, dividends, accumulations,  
142 contract rights, claims and other proceeds arising from any listed assets.

143  
144 **Section IX. Board of Directors.**

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146 A. Establishment. There is hereby established a Board of Directors (the “Board”) which  
147 shall manage the activities, affairs, and property of OYLI, and is hereby vested with all  
148 powers necessary to carry out OYLI’s purpose. The Board shall be responsible for the  
149 development, custody, management and operation of OYLI, for the establishment and  
150 maintenance of effective operating policies, and for the usual and ordinary duties of  
151 oversight and direction. The Board shall develop By-Laws governing its activities, which  
152 shall be consistent with this Charter and Oneida law.

153  
154 B. Number and Appointment. The Board shall consist of a minimum of five (5) and a  
155 maximum of seven (7) members (each, a “Director”) selected and appointed by the  
156 Oneida Business Committee. In selecting and appointing Directors, the Oneida Business  
157 Committee shall give due consideration to qualities of industry, responsibility, integrity,  
158 and judgment, and shall have due regard for the need for diversity of experience on the  
159 Board, the need for adequate representation of the areas of expertise required by OYLI,  
160 and the guidelines of organizations which may provide financial assistance to OYLI.

161 1. A minimum of four (4) Directors shall be local to the area, residing within  
162 Brown or Outagamie counties.

163 2. A minimum of two (2) Directors shall be enrolled Tribal members of the  
164 Oneida Nation.

165 3. To the extent possible, in order to create a well-balanced Board, when  
166 appointing Directors, the Oneida Business Committee shall ensure that the Board  
167 contains a minimum of one (1) Director with each of the specialties: management,  
168 business administration, youth services and law.

169 4. In appointing the first Board, the OYLI work group shall prepare a pool of  
170 candidates for the Oneida Business Committee’s consideration and the Oneida  
171 Business Committee shall make appointments from the said pool.

172 5. In making all future appointments, the Board shall provide the Oneida  
173 Business Committee with three (3) candidates per available Director position and  
174 the Oneida Business Committee shall make appointments from the candidates  
175 provided by the Board.

176 6. The Directors shall select from amongst themselves the following officer  
177 positions, provided that all officers shall be enrolled Tribal members of the  
178 Oneida Nation: President, Secretary and Treasurer.  
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C. Qualifications. Directors must meet the following qualifications:

1. be at least twenty-one (21) years old;
2. have a high school diploma, high school equivalency degree, or general education development certificate;
3. have fundraising experience and either a) experience in management, business administration, youth services or law, or b) a bachelor's degree;
4. have the ability to obtain a fiduciary bond; and
5. have the ability to exercise sound judgment in matters relating to OYLI's purpose.

D. Term. Each Director shall serve a term of three (3) years, provided that the initial Directors, in order to stagger terms, shall be randomly assigned one, two, and three year terms, in roughly equal proportion, and the terms shall thereafter remain staggered for the duration of the Board's existence. Directors may be re-appointed to successive terms without limitation.

E. Removal. The Oneida Business Committee may remove Directors, with cause as defined in the OYLI's By-laws, by a majority vote of the members of the Oneida Business Committee present and voting at a duly called and held meeting of the Oneida Business Committee. The Board may adopt By-Laws governing the removal of OYLI Directors by the Board with or without cause.

F. Vacancy. In the event of a vacancy before the expiration of a term, the Oneida Business Committee shall, in accordance with this Charter and Oneida law, promptly select and appoint a new Director for the remainder of the unexpired term.

G. Successor. Unless he or she resigns or is removed, a Director shall hold office until his or her successor is appointed and sworn in by the Oneida Business Committee. In the event a Director holds over in office beyond the expiration of his or her term, the term of his successor shall be commensurately shortened, so that the terms of the Directors remain staggered.

H. No Personal Liability. No Director shall be personally liable to any creditor of OYLI by reason of his or her status as a Director of the Board or by reason of acts done or not done in his or her capacity as a Director of the Board.

I. Quorum. A quorum of the Board shall consist of one-half of the Directors then in office, plus one. A quorum is required for the Board to take official action. A quorum may be reached by Directors attending the meeting in person or, if preapproved by the Board, via conference call, Skype or similar technology.

226 J. Regular Meetings. The Board shall meet at least once every month and may meet as  
227 frequently as the business of the OYLI requires.  
228

229 K. Compensation. The Board shall be a voluntary Board until such time as the Board,  
230 by majority vote of Directors at a duly called meeting, determines that the OYLI is  
231 financially stable enough to pay meeting stipends. Should the Board vote to pay meeting  
232 stipends, the stipend shall be fifty dollars (\$50.00) per meeting and shall be paid from the  
233 OYLI's earnings. The stipend amount may be modified as proposed by the Board and  
234 approved by Oneida Business Committee resolution. While the Board may meet as  
235 frequently as the business of the OYLI requires, Directors may receive stipends for a  
236 maximum of two (2) meetings per month.  
237

238 L. Conflict of Interest. A Director shall not participate in any Board action that involves  
239 the Director's personal financial interest. Each Director shall promptly notify the  
240 Secretary of the Board in writing of any personal financial interest he or she may have in  
241 any matter which may come before the Board or which may relate to the activities of  
242 OYLI. The Secretary shall enter the notification in the minutes, and the Director shall  
243 not participate in any action relating to the matter or be involved in any manner with the  
244 matter. As used herein, "personal financial interest" means an interest distinct from other  
245 members of the Nation held by the Director or an immediate family member of the  
246 Director which involves an ownership, income, investment or other beneficial interest in  
247 a business, or relates to any employment or prospective employment.  
248

249 M. Records. The Board shall keep complete and accurate records of all meetings and  
250 actions taken.  
251

252 **Section X. Indemnification of Directors and Officers.** OYLI shall indemnify any person  
253 against reasonable expenses actually and necessarily incurred, and against judgments, fines and  
254 amounts paid in settlement, in connection with any action, suit or proceeding in which the person  
255 was or is a party or threatened to be made a party by reason of the fact that he or she is or was a  
256 Director, officer, agent or employee acting on behalf of the OYLI, to the extent that such person  
257 is not otherwise indemnified, except in relation to matters as to which the person shall be  
258 adjudged in such action, suit or proceeding to be liable for gross negligence or intentional  
259 misconduct.  
260

## 261 **Section XI. Reports.**

262  
263 A. Annual and Quarterly Reports. The Board shall file written reports with the General  
264 Tribal Council and the Oneida Business Committee in accordance with this Section. The  
265 Board shall prepare reports annually for the annual meeting of the General Tribal  
266 Council, and shall prepare reports quarterly for the Oneida Business Committee, and at  
267 such other times as directed by the Oneida Business Committee.  
268

269 B. Narrative Reports. The Board shall submit narrative reports to the Secretary of the  
270 Oneida Business Committee by May 31st of each year for inclusion in the agenda  
271 materials for the annual General Tribal Council meeting held in July of each year.

272 Narrative reports are considered public reports and will be made available to the  
 273 membership through the office of the Secretary, on the Nation's website, or otherwise.  
 274 Narrative reports should provide contextual and non-financial information about OYLI's  
 275 activities and operations, and should at a minimum address:

- 276 1. summary of OYLI's programs and activities;
- 277
- 278 2. any significant problems, accomplishments, and events;
- 279
- 280
- 281 3. description of any material changes or developments;
- 282
- 283 4. identification of the primary goals and targets and progress made towards
- 284 accomplishment of the same;
- 285
- 286 5. identification of key elements for success, including risks, resources and
- 287 relations available and needed in order to successfully fulfill outlined strategies;
- 288 and
- 289
- 290 6. summary of assets and financial condition.
- 291

292 C. Financial Reports. The Board shall submit financial reports quarterly to the Secretary  
 293 of the Oneida Business Committee, with copies to the Chair, the Treasurer and the Audit  
 294 Committee. Financial reports are subject to annual audits by the Nation's internal and/or  
 295 third party auditors. They are proprietary and confidential, to be retained by the  
 296 Secretary's office, and accessible only to those authorized officers, officials and personnel  
 297 of the Nation with a legal or legitimate need to know such information; provided,  
 298 however, that the Board or the Oneida Business Committee may authorize disclosure.  
 299 Financial reports should be structured in an understandable manner consistent with  
 300 Generally Accepted Accounting Principles (GAAP), and shall at a minimum include the  
 301 following:

- 302 1. executive summary;
- 303
- 304 2. statement of financial position;
- 305
- 306
- 307 3. statement of activities;
- 308
- 309 4. statement of functional expenses;
- 310
- 311 5. statement of cash flows; and
- 312
- 313 6. notes to financial statements.
- 314

315 D. Disclosure Reports. The Board shall submit disclosure reports to the Oneida  
 316 Business Committee by May 31st of each year. Disclosure reports shall identify any  
 317 personal financial interest on the part of any Director which precludes the Director from

318 participating in actions of the Board or being involved in the operations of OYLI under  
319 section IX(L). Disclosure reports are proprietary and confidential, to be retained by the  
320 Secretary's office, and accessible only to those authorized officers, officials and  
321 personnel of the Nation with a legal or legitimate need to know the information.  
322

323 **Section XII. Dissolution.** The Oneida Business Committee may dissolve OYLI by a 2/3  
324 majority vote adopting a resolution calling for dissolution. Upon dissolution, OYLI's assets  
325 shall be distributed in the following order of priority: i) perfected security interests of the Oneida  
326 Nation; ii) perfected security interests of third parties; iii) imperfect security interests of the  
327 Oneida Nation and third parties; and iv) all other debts and liabilities. Upon payment of all debts  
328 and liabilities, all remaining assets shall revert to the Oneida Nation.  
329

330 **Section XIII. Miscellaneous.**

331  
332 A. Effective Date. This Charter shall become effective upon the date of adoption of a  
333 resolution by the Oneida Business Committee granting this Charter.  
334

335 B. Consistency with Constitution. This Charter shall be construed in a manner  
336 consistent with the Oneida Nation Constitution. In the event of any inconsistency, the  
337 provisions of the Constitution shall control.  
338

339 C. Consistency with Oneida Nation Laws. To the extent of any inconsistency between  
340 this Charter and the laws of the Oneida Nation with respect to the activities and  
341 operations of OYLI, this Charter shall control.  
342

343 D. Amendment. The Oneida Business Committee may amend this Charter through  
344 adoption of a resolution.  
345  
346  
347  
348

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 the Resolution titled Adoption of the Oneida Youth Leadership Institute's Charter and approve the corresponding by-laws.

## 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:

Submitted by: Krystal John, Attorney/Law Office

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

Additional Requestor:

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

Additional Requestor:

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

1 **The Oneida Youth Leadership Institute Board**  
2 **By-laws**

3  
4 **Article I. Authority**

5 1. Name

6 (a) The official name of this board is the Oneida Youth Leadership Institute Board  
7 referred to herein as the Board  
8

9 2. Authority

10 (a) By the authority of the Oneida Nation, the Board was established by the Oneida  
11 Youth Leadership Institute’s Charter, which was adopted by Oneida Business Committee  
12 resolution \_\_\_\_\_.

13 (b) The purpose of the Oneida Youth Leadership Institute Board is to:

- 14 (1) receive tax-deductible contributions eligible under Internal Revenue Code
- 15 Section 170 and 7871(a);
- 16 (2) approve and administer the Oneida Youth Leadership Institute’s
- 17 disbursements;
- 18 (3) promote nonprofit activities including, but not limited to, fundraising,
- 19 education, training, meetings, workshops, publications and other relevant
- 20 activities of the Oneida Youth Leadership Institute Board; and
- 21 (4) provide regular reporting to the Oneida Business Committee and General
- 22 Tribal Council.

23 3. Office

- 24 (a) The official mailing address of the Board is P.O. Box 365, Oneida, WI 54155.
- 25 (b) The physical address of the Board is 909 Packerland Drive, Green Bay, WI 54303.
- 26 The physical address of the Board is subject to change from time to time with approval of
- 27 the Board and the approval of the Oneida Business Committee.
- 28

29 4. Membership

30 (a) The Board shall be composed of a minimum of five (5) and a maximum of seven (7)  
31 directors. In selecting and appointing Directors, the Oneida Business Committee shall  
32 give due consideration to qualities of industry, responsibility, integrity, and judgment,  
33 and shall have due regard for the need for diversity of experience on the Board, the need  
34 for adequate representation of the areas of expertise required by the Oneida Youth  
35 Leadership Institute, and the guidelines of organizations which may provide financial  
36 assistance to Oneida Youth Leadership Institute.

- 37 (1) A minimum of four (4) directors shall be local to the area, residing within
- 38 Brown or Outagamie counties.
- 39 (2) A minimum of two (2) directors shall be enrolled Tribal members of the
- 40 Oneida Nation.
- 41 (3) To the extent possible, in order to create a well-balanced Board, when
- 42 appointing directors, the Oneida Business Committee shall ensure that the Board
- 43 contains a minimum of one (1) director with each of the specialties: management,
- 44 business administration, youth services and law.
- 45 (4) In appointing the first Board, the Oneida Youth Leadership Institute’s work
- 46 group shall prepare a pool of candidates for the Oneida Business Committee’s

47 consideration and the Oneida Business Committee shall make appointments from  
48 the said pool.

49 (5) In making all future appointments, the Board shall provide the Oneida  
50 Business Committee with three (3) candidates per available director position and  
51 the Oneida Business Committee shall make appointments from the candidates  
52 provided by the Board.

53 (6) Each director shall serve a term of three (3) years, provided that the initial  
54 directors, in order to stagger terms, shall be randomly assigned one, two, and  
55 three year terms, in roughly equal proportion, and the terms shall thereafter  
56 remain staggered for the duration of the Board's existence. Directors may be re-  
57 appointed to successive terms without limitation.

58 (b) Qualifications

59 (a) To be eligible for appointment to the Oneida Youth Leadership Institute  
60 Board, a candidate shall have the following qualifications:

61 (a) be at least twenty-one (21) years old;

62 (b) have a high school diploma, high school equivalency degree, or  
63 general education development certificate;

64 (c) have fundraising experience and either (1) experience in management,  
65 business administration, youth services or law, or (2) a bachelor's degree;

66 (d) have the ability to obtain a fiduciary bond; and

67 (e) have the ability to exercise sound judgment in matters relating to  
68 OYLI's purpose.

69 (c) Vacancies, Appointments, Resignations, Suspensions, and Removals

70 (a) Vacancies and Appointments. If any director dies, resigns, is removed,  
71 incapacitated, or is otherwise unable to serve, the chairperson of the Board shall  
72 initiate the appointment process by forwarding the Board's recommendations  
73 for appointment to the secretary of the Oneida Business Committee.

74 (b) Resignation. Directors wishing to resign may do so by submitting a written  
75 resignation at any regular Board meeting.

76 (c) Removal. Removal of directors may occur by the Oneida Business  
77 Committee in accordance with the Removal law or by the Board in accordance  
78 with the Board's charter. All removals of directors by the Board shall further the  
79 purpose and policy of the Oneida Youth Leadership Institute. Removals by the  
80 Board may be with or without cause, where the following creates cause for  
81 removal:

82 (a) failure to attend three (3) regularly scheduled meetings, whether  
83 excused or unexcused, within a six (6) month period;

84 (b) intentional misuse of funds;

85 (c) alcohol abuse while performing official responsibilities or illegal use  
86 of drugs at any time;

87 (d) failure to continue to meet the qualifications for serving as director;  
88 and/or

89 (e) committing a felony while serving as director.

90 (d) Subcommittees. A subcommittee may be appointed by the chairperson of the Board  
91 to carry out specific duties, when deemed necessary. The subcommittee shall serve until  
92 the duties with which this subcommittee has been charged are completed, and a report  
93 has been accepted by the Board.

94 (e) Board Duties. The duties of the Board include, but are not limited to, the following:

95 (1) At the commencement of taking office, new directors shall complete the  
96 Board Confidentiality Statement and the Non-Disclosure Agreement and provide  
97 the completed forms to the Chairperson. Upon submission of forms to the  
98 Chairperson, the director may vote on Board actions.

99 (2) Develop and adopt policy relating to the management and administration of  
100 the Oneida Youth Leadership Institute.

101 (3) Oversee the Oneida Youth Leadership Institute’s distributions.

102 (4) Participate in training including orientation, board training and workshops  
103 pertaining to investing, fiduciary, and relevant Oneida laws.

104 (5) Oversee the Oneida Youth Leadership Institute’s fund investment activity and  
105 portfolio management. The Board shall maintain this fiduciary responsibility  
106 until the Oneida Youth Leadership Board’s funds reach one million dollars  
107 (\$1,000,000.00), at which time such responsibilities shall transfer to the  
108 Trust/Enrollment Committee. Should the Trust/Enrollment Committee assume  
109 such responsibilities, it shall regularly report the funds’ performance to the Board.

110 (6) Participate in Oneida Youth Leadership Institute fundraising activities,  
111 including a personal financial contribution to annual fundraising campaigns.

112 (7) Restrict all use of the Oneida Youth Leadership Institute’s donations to public  
113 purposes that promote leadership qualities in Oneida youth and, in all instances,  
114 prevent such donations from being used to contribute towards lobbying or  
115 political campaign activity, regardless of the purpose.

116 (8) Acknowledge all donations to the Oneida Youth Leadership Institute by  
117 providing a written acknowledgment of gratitude to each donor.

118 (9) Ensure that the Oneida Youth Leadership Institute’s financials are audited  
119 annually and that findings of such audits are available to donors upon request.

120 (10) Make all reports made to the Oneida Business Committee and/or the  
121 General Tribal Council available to donors upon request.  
122

123 5. Stipends. The Board shall be a voluntary board until such time as the Board, by majority  
124 vote of directors at a duly called meeting, determines that the Oneida Youth Leadership Institute  
125 is financially stable enough to pay meeting stipends. Should the Board vote to pay meeting  
126 stipends, the stipend shall be fifty dollars (\$50.00) per meeting and shall be paid from the Oneida  
127 Youth Leadership Institute’s earnings. The stipend amount may be modified as proposed by the  
128 Board and approved by Oneida Business Committee resolution. While the Board may meet as  
129 frequently as the business of the Oneida Youth Leadership Institute requires, directors may  
130 receive stipends for a maximum of two (2) meetings per month.  
131

132 6. Trainings and Conferences. All directors shall complete orientation training organized by the  
133 Executive Manager, including non-profit organization and administration training. The Board  
134 may, by written resolution, name required trainings and conferences required for directors to  
135 responsibly serve the Oneida Youth Leadership Institute.  
136

137 **Article II. Officers**

138 1. Officer Selection. The directors shall select from amongst themselves, at the first Regular  
139 meeting following annual appointment, the following officer positions, provided that a maximum  
140 of one (1) officer may be selected that is not local to the area residing within Brown or

141 Outagamie counties and a maximum of 1 (one) officer may be a non-Tribal member: President,  
142 Secretary and Treasurer.

143 (a) If an officer position is vacated, the Board shall hold an interim election to fill the  
144 office for the balance of the year.

145 (b) Nomination of directors for officer positions may only be made by a director present,  
146 physically or electronically, at a duly called meeting of the Board.

147 (c) Any director nominated and/or elected to an officer position may communicate  
148 acceptance of such nomination/election via written correspondence, which may include  
149 electronic communications such as e-mail and facsimile.

150  
151 2. Officer Positions. The Board shall elect directors to the following officer positions:

152 (a) President

153 (a) The President shall call and preside over meetings, appoint subcommittees as  
154 needed, oversee all Board activities and schedule special meetings.

155 (b) The President shall invite input from directors for Board self-evaluations.

156 (c) The President shall serve as an ex-officio member of all established  
157 subcommittees.

158 (b) Treasurer

159 (a) The Treasurer acts with the same authority as the chairperson in the absence  
160 of the President.

161 (b) The Treasurer shall ensure the accuracy of the Oneida Youth Leadership  
162 Institute's financials.

163 (c) The Treasurer shall coordinate with the Trust/Enrollment Committee as  
164 necessary.

165 (d) The Treasurer is responsible for fulfilling all of the Board's financial reporting  
166 requirements, including the annual audit.

167 (c) Secretary

168 (a) The Secretary is responsible for all of the Board's record keeping, minutes  
169 and correspondence.

170 (b) In the absence of the President and Treasurer, the Secretary may call and  
171 preside over meetings.

172 (c) The Secretary is responsible for fulfilling all of the Board's non-financial  
173 reporting requirements.

174  
175 3. Budgetary and Travel Sign-Off Authority. With the Treasurer's guidance, the Board, as a  
176 whole, shall approve the Board's budget and, should the Board grow to be able hire its own staff,  
177 review and approve any budgets developed by staff. All travel and expenses incurred by the  
178 Board is required to be approved by the Board in advance of incurring such travel and expense  
179 costs. Travel and expenses specifically budgeted in the budget approved by the Board do not  
180 require separate approval by the Board.

181  
182 4. Personnel. Until the Board has sufficient earnings to hire its own staff, the Nation's Grants  
183 Manager shall be the Board's Executive Manager.

184 (a) Until the Board is able to hire its own staff:

185 (a) the Board shall receive approval from the Executive Manager's supervisor as  
186 to the scope of services/work hours he/she has available to contribute towards the  
187 Board;

188 (2) the Executive Manager shall report to the Board for direction in regards to  
189 projects assigned by the Board, provided that the Executive Manager's supervisor  
190 shall be noticed of all assignments and shall remain responsible for all supervision  
191 of the Executive Manager; and

192 (3) the Executive Manager shall coordinate use of other employees of the Nation  
193 with their respective supervisors as needed for Board assignments. An employee  
194 of the Nation may not work on Board activities until his/her supervisor has  
195 approved the scope/time of the employee's contribution.

196 (b) All employees of the Nation contributing towards Board initiatives shall at all times  
197 remain employees of the Nation and shall at all times be governed by the Nation's  
198 employment laws, policies, and procedures.

199

### 200 **Article III. Meetings**

201 1. Regular Meetings. The Board shall meet at least once every month and may meet as  
202 frequently as the business of the Oneida Youth Leadership Institute may require. The Board  
203 shall establish, by written resolution, the time and place of regular meetings and may amend the  
204 time and place of regular meetings by the same.

205

206 2. Emergency/Special Meetings. The President may call Emergency/Special meetings. There  
207 shall be a minimum of twenty-four (24) hour verbal and/or written notice to all directors of any  
208 emergency and/or special meeting. A meeting satisfying this notice requirement and meeting  
209 quorum constitutes a duly called meeting.

210

211 3. Quorum. A quorum of the Board shall consist of one-half of the Directors then in office,  
212 plus one. A quorum is required for the Board to take official action. A quorum may be reached  
213 by directors attending the meeting in person or, if preapproved by the Board, via conference call,  
214 Skype or similar technology.

215

216 4. Order of Business. The format of the Board's agendas shall be as prescribed by the Secretary  
217 based on the following order of business:

218 (a) Call Meeting to Order

219 (b) Approve Agenda

220 (c) Approve Minutes

221 (d) Attorney Business

222 (e) Old Business

223 (f) New Business

224 (g) Other Business

225 (h) Adjournment

226

227 5. Voting

228 (a) Voting shall be in accordance with Robert's Rule of Order.

229 (b) The President may not vote except in the event of a tie.

230 (c) Each director shall have one (1) vote.

231 (d) In the event a Board decision is needed outside of a duly called meeting, the  
232 Executive Manager or an officer of the Board may conduct a poll of the directors by e-  
233 mail, provided that the Board shall accept the results of the e-poll at the next available  
234 duly called meeting.

235 (e) In cases where a conflict of interest exists, the conflicted director shall recuse  
236 themselves from the action, or the Board can vote by a majority of the quorum present to  
237 exclude a director they believe has a conflict.  
238

239 6. Parliamentary Procedure. All meetings shall be conducted in accordance with the current  
240 edition of ROBERT'S RULES OF ORDER, in all cases to which they are applicable, unless they  
241 are inconsistent with these By-laws and/or any special rules of order the Board may adopt.  
242

#### 243 **Article IV. Reporting**

244 1. Agenda Items. The Board shall maintain agenda items in an identified and consistent format.  
245

246 2. Minutes and Attachments. The Board shall type minutes in a consistent format designed to  
247 generate the most informative record of the meetings of the Board. Handouts, reports,  
248 memoranda, and the like may be attached to the minutes and agenda, or may be kept separately,  
249 provided that all materials can be identified based on the meeting in which they were presented.  
250

251 3. Reporting. The Board shall also make quarterly reports to the Oneida Business Committee  
252 and annual and semi-annual reports to the Oneida General Tribal Council as described below,  
253 provided that the Board shall approve all reports by official Board action prior to the report's  
254 submittal to the Oneida Business Committee and/or the General Tribal Council:

255 (a) Quarterly Reporting. The Board shall make quarterly reports to the Oneida Business  
256 Committee based on the reporting schedule created by the Nation's Secretary, approved  
257 by the Oneida Business Committee and posted on the Nation's website. At a minimum,  
258 the Board shall include the following information in its quarterly reports:

259 (1) Names: Provide the name of the Board, the director submitting the report, and  
260 the Oneida Business Committee liaison, and a list of the directors and their titles,  
261 their term expiration dates and contact information.

262 (2) Minutes: Any required updates to meeting minutes previously submitted and  
263 approved by the Oneida Business Committee including any actions that have been  
264 taken and were not included in the meeting minutes previously approved by the  
265 Oneida Business Committee. No action or approval of minutes is required by the  
266 Oneida Business Committee unless specifically required by the these by-laws.

267 (3) Financial Reports: In the format designated by the Treasurer and as may be  
268 required by the Oneida Business Committee.

269 (4) Special Events during the Reporting Period: Report any special events held  
270 during the reporting period.

271 (5) Anticipated Special Events for the Upcoming Reporting Period: Report any  
272 anticipated special events to be held during the upcoming reporting period.

273 (6) Goals and Accomplishments: Provide the Board's annual goals established in  
274 the annual report pursuant to article 3(b)(5) and how the Board has worked  
275 towards achieving such goals during the reporting period.

276 (7) Meetings: Indicate when and how often the Board is meeting and whether  
277 any emergency and/or special meetings have been held.

278 (8) Follow-up: Report on any actions taken in response to Oneida Business  
279 Committee and/or General Tribal Council directives, if any.

280 (b) Annual Reporting. The Board shall make annual reports to the Oneida General Tribal  
281 Council based on their activities during the previous fiscal year using the format

282 prescribed by the Nation's Secretary. At a minimum, the Board shall include the  
283 following information in its annual reports:

284 (1) Names: Provide the name and purpose of the Board, a list of the directors and  
285 their titles and the contact person for the Board and their contact information  
286 including phone number, mailing address, email address, and the Board's website.

287 (2) Meetings: Provide when meetings held, where they are held, at what time  
288 they are held and whether they are open or closed.

289 (3) Stipends: Provide the amount of each stipend a director may be eligible to  
290 receive and the funding source of the stipends.

291 (4) Budget: Provide the Board's original budget for the previous fiscal year, what  
292 the actual budget expensed was at the close of the fiscal year, and, if not within  
293 the Board's original budget, an explanation for why the budget was exceeded.  
294 Also, provide the funding source for the Board's budget.

295 (5) Goals and Accomplishments: Provide up to three (3) accomplishments the  
296 Board achieved in the previous fiscal year and how each accomplishment  
297 impacted the Oneida community. Also, provide three (3) strategic goals the  
298 Board will pursue in the new fiscal year.

299 (6) Logo and Images: Provide the Board's logo that may be included in the report  
300 and any other pictures or images that the Board would like to be considered by the  
301 Nation's Secretary for inclusion in the report.

302 (c) Semi-Annual Reporting: The Board shall make semi-annual reports to the Oneida  
303 General Tribal Council based on their activities during the current fiscal year using the  
304 format prescribed by the Nation's Secretary. At a minimum, the Board shall include the  
305 following information in their annual reports:

306 (1) Names: Provide the name of the Board and, if there have been any changes  
307 since the annual report, provide an update of the following information:

308 (A) the purpose of the Board;

309 (B) a list of the Board's directors and their titles;

310 (C) the contact person for the Board and their contact information  
311 including phone number, mailing address, email address, and the Board's  
312 website.

313 (2) Meetings: If there have been any changes since the annual report, provide an  
314 update of when meetings are held, where they are held, at what time they are held  
315 and whether they are open or closed.

316 (3) Stipends: If there have been any changes since the annual report, provide an  
317 update of the amount of each stipend a director may be eligible to receive and the  
318 funding source for the stipends.

319 (4) Goals and Accomplishments: Provide an update on the three (3) strategic  
320 goals the Board named in its annual report.

321 (5) Logo and Images: Provide any pictures or images that the Board would like  
322 to be considered by the Nation's Secretary for inclusion in the report and, if the  
323 Board's logo has changed since the annual report, provide the new logo that may  
324 be included in the report.

325  
326 **Article V. Amendments**

327 1. At the first regular meeting following directors' appointment and taking of the oath of office,  
328 a review of these By-laws shall be conducted in order to determine that they are current with the  
329 relevant laws of the Nation and meet the needs of the Board.

330  
331 2. The Board or any of its directors may recommend amendments to these By-laws by placing  
332 the amendments on the agenda at a duly called Board meeting and providing written notice of the  
333 requested amendments in the meeting materials. The shall pursue such proposed amendments if  
334 the Board takes action approving the amendments by majority vote at the duly called meeting.

335  
336 3. All amendments are subject to subsequent approval by the Oneida Business Committee.

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339  
340 Approved by the Interim Board \_\_\_\_\_

341  
342 Approved by Oneida Business Committee: \_\_\_\_\_

343

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 the WisDOT/THPO Project resolution requesting grant funds and ensuring funds will be used within the THPO program

## 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:

The WisDOT/THPO Project is offering capacity assistance for Wisconsin Tribal Historic Preservation Offices to help support tribal programs. The Oneida THPO is requesting grant funds under the project in the amount of \$4500 which will be used to assist in the preservation of unmarked burial sites at the Methodist Church as well as to assist in creation of a walking path and monument for visitors to the site.

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



**BC Resolution # \_ - - - -  
WI Dept. of Transportation (WisDOT)/Tribal Historic Preservation Office (THPO) Project**

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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 Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** the Oneida Nation has determined that the overall goal of the Oneida Nation is to protect, maintain, and improve the standard of living and the environment in which the Oneida people live; and

**WHEREAS,** the Oneida Business Committee adopted the "Ordinance for the Protection and Management of Archeological, Cultural, and Historic Resources" by OBC Resolution #06-10-98A; and

**WHEREAS,** the agreement between the National Park Service, U.S. Department of the Interior and the Oneida Nation for the assumption by the Tribe of certain responsibilities pursuant to the National Historic Preservation Act (16 U.S.C. 470) was authorized by signature of the Chairwoman and the Director of the National Park Service on October 12, 2002; and

**WHEREAS,** the Oneida Nation recognizes the need to preserve our local historical sites including burial sites; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Nation requests grants funds in the amount of \$4,500 from the WisDOT/THPO project to assist in the preservation of unmarked burial sites and to clear the area for community members to visit the site.

**BE IT FINALLY RESOLVED,** the Oneida Nation ensures that these funds will be used within the THPO program.

## GRANT PROPOSAL AUTHORIZATION FORM

ONEIDA GRANTS OFFICE

PH: (920) 496-7330 FAX: (920) 496-7494

**Form Instructions:** Double click on the grey area; a drop down called "form field option box" box will appear. In the "items drop-down list" click on which one you want; then click on the "up" arrow move it to the top and click on ok. In the reporting area: Double click on the box you want to put an "x" in. A "check box form field" box will appear, in "under default value" click on "checked" then ok.

## PROGRAM INFORMATION

Department: Tribal Historic Preservation Office	Division/Non-Division: Governmental Services
Program: WISDOT/THPO Grant	Program Accountant: Lori Hansen
Person Responsible for proposal development: Corina D. Williams	Phone: 920-496-5386
Person Responsible for grant administration: Corina D. Williams	Phone:
Project Title: Preservation of cemetery in old mission church	

## GRANT INFORMATION

Name of Funding Source: WISDOT/THPO grant	Type (pick one): Federal	
Title of Grant: WISDOT/THPO Grant	CFDA No:	
Application Deadline: Aug 30, 2016	Grant Amount: 4500.00	
Project Period: Sept, 2016	Budget Period: sept, 2017	Type of Project (pick one): WISDOT/THPO
Match Requested (% or \$): 0	Match Type (pick one): 0	
Is a Tribal resolution required? If yes, please notify Grants Office immediately. Yes		
Will this grant create a: New position no Committee No Commission No Board No		
Will this grant fund an existing position? no Name of Position(s):		
If YES, attach draft job description for all grant funded positions. <b>PLEASE NOTE: Position/employee will be phased out when grant funding ends.</b>		

**Project Proposal Summary (must answer all these questions):** The purpose, benefit(s), where is the match coming from, are there any other programs collaborating, travel justification, position justification, or pertinent information:

List any capital expenditures (cap ex), technology expenses & CIP purchases (NOTE: Must follow the appropriate Cap ex, CIP or Technology SOP for each purchase request.):

Reporting: Quarterly  Semi-Annually  Yearly  Narrative x Financial

**SIGNATURES**

Your signature authorizes the person responsible for proposal development to work with the Grants Office when applying for funding and acknowledges your responsibility to successfully administer all requirements of this grant throughout the project period and budget period.

Priscilla Belisla 8/12/16  
Grants Office Signature Date

[Signature] 8-9-16  
Supervisor Signature Date  
SIGNATURE VERIFIES & APPROVES MATCH

[Signature]  
Division/Non-Division Director Signature Date  
SIGNATURE APPROVES GRANT PROJECT & MATCH

Revised: 2/11/15

GO-001



Preservation within one of our old cemeteries (Oneida Indian Methodist Mission Church)

**Summary/history (2016)**

1830 the first known group of Oneida's to enter this territory of Wisconsin was known as the Orchard party. It was the first settlement known what is now Kimberly WI and was called Smithfield.

It is the first Christianity party by early missionaries to plan for a church and school, when the Oneidas moved northward onto farms the mission church was built and now is located in Oneida where it presently resides. The rulings by the missionaries were very strict and did not allow drunkenness or fighting or any mis- behavior. The strictness was so prevalent that everyone had to keep inventory of how many dishes were used and even recorded how many were broken.

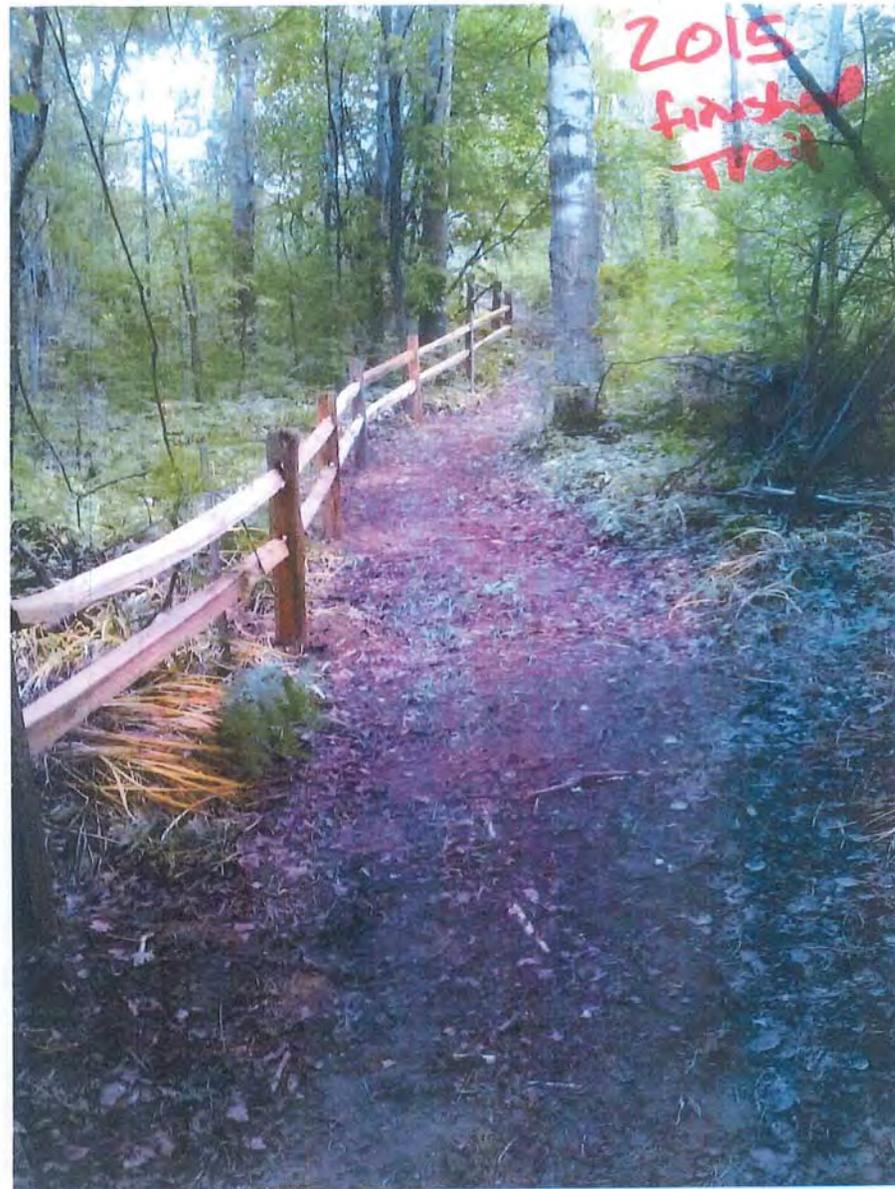
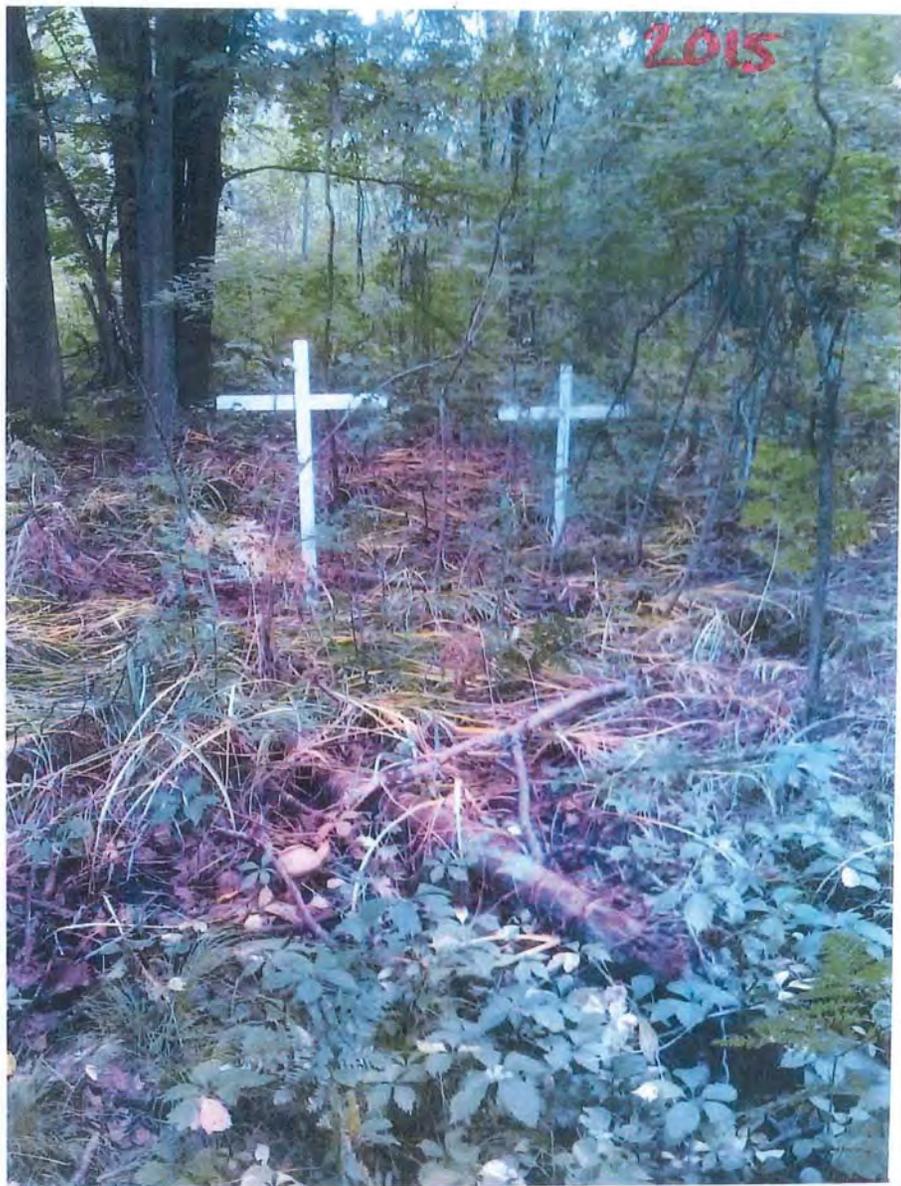
Colonel Boyed U. S. Agent Indian affairs asked for the # of children regarding school and church affairs, it was recorded that 40 children on the Oneidas part are capable of going to school. In 1943 the Church burned down by way of lightning storm hitting the steeple and it started on fire. It was soon rebuilt in the same year.

Many of the Oneidas are buried along with a lot of children who is presumed to have died from small pox epidemic, tuberculosis's, and phenomena. Throughout the Methodist cemeteries are old burial stone markers dating back to 1832-present and in the back part of the Methodist church there are burials of children and adults that are buried but without old markers or markers at all.

In 2013 the Methodist Church contacted me regarding the need and help of preservation of the unmarked burials and monument to acknowledge them and a place where people could sit and visit and give prayer. The process over the years has been a huge undertaking to clean and remove brush, create a safe pathway trail, make wooden crosses, cut trees, repair of old fallen down grave markers, landscaping, and identifying burials that are unmarked.

With the grant if provide the opportunity the Historic Preservation program can continue to help provide some of the materials and services to assist in the preservation , the goal is to preserve and identify our old un marked graves, remove brush/trees that are in danger of falling, place gravel on the walking trail.





# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 16

## 2. General Information:

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

Agenda Header: New Business

Accept as Information only

Action - please describe:

Adoption by means of Resolution of the Oneida Nation 2015-2020 Pre-Disaster Mitigation Plan.

## 3. Supporting Materials

Report  Resolution  Contract

The 100+ page plan can be found also be found here: <http://tinyurl.com/j73tpny> OR by clicking the outlined box below:

Other:

1. FEMA Region V Cross Walk

3. Copy of 2015-2020 Plan

2. Draft Resolution for Adoption

4. WI Letter of compliance

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison: Melinda J. Danforth, Tribal Vice Chairwoman

Primary Requestor/Submitter: Kaylynn Gresham/ Director Emergency Management

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 Oneida Nation Pre-Disaster Mitigation Plan dated 2015-2020 needs to be adopted by Resolution from the Business Committee before it can be formally adopted by FEMA. Included is a copy of the updated plan, the compliance approval letter from WEM (Wisconsin Emergency Management), the Cross Walk of the updated and completed information contained within the plan from the FEMA Region V reviewer. Also included is a sample resolution for adoption of the plan.

The Pre-Disaster Mitigation Plan was first developed starting in 2007. The PDMP was formally adopted through resolution 05-25-10-D in 2010, each plan is effective/active for a 5 year period. The previous plan has expired, therefore an updated plan was drafted. The plan seeking adoption is effective from 2015-2020. Through the adoption of this plan it allows the Oneida Nation to be eligible to apply for funding through the Hazard Mitigation Grant Program, the Pre-Disaster Mitigation Grant Program and the Flooding Assistance Program. The adoption of this plan also ensures compliance for the Oneida Nations eligibility to apply for Disaster Funds should we encounter an incident of significance on the reservation.

- 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)



**BC Resolution # \_ - \_ - \_  
Oneida Nation of Wisconsin 2015-2020 Pre-Disaster Mitigation Plan**

**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 Tribal Constitution by the Oneida General Tribal Council; and

**WHEREAS,** Oneida Nation recognizes the threat that natural and man-made hazards pose to people and property; and

**WHEREAS,** undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

**WHEREAS,** an adopted pre-disaster mitigation plan is required as a condition of future grant funding for mitigation projects; and

**WHEREAS,** the 2015-2020 Pre-Disaster Mitigation Plan is a required update to the Oneida Nation 2010-2015 Multi-Hazard Mitigation Plan, originally adopted through BC Resolution # 05-25-10-D;

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee of the Oneida Nation of Wisconsin, hereby adopts the Oneida Nation of Wisconsin 2015-2020 Pre-Disaster Mitigation Plan as an official plan; and

**BE IT FINALLY RESOLVED,** upon approval of the Oneida Nation of Wisconsin 2015-2020 Pre-Disaster Mitigation Plan, the Bay-Lake Regional Planning Commission, on behalf of Oneida Emergency Management, will submit the adopted plan to the Federal Emergency Management Agency officials for final approval, as required under the Pre-Disaster Mitigation Grant Program.

TRIBAL MULTI-HAZARD MITIGATION PLAN REVIEW CROSSWALK

**Tribal Mitigation Plan Review and Approval Status**

<b>Tribe:</b> Oncida Nation of Wisconsin	<b>Title of Plan:</b> 2015-2020 Pre-Disaster Mitigation Plan	<b>Date of Plan:</b> May 2016
<b>Tribal Point of Contact:</b> Kaylynn Gresham	<b>Address:</b> PO Box 365 Oncida, WI 54155	
<b>Title:</b> Director of Emergency Management		
<b>Agency:</b> Oncida Nation Emergency Management		
<b>Phone Number:</b> 920-869-6650	<b>E-Mail:</b> kgresham@oncidanation.org	

<b>State Reviewer (if applicable):</b> Caitlin Shanahan	<b>Title:</b> Disaster Response & Recovery Planner	<b>Date:</b> May 19, 2016
--	---	------------------------------

<b>FEMA Reviewer:</b> Christine Meissner	<b>Title:</b> Mitigation Planning Specialist	<b>Date:</b> 08/02/2016
<b>Date Received in FEMA Region [Insert #]</b>		
<b>Plan Not Approved</b>		
<b>Plan Approved</b>	<b>**Pending Adoption</b>	
<b>Date Approved</b>		

Additional Indian Tribal Governments (if appropriate):	DFIRM		NFIP Status*			CRS Class
	In Plan	NOT In Plan	Y	N	N/A	
1.						
2.						
3.						
4.						
5. [ATTACH PAGE(S) WITH ADDITIONAL INDIAN TRIBAL GOVERNMENTS]						

\* Notes:                      Y = Participating                      N = Not Participating                      N/A = Not Mapped

**TRIBAL MULTI-HAZARD MITIGATION PLAN REVIEW SUMMARY**

The plan cannot be approved if the plan has not been formally adopted. Each requirement includes separate elements. All elements of the requirement must be rated “Satisfactory” in order for the requirement to be fulfilled and receive a score of “Satisfactory.” Elements of each requirement are listed on the following pages of the Plan Review Crosswalk. A “Needs Improvement” score on elements shaded in gray (recommended but not required) will not preclude the plan from passing. Reviewer’s comments must be provided for requirements receiving a “Needs Improvement” score.

**SCORING SYSTEM**

Please check one of the following for each requirement.

- N – Needs Improvement:** The plan does not meet the minimum for the requirement. Reviewer’s comments must be provided.
- S – Satisfactory:** The plan meets the minimum for the requirement. Reviewer’s comments are encouraged, but not required.

**Planning Process**

- 1. Documentation of the Planning Process: 201.7(b) and 201.7(c)(1)(i) and (ii)
- 2. Program Integration: 201.7(c)(1)(iii) and (iv)

N	S
	X
	X

**Risk Assessment**

- 3. Identifying Hazards: 201.7(c)(2)(i)
- 4. Profiling Hazards: 201.7(c)(2)(i)
- 5. Assessing Vulnerability: Overview: 201.7(c)(2)(ii)
- 6. Assessing Vulnerability: Identifying Structures: 201.7(c)(2)(ii)(A)
- 7. Assessing Vulnerability: Estimating Potential Losses: 201.7(c)(2)(ii)(B)
- 8. Assessing Vulnerability: Analyzing Development Trends: 201.7(c)(2)(ii)(C)
- 9. Assessing Vulnerability: Assessing Cultural and Sacred sites: 201.7(c)(2)(ii)(D)

N	S
	X
	X
	X
<b>Not Required</b>	

**Mitigation Strategy**

- 10. Tribal Multi-Hazard Mitigation Goals: 201.7(c)(3)(i)
- 11. Identification and Analysis of Tribal Mitigation Actions: 201.7(c)(3)(ii)
- 12. Implementation of Tribal Mitigation Actions: 201.7(c)(3)(iii)
- 13. Tribal Capability Assessment: 201.7(c)(3)(iv)
- 14. Tribal Funding Sources: 201.7(c)(3)(v)

N	S
	X
	X
	X
	X
	X

**Plan Maintenance Process**

- 15. Monitoring, Evaluating, and Updating the Plan: 201.7(c)(4)(i)
- 16. Monitoring Progress of Mitigation Activities: 201.7(c)(4)(ii) and 201.7(4)(v)
- 17. Incorporation into Existing Planning Mechanisms: 201.7(c)(4)(iii)
- 18. Continued Member and Stakeholder Involvement: 201.7(c)(4)(iv)

N	S
	X
	X
	X
	X

**Prerequisites**

- 19. Adoption by the Tribal Governing Body : 201.7(c)(5) and (c)(6) *[single Indian Tribal government only]*
- 20. Multi-Jurisdictional Plan Adoption: 201.7(a)(4), (c)(5) and (c)(6) *[multi-jurisdictional only]*
- 21. Multi-Jurisdictional Planning Participation: 201.7(a)(4) *[multi-jurisdictional only]*

NOT MET	MET
<b>Pending Review</b>	
<b>Not Applicable</b>	
<b>Not Applicable</b>	

**Severe Repetitive Loss Strategy (Optional)**

- 22. Repetitive Loss Strategy: 201.7(c)(3)(vi)

N	S
<b>Not Required</b>	

**TRIBAL MITIGATION PLAN APPROVAL STATUS**

**PLAN NOT APPROVED**   
**\*\*Approved Pending Adoption**  
**PLAN APPROVED**  \*\*

**PLANNING PROCESS: 201.7(b):** *An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other tribal agencies, appropriate Federal agencies, adjacent jurisdictions, interested groups, and be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA mitigation programs and initiatives.*

### 1. Documentation of the Planning Process

**Requirement 201.7(c)(1):** *[The plan shall document] the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was defined and involved. This shall include:*

*(i) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval, including a description of how the Indian Tribal government defined “public;” and*

*(ii) As appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia, and other private and nonprofit interests to be involved in the planning process.*

Element	Location in the Plan (section or annex and page é)	Reviewer’s Comments	SCORE	
			N	S
A. Does the plan provide a narrative <b>description of the process</b> followed to prepare the new or updated plan?	Pg. 2-5	Five-phase planning update process: began in March 2015 over an 18-month period. The Steering Committee comprised of tribal and county officials from various departments. Consultant- Bay-Lake Regional Planning Commission.		X
B. Does the new or updated plan indicate <b>who was involved</b> in the current planning process?	Pg. 2 Appendix A	The Steering Committee was led by the Oneida Emergency Management agency and comprised of representatives from other tribal agencies: Geographic Land Information Systems, Brown County Health, Zoning, Land Development, Housing, Health and Safety, Department of Public Works, Community Health, Planning Department, Risk Management and the Police Department.  Appendix A provides copies of the sign-in sheets from each Steering Committee meeting.		X
C. Does the new or updated plan indicate <b>how the “public” was defined and involved?</b> How was the “public” defined? How was the “public” involved? Were they provided an opportunity to comment on the plan during the drafting stage and prior to the plan approval?	Pg. 3-4 Appendix B	The public for the Oneida Nation is defined as the General Tribal Council (GTC). Public meeting on May 11, 2016 at the Oneida Police Department. The plan and large displays of the critical facilities map and the mitigation action plan were on exhibit at the meeting. Appendix B provides copies of the sign-in sheets and comment forms.		X
D. Does the new or updated plan discuss the opportunity for other Indian Tribal governments, tribal and regional agencies, businesses, academia, nonprofits, neighboring communities, and other affected stakeholders and interested parties to be involved in the planning process?	Pg. 79-80	Lists the non-tribal agencies and organizations that are responsible parties for hazard mitigation actions listed in the plan, including county, state and NGO, private non-profit entities.		X

E. Does the updated plan document how the planning team reviewed and analyzed each section of the plan? <i>[Updates only.]</i>	Pg. vi-ix	Plan update summary—table clearly identifies how each section—planning process, risk assessment, mitigation strategy, and plan maintenance—has been updated for the new plan.		X
F. Does the updated plan indicate for each section of the plan whether or not it was revised as part of the update process? <i>[Updates only.]</i>	Pg. vi-ix	Plan update summary—table clearly identifies how each section—planning process, risk assessment, mitigation strategy, and plan maintenance—has been updated for the new plan.  Additional table summarizes updates to the mitigation actions—completed, on-going, removed, change in priority.		X
<b>SUMMARY SCORE</b>				X

**2. Program Integration**

**Requirement 201.7(c)(1)(iii) and (iv):** *[The plan shall:]*

*[include] (iii) Review and incorporation, if appropriate, of existing plans, studies, and reports; and*

*(iv) Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.*

Element	Location in the Plan (section or annex and page é)	Reviewer’s Comments	SCORE	
			N	S
A. Does the new or updated plan describe the review and incorporation, if appropriate, of existing plans, studies, and reports in the new or updated plan?	Pg. 4-5	Some of the primary documents reviewed and incorporated into the plan: Oneida Tribe of Wisconsin 2010-2015 Multi-Hazard Mitigation Plan (2010); Oneida Nation Emergency Response Plan (2010); Oneida Nation Code of Laws; State of Wisconsin Hazard Mitigation Plan (2011); Brown County, Wisconsin 2012 All Hazards Mitigation Plan		X
B. Does the new or updated plan describe how the Indian tribal mitigation plan is <b>integrated with other ongoing Indian tribal planning efforts?</b>	Pg. 86-87	The Oneida Nation plan will be incorporated into the EOP and Capital Improvement Projects plan. Oneida Emergency Management will work with the Oneida Business Committee and other departments to further incorporate and assimilate the pre-disaster mitigation plan into zoning and building codes, subdivision regulations, site review, permitting, staff training, and other appropriate planning tools.		X
C. Does the new or updated plan describe how the Indian tribal mitigation planning process is <b>integrated with FEMA mitigation programs and initiatives?</b>	Pg. 81, 87-88	Integration of the Oneida Nation plan will particularly focus on the Hazard Mitigation Assistance Program and the Disaster Mitigation Act of 2000. Review of the plan will be undertaken annually to determine eligible actions for FEMA pre-disaster mitigation funding.  The tribe has managed FEMA PDM grants in the past to support their mitigation planning efforts.		X
<b>SUMMARY SCORE</b>				X

**RISK ASSESSMENT: 201.7(c)(2):** *[The plan shall include a] risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Tribal risk assessments must provide sufficient information to enable the Indian Tribal government to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards.*

### 3. Identifying Hazards

**Requirement 201.7(c)(2)(i):** *[The risk assessment shall include a] description of the type ... of all natural hazards that can affect the tribal planning area.*

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe the <b>tribal planning area</b> ?	Pg. 7	Tribal profile section includes descriptive information on demographics, land use, critical infrastructure, housing, and includes maps depicting location, land use, and critical infrastructure.		X
B. Does the new or updated plan include a description of the <b>types of all natural hazards</b> that affect the tribal planning area?	Pg. 30-31	Natural hazards likely to affect the planning area: winter storm, strong wind, extreme cold, excessive heat, hail, flood, tornado, dense fog, drought, wildland fire.  Other natural hazards, less likely to affect the planning area: earthquake, landslide, subsidence.		X
<b>SUMMARY SCORE</b>				X

### 4. Profiling Hazards

**Requirement 201.7(c)(2)(i):** *[The risk assessment shall include a] description of the ... location and extent of all natural hazards that can affect the tribal planning area. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.*

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the risk assessment identify the <b>location</b> (i.e., geographic area affected) of each natural hazard addressed in the new or updated plan?	Pg. 32-54	Location for most hazards are discussed in broad terms, ie. county-wide/regional. Flooding is discussed in more specific terms as the sources for flooding are identified—local water sources and dams. A map of the floodplain on the tribal reservation is included on pg. 57		X
B. Does the risk assessment identify the <b>extent</b> (i.e., magnitude or severity) of each hazard addressed in the new or updated plan?	Pg. 32-54	Each hazard section includes extent of previous hazards.		X
C. Does the new or updated plan provide information on <b>previous occurrences</b> of each hazard addressed in the plan?	Pg. 32-54	Each hazard profiled in the plan includes past hazard events occurring over the past 16 years, data primarily sourced from the National Climatic Data Center.		X
D. Does the new or updated plan include the <b>probability of future events</b> (i.e., chance of occurrence) for each	Pg. 32-54	Each hazard profiled in the plan includes a short probability section, primarily look at previous occurrence as an indicator for future		

hazard addressed in the plan?		probability. There is a climate change section included however that indicates the changes in average annual temperatures and precipitation will increase frequencies in profiled hazards, particularly heatwaves, rainstorms, drought, and warmer winters. The plan identifies mitigation and adaptation strategies and includes climate change resources.		X
E. Does the updated plan address data deficiencies, if any, noted in the previously approved plan?		No data deficiencies noted.		
<b>SUMMARY SCORE</b>				X

**5. Assessing Vulnerability: Overview**

**Requirement 201.7(c)(2)(ii):** [The risk assessment **shall** include a] description of the Indian Tribal government's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description **shall** include an overall summary of each hazard and its impact on the tribe.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include an <b>overall summary</b> description of the Indian tribe's <b>vulnerability</b> to each hazard?	Pg. 54, 57-58	Table summarizing vulnerable areas for each hazard profiled within the tribal boundaries. Maps of parcels in the floodplain included on pg. 58.		X
B. Does the new or updated plan address the <b>impact</b> of each hazard on the Indian tribe?		Estimated losses based on 'worst case scenario' or 100% loss.		X
<b>SUMMARY SCORE</b>				X

**6. Assessing Vulnerability: Identifying Structures**

**Requirement 201.7(c)(2)(ii)(A):** [The plan **should** describe vulnerability in terms of the] types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe vulnerability in terms of the <b>types and numbers of existing</b> buildings, infrastructure, and critical facilities located in the identified hazard areas?		Not required.	N/A	
B. Does the new or updated plan describe vulnerability in terms of the <b>types and numbers of future</b> buildings, infrastructure, and critical facilities located in the identified hazard areas?		Not required.	N/A	
<b>SUMMARY SCORE</b>			N/A	

### 7. Assessing Vulnerability: Estimating Potential Losses

**Requirement 201.7(c)(2)(ii)(B):** [The plan **should** describe vulnerability in terms of an] estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan estimate <b>potential dollar losses</b> to vulnerable structures?		Not required.	N/A	
B. Does the new or updated plan describe the <b>methodology</b> used to prepare the estimate?		Not required.	N/A	
C. Does the updated plan reflect the effects of <b>changes in development</b> on loss estimates?		Not required.	N/A	
<b>SUMMARY SCORE</b>			N/A	

### 8. Assessing Vulnerability: Analyzing Development Trends

**Requirement 201.7(c)(2)(ii)(C):** [The plan **should** describe vulnerability in terms of a] general description of land uses and development trends within the tribal planning area so that mitigation options can be considered in future land use decisions.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe land uses and development trends within the tribal planning area?		Not required.	N/A	
B. Does the updated plan reflect changes in development for tribal lands in hazard prone areas within the tribal planning area?		Not required.	N/A	
<b>SUMMARY SCORE</b>			N/A	

### 9. Assessing Vulnerability: Assessing Cultural and Sacred Sites

**Requirement 201.7(c)(2)(ii)(D):** [The plan **should** describe vulnerability in terms of] cultural and sacred sites that are significant, even if they cannot be valued in monetary terms.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe significant cultural and sacred sites that are located in hazard areas?		Not required.	N/A	

SUMMARY SCORE

N/A

**MITIGATION STRATEGY: 201.7(c)(3):** *[The plan shall include a] mitigation strategy that provides the Indian Tribal government’s blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools.*

**10. Tribal Multi-Hazard Mitigation Goals**

**Requirement 201.7(c)(3)(i):** *[The mitigation strategy shall include a] description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.*

Element	Location in the Plan (section or annex and page é)	Reviewer’s Comments	SCORE	
			N	S
A. Does the new or updated plan include a description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards?	Pg. v. pg.61-62	1. Minimize human, economic, and environmental disruption from natural hazards. 2. Implement policies and programs designed to reduce or eliminate the impacts of natural hazards on people and property. 3. Enhance public education, training, and outreach about disaster resiliency and expand public awareness of natural hazards and their impact. 4. Enhance intergovernmental cooperation with surrounding counties and communities in hazard mitigation efforts and response to hazards and disasters. 5. Promote and enhance the use of natural resource protection measures as a means to reduce the impacts of natural hazards on people and property.		X
B. Does the updated plan demonstrate that the goals were evaluated and either remain valid or have been revised?		Plan states the mitigation goals were developed, reviewed, and updated by the Steering Committee.		X
<b>SUMMARY SCORE</b>				X

**11. Identification and Analysis of Tribal Mitigation Actions**

**Requirement 201.7(c)(3)(ii):** *[The mitigation strategy shall include a] section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.*

Element	Location in the Plan (section or annex and page é)	Reviewer’s Comments	SCORE	
			N	S
A. Does the new or updated plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?		A range of actions were developed to address each of the hazards discussed in the risk assessment- for example, storm water drainage projects, public outreach, GIS mapping for floodplains, enhanced coordination and communication efforts with emergency response entities; the table clearly identifies which actions correspond to each participating jurisdiction.		X

B. Do the identified actions and projects address reducing the effects of hazards on <b>new</b> buildings and infrastructure?	Pg. 63	One action that referred to enforcing land development through the Oneida Nation comprehensive plan.		X
C. Do the identified actions and projects address reducing the effects of hazards on <b>existing</b> buildings and infrastructure?	Pg. 65-77	Mitigation actions regarding community outreach to promote retrofitting (dry/wet flood proofing, ex.), development of a storm water management plan, and utilizing floodplain mapping.		X
<b>SUMMARY SCORE</b>				X

## 12. Implementation of Tribal Mitigation Actions

**Requirement: 201.7(c)(3)(iii):** [The mitigation strategy *shall* include an] action plan describing how the actions identified in section (c)(3)(ii) will be prioritized, implemented, and administered by the Indian Tribal government.

Element	Location in the Plan (section or annex and page)	Reviewer's Comments	SCORE	
			N	S
A. Does the mitigation strategy in the new or updated plan include how the actions are <b>prioritized</b> ? (For example, is there a discussion of the process and criteria used?)	Pg. 62	Actions prioritized as 'high, medium, low' based on based on factors such as hazard risk level, vulnerability, cost, timeline, and political will.		X
B. Does the mitigation strategy in the new or updated plan address how the actions will be <b>implemented and administered</b> , including the responsible agency, existing or potential resources, and the timeframe to complete each action?	Pg. 65-80 Pg. viii-ix	The mitigation action table identifies the responsible party and timeline for each mitigation measure.		X
C. Does the <b>updated</b> plan identify the completed, deleted, or deferred mitigation actions as a benchmark for progress, and if activities are unchanged (i.e., deferred), does the updated plan describe why no changes occurred?	Pg. 62	Plan lists completed actions since previous 2010 plan.		X
<b>SUMMARY SCORE</b>				X

### 13. Tribal Capability Assessment

**Requirement 201.7(c)(3)(iv):** [The mitigation strategy shall include a] discussion of the Indian Tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: An evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and a discussion of tribal funding capabilities for hazard mitigation projects.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan include an evaluation of the Indian Tribal government's <b>pre-disaster hazard management</b> laws, regulations, policies, programs, and capabilities?	Pg. 80-82	Oneida Nation has managed HMA grants in the past: PDM 2009 to develop the Oneida Tribe of Wisconsin 2010-2015 Multi-Hazard Mitigation Plan, and PDM 2015 to develop the Oneida Nation of Wisconsin 2015-2020 Pre-Disaster Mitigation Plan.		X
B. Does the new or updated plan include an evaluation of the Indian Tribal government's <b>post-disaster hazard management</b> laws, regulations, policies, programs, and capabilities?	Pg. 80	Chapter 35 of the Oneida Nation Code of Law defines the emergency management policies of the tribe to address planning, mitigation, response, and recovery.		X
C. Does the new or updated plan include an evaluation of the Indian Tribal government's laws, regulations, policies, programs, and capabilities <b>related to development</b> in hazard prone areas?	Pg. 80-82	The Oneida Nation is the zoning agent for all tribal lands and waters held in trust, held in fee status, all fee status lands under the control of individual Oneida members, all heirship lands and waters and all individual trust lands and waters within the present confines of the Oneida Reservation. The Business Committee, largely through the Zoning Department within the Development Division, has the duty and power to enforce land use provisions, ordinances, laws, and orders of the Oneida Nation.  -Floodplain management ordinance- (Oneida Nation Code of Laws, Chapter 69.31-7 – Existing Structures in the Floodplain); -Oneida's Zoning and Shoreland Protection Law; -Oneida's Building Code		X
D. Does the new or updated plan include a discussion of the Indian Tribal government's <b>funding capabilities</b> for hazard mitigation projects?	Pg. 80, 82-83	The Oneida Nation has an annual budget with income sources from gaming, retail, hotels, grants, interest income, loans, and other sources. Hazard mitigation projects are funded from this budget. Additional funding can be requested through the Business Committee.		X
E. Does the updated plan address any hazard management laws, policies, programs, capabilities, or funding capabilities of the Indian Tribal government's that have changed since approval of the previous plan?	Pg. 62	Oneida Nation completed updates to their Comprehensive Plan and Emergency Response Plan; developed SOPs for the Emergency Management department; developed service agreements with neighboring counties, cities, and the state.		X
<b>SUMMARY SCORE</b>				X

#### 14. Tribal Funding Sources

**Requirement 201.7(c)(3)(v):** [The mitigation strategy **shall** include an] identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan identify <b>current</b> sources of Federal, tribal, or private funding to implement mitigation activities?	Pg. 82-83	Mitigation actions that fall under the responsibility of other Oneida departments would be funded through the budgets of those particular department. Additional funds needed for large, capital expenditures must be requested from the Business Committee.		X
B. Does the new or updated plan identify <b>potential</b> sources of Federal, tribal, or private funding to implement mitigation activities?	Pg. 82-83	The Oneida Grants Office works to maximize external resources available to the Oneida Nation, potential funding sources identified in the plan: BA, HMA, EMPG, ICDBG, CDBG, EPA, USFW, and state grants and programs.		X
C. Does the updated plan identify the sources of mitigation funding used to implement activities in the mitigation strategy since approval of the previous plan?	Pg. 82-83	Mitigation actions that fall under the responsibility of their respective Oneida departments were funded through the budgets of those particular departments.		X
<b>SUMMARY SCORE</b>				X

#### PLAN MAINTENANCE PROCESS

##### 15. Monitoring, Evaluating, and Updating the Plan

**Requirement 201.7(c)(4)(i):** [The plan maintenance process **shall** include a] section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe the method and schedule for <b>monitoring</b> the plan, including how, when, and by whom (e.g., the responsible agency)?	Pg. 79	Oneida Emergency Management will oversee the implementation, evaluation, and maintenance of the mitigation action plan, with oversight from the Oneida Nation Business Committee, with assistance from Oneida Nation Departments, and with input from the Tribal Council.		X
B. Does the new or updated plan describe the method and schedule for <b>evaluating</b> the plan, including how, when, and by whom (e.g., the responsible agency)?	Pg. 85-86	Annual and post-disaster reviews by Oneida Emergency Management, the Emergency Planning Committee, and other Oneida departments will be used to review progress on achieving goals and ensure activities and projects are being implemented as identified in the plan.		X

C. Does the new or updated plan describe the method and schedule for <b>updating</b> the plan, including how, when, and by whom (e.g., the responsible agency), within the 5-year cycle?	Pg. 85-86	A plan update will be completed every five years by Oneida Emergency Management and the plan Steering Committee. The plan update will involve evaluating the current plan's hazard risks and mitigation strategy.		X
D. Does the updated plan include an analysis of whether the previously approved plan's method and schedule worked, and what elements or processes, if any, were changed for the next 5 years?	Pg. vii	The plan indicates the plan maintenance process and maintenance schedule was updated for this plan iteration but doesn't elaborate on what was changed from the previous plan.		X
<b>SUMMARY SCORE</b>				X

### 16. Monitoring Progress of Mitigation Activities

**Requirement 201.7(c)(4)(ii):** [The plan maintenance process shall include a] system for monitoring implementation of mitigation measures and project closeouts.

**Requirement 201.7(c)(4)(v):** [The plan maintenance process shall include a] system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan describe how mitigation measures and project closeouts will be <b>monitored</b> ?	Pg. 85	On at least an annual basis, Oneida Emergency Management will meet with the Emergency Planning Committee and relevant Oneida departments to evaluate progress on each mitigation strategy. Annual and semi-annual progress reports will be compiled and presented to the General Tribal Council at regular meetings in January or July.		X
B. Does the new or updated plan identify a <b>system for reviewing progress</b> on achieving goals and implementing activities and projects in the Mitigation Strategy?	Pg. 85	Oneida Emergency Management will maintain progress reports on all mitigation projects. The monitoring process will ensure that identified mitigation actions are being implemented, it will provide a process for proposed project timelines to be reviewed and revised, and will ensure that mitigation projects are properly closed out.		X
C. Does the updated plan describe any modifications, if any, to the system identified in the previously approved plan to track the initiation, status, and completion of mitigation activities?	Pg. vii	The plan indicates the plan maintenance process and maintenance schedule was updated for this plan iteration but doesn't elaborate on what was changed from the previous plan.		X
D. Does the updated plan discuss whether mitigation actions were implemented as planned?	Pg. 62	Plan lists the mitigation actions that are either completed or current since the previous 2010 mitigation plan.		X
<b>SUMMARY SCORE</b>				X

### 17. Incorporation into Existing Planning Mechanisms

**Requirement 201.7(c)(4)(iii):** [The plan maintenance process *shall* include a] process by which the Indian Tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan identify <b>other tribal planning mechanisms</b> available for incorporating the requirements of the mitigation plan?	Pg. 86-87	The hazard mitigation plan will be utilized for incorporation into a number of other plans including the following: the Oncida Emergency Operation Plan, the Oncida Capital Improvement Projects plan, the Oncida department plans and budgets.		X
B. Does the new or updated plan include a <b>process by which the Indian Tribal government will incorporate the mitigation strategy</b> and other information contained in the plan (e.g., risk assessment) into other planning mechanisms, when appropriate?	Pg. 86-87	Oncida Emergency Management will work with the Oncida Business Committee and other departments to further incorporate and assimilate the pre-disaster mitigation plan into zoning and building codes, subdivision regulations, site review, permitting, staff training, and other appropriate planning tools.		X
<b>SUMMARY SCORE</b>				X

### 18. Continued Member and Stakeholder Involvement

**Requirement 201.7(c)(4)(iv):** [The plan maintenance process *shall* include a] discussion on how the Indian Tribal government will continue public participation in the plan maintenance process.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan explain how <b>continued public participation</b> will be obtained? (For example, will there be public notices, an on-going mitigation plan committee, or annual review meetings with stakeholders?)	Pg. 88	Continued stakeholder and public involvement will be achieved by inviting the members of the Steering Committee, as well as potential new members, to assist and provide input during the semi-annual review process for the plan. Information about hazard mitigation will continue to be provided to the public at annual General Tribal Council meetings.		X
<b>SUMMARY SCORE</b>				X

**PREREQUISITES****19. Adoption by the Tribal Governing Body (Single Indian Tribal government)**

**Requirement 201.7(c)(5):** *The plan must be formally adopted by the governing body of the Indian Tribal government prior to submitting to FEMA for final review and approval.*

**Requirement 201.7(c)(6):** *[The plan must include] assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.*

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Has the Indian tribal governing body formally adopted the new or updated plan?		Pending review		
B. Is supporting documentation, such as a resolution, included with the new or updated plan?		Pending review		
C. Does the new or updated plan provide assurances that the Indian Tribal government will continue to comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 44 CFR 13.11(d)?	Pg. 2	The plan states the Onaida Nation will continue to comply with all applicable Federal statutes and regulations in effect with respect to the periods in which it receives grant funding, in compliance with 44 CFR 13.11(c).		X
<b>SUMMARY SCORE</b>				

**20. Multi-Jurisdictional Plan Adoption (Multiple Indian Tribal governments)**

**Requirement 201.7(a)(4):** Multi-jurisdictional plans (e.g., county-wide or watershed plans) may be accepted, as appropriate, as long as each Indian Tribal government...has officially adopted the plan.

**Requirement 201.7(c)(5):** The plan **must** be formally adopted by the governing body of the Indian Tribal government prior to submittal to FEMA for final review and approval.

**Requirement 201.7(c)(6):** [The plan **must** include] assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Does the new or updated plan indicate the specific Indian Tribal government(s) represented in the plan?		N/A	N/A	
B. For each Indian Tribal government(s), has the governing body adopted the new or updated plan?		N/A	N/A	
C. Is supporting documentation, such as a resolution, included for each participating Indian Tribal government(s)?		N/A	N/A	
D. Does the new or updated plan provide assurances that the Indian Tribal government will continue to comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 44 CFR 13.11(d)?		N/A	N/A	
<b>SUMMARY SCORE</b>			N/A	

**21. Multi-Jurisdictional Planning Participation (*Multiple Indian Tribal governments*)**

**Requirement 201.7(a)(4):** *Multi-jurisdictional plans (e.g., county-wide or watershed plans) may be accepted, as appropriate, as long as each Indian Tribal government has participated in the process... Indian Tribal governments must address all the elements identified in [44 CFR 201.7] to ensure eligibility as a grantee or as a subgrantee.*

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Does the new or updated plan describe <b>how</b> each Indian Tribal government participated in the plan's development?		N/A	N/A	
B. Does the updated plan identify all participating Indian Tribal governments, including new and continuing Indian Tribal government(s) and any Indian Tribal government(s) that no longer participate in the plan?		N/A	N/A	
C. Does each participating Indian Tribal government participating in the new or updated mitigation plan meet all of the elements identified in the <i>Tribal Multi-Hazard Mitigation Plan Review Crosswalk</i> for their tribal planning area? Has a separate crosswalk for participating Indian Tribal government(s) been completed, and are all elements "Met" or "S"?		N/A	N/A	
<b>SUMMARY SCORE</b>			N/A	

**REPETITIVE LOSS STRATEGY (OPTIONAL)****22. Repetitive Loss Strategy**

**Requirement 201.7(c)(3)(vi):** *An Indian Tribal government applying to FEMA as a grantee may request the reduced cost share authorized under 79.4(c)(2) of this chapter of the FMA and SRL programs if they have an approved Tribal Mitigation Plan meeting the requirements of this section that also identifies actions the Indian Tribal government has taken to reduce the number of repetitive loss properties (which must include severe repetitive loss properties), and specifies how the Indian Tribal government intends to reduce the number of such repetitive loss properties. [Note: While submittal of a Repetitive Loss Strategy is optional, if the Indian Tribal government wants to request the reduced cost share authorized under 44 CFR 79.4(c)(2) for the FMA and SRL programs as a grantee, then all of the following requirements must be met.]*

Element	Location in the Plan (section or annex and page é)	Reviewer's Comments	SCORE	
			N	S
A. Does the new or updated plan address repetitive loss properties in its risk assessment (see 201.7(c)(2))?		N/A	N/A	
B. Does the new or updated plan describe the Indian Tribal government's mitigation goals that support the selection of mitigation activities for repetitive loss properties (see 201.7(c)(3)(i))?		N/A	N/A	
C. Does the new or updated plan identify mitigation actions for repetitive loss properties (see 201.7(c)(3)(iii))?		N/A	N/A	
D. Does the new or updated plan describe specific actions that have been implemented to mitigate repetitive loss properties, including actions taken to reduce the number of severe repetitive loss properties?		N/A	N/A	
E. Does the new or updated plan consider repetitive loss properties in its evaluation of the Indian Tribal government's hazard management laws, regulations, policies, programs, and capabilities and its general description of mitigation capabilities (see 201.7(c)(3)(iv))?		N/A	N/A	
Does the new or updated plan identify current and potential sources of Federal, tribal, or private funding to implement mitigation activities for repetitive loss properties (see 201.7(c)(3)(v))?		N/A	N/A	
<b>SUMMARY SCORE</b>			N/A	



**STATE OF WISCONSIN**  
**DEPARTMENT OF MILITARY AFFAIRS**  
**DIVISION OF EMERGENCY MANAGEMENT**

Brian M. Satula  
Administrator

Scott Walker  
Governor

May 26, 2016

Ms. Kaylynn Gresham, Director  
Oneida Nation Emergency Management  
PO Box 365  
Oneida, WI 54155

Dear Kaylynn:

I am pleased to inform you that the *Oneida Nation of Wisconsin 2015-2020 Pre-Disaster Mitigation Plan* update meets the requirements of 44 CFR §201.6 and §78.5. Enclosed is the completed Tribal Multi-Hazard Mitigation Plan Review Crosswalk.

The Oneida Nation of Wisconsin updated the plan utilizing an FFY 2014 PDM planning grant. Upon final approval of the plan, the Nation will be eligible to apply for mitigation funds through the Hazard Mitigation Grant Program, Pre-Disaster Mitigation program, and Flood Mitigation Assistance program.

If you have questions, please call me at 608-242-3222 or Roxanne Gray at 608-242-3211.

Sincerely,

A handwritten signature in black ink that reads "K Sommers".

Katie Sommers, CFM  
State Hazard Mitigation Officer  
Wisconsin Emergency Management

Enclosures

Cc: Christine Meissner, FEMA Region V Planning Specialist  
Angela Kowalzek-Adrians, Bay Lake Regional Planning Commission Nat. Res. Planner  
Steve Fenske, East Central Regional Emergency Management Director  
Becky Powers, East Central Regional Office Operations Associate

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 approval to appoint Beverly Anderson (finish term until 10-18-19) and Twylite Moore to serve on the Oneida Police Commission.

## 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  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



TO: ONEIDA BUSINESS COMMITTEE  
FROM: CHAIRWOMAN TINA DANFORTH *CSD*  
DATE: AUGUST 16, 2016  
RE: ONEIDA POLICE COMMISSION

There are 2 applicants for 2 vacancies on the Oneida Police Commission. The one vacancy is to finish term until 10-18-19. The applicants are Twylite Moore and Beverly Anderson.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Beverly Anderson (finish term until 10-18-19) and Twylite Moore to be appointed to serve on the Oneida Police Commission.

Thank You.



## Memorandum

To: Oneida Business Committee  
From: Kathleen Metoxen, Executive Tribal Clerk  
Date: August 18, 2016  
Re: Oneida Police Commission vacancies

---

This memo is to inform you of the applicants for each vacancy posting for the Oneida Police Commission.

Posting deadline: June 20, 2016 for (1) one vacancy with (1) one application: Twylite Moore.

Posting deadline: July 2, 2016 for (1) one vacancy to finish the term until 10/18/19 with (1) one application: Beverly Anderson.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 16

2. General Information:

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

[Empty text box]

Agenda Header: Appointments

Accept as Information only

Action - please describe:

BC approval to appoint Jennifer L. Hill and Michael Denny to serve on the Oneida Library Board.

3. Supporting Materials

Report  Resolution  Contract

Other:

1. 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: Cristina Danforth, Tribal Chairwoman

Primary Requestor/Submitter: Submitted by Lora Skenandore, Assistant to Chairwoman  
Your Name, Title / Dept. or Tribal Member

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

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



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



TO: ONEIDA BUSINESS COMMITTEE  
FROM: CHAIRWOMAN TINA DANFORTH *CSA*  
DATE: AUGUST 16, 2016  
RE: ONEIDA LIBRARY BOARD

There are 3 applicants for 2 vacancies on the Oneida Library Board. The applicants are Marjorie Stevens, Jennifer L. Hill, and Michael Denny.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Jennifer L. Hill and Michael Denny to be appointed to serve on the Oneida Library Board .

Thank You.



## Memorandum

To: Oneida Business Committee  
From: Kathleen Metoxen, Executive Tribal Clerk  
Date: August 18, 2016  
Re: Oneida Library Board vacancies

---

This memo is to inform you of the applicants for each vacancy posting for the Oneida Library Board.

Posting deadline: June 20, 2016 for (1) one vacancy with (2) two applications: Jennifer L. Hill and Michael Denny.

Posting deadline: July 15, 2016 for (1) one vacancy with (1) one application: Marjorie Stevens.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 approval to appoint Peter Stevens to serve on 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/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



TO: ONEIDA BUSINESS COMMITTEE

FROM: CHAIRWOMAN TINA DANFORTH *TSD*

DATE: AUGUST 16, 2016

RE: SEOTS ADVISORY BOARD

There are 2 applicants for 1 vacancy on the SEOTS Board. The applicants are Peter Stevens and Jacki Rupp.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Peter Stevens to be appointed to serve on the SEOTS Board .

Thank You.





Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



TO: ONEIDA BUSINESS COMMITTEE  
FROM: CHAIRWOMAN TINA DANFORTH  
DATE: AUGUST 16, 2016  
RE: ONEIDA POW WOW COMMITTEE

*CSD*

There is 1 applicant for 1 vacancy on the Oneida Pow Wow Committee. The applicant is Teresa Schuman.

The candidate is qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Teresa Schuman to be appointed to serve on the Oneida Pow Wow Committee.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 approval to appoint Melinda K. Danforth (finish term until 05-27-19) and Wesley Martin Jr. to serve on the Child Protective 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:   
Your Name, Title / Dept. or Tribal Member

Additional Requestor:   
Name, Title / Dept.

Additional Requestor:   
Name, Title / Dept.



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TO: ONEIDA BUSINESS COMMITTEE  
FROM: CHAIRWOMAN TINA DANFORTH *CSD*  
DATE: AUGUST 16, 2016  
RE: ONEIDA CHILD PROTECTIVE BOARD

There are 11 applicants for 2 vacancies on the Child Protective Board. The one vacancy is to finish term until 05-27-19. The applicants are Justine Hill, Melinda K. Danforth, Dakota Webster, Connie Doxtater, Sunshine Wheelock, Aaron Manders and Gina Buenrostro.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Melinda K. Danforth (finish term until 05-27-19) and Wesley Martin Jr. to be appointed to serve on the Child Protective Board.

Thank You.



## Memorandum

To: Oneida Business Committee  
From: Kathleen Metoxen, Executive Tribal Clerk  
Date: August 18, 2016  
Re: Oneida Child Protective Board vacancies

---

This memo is to inform you of the applicants for each vacancy posting for the Oneida Child Protective Board.

Posting deadline: June 6, 2016 for (1) one vacancy to finish the term until 5/27/19 with (7) seven applications: Justine Hill, Melinda K. Danforth, Dakota Webster, Connie Doxtater, Sunshine Wheelock, Aaron Manders and Gina Buenrostro. The Board made a recommendation for Gina Buenrostro to be appointed.

Posting deadline: June 20, 2016 for (1) one vacancy with (4) four applications: Dakota Webster, Twylite Moore, Wesley Martin Jr. and Jennifer L. Hill. The Board made a recommendation for Wesley Martin Jr. to be appointed.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 16

## 2. General Information:

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

Agenda Header: Appointments

Accept as Information only

Action - please describe:

BC approval to appoint Leland Wigg-Ninham (finish term until 06-10-20) and Eric Krawczyk and Jennifer L. Hill to serve on the Oneida Personnel Commission.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. Memo

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Cristina Danforth, Tribal Chairwoman

Primary Requestor/Submitter:

Submitted by Lora Skenandore, Assistant to Chairwoman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



TO: ONEIDA BUSINESS COMMITTEE  
FROM: CHAIRWOMAN TINA DANFORTH *CSAD*  
DATE: AUGUST 16, 2016  
RE: ONEIDA PERSONNEL COMMISSION

There are 7 applicants for 5 vacancies on the Oneida Personnel Commission. The one vacancy is to finish term until 6-10-20. The applicants are Cherie Elm, Leland Wigg-Ninham (twice), Cheryl Stevens, Eric Krawczyk, Jennifer L. Hill and Richard Elm-Hill.

The candidates are qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Leland Wigg-Ninham (finish term 06-10-20), Eric Krawczyk and Jennifer Hill to be appointed to serve on the Oneida Personnel Commission.

Thank You.



## Memorandum

To: Oneida Business Committee  
From: Kathleen Metoxen, Executive Tribal Clerk  
Date: August 18, 2016  
Re: Personnel Commission vacancies

---

This memo is to inform you of the applicants for each vacancy posting for the Oneida Personnel Commission.

Posting deadline: June 20, 2016 for (4) four vacancies with (3) three applications: Jennifer L. Hill, Erik Krawczyk and Leland Ninham.

Posting deadline: July 15, 2016 for (2) two vacancies (1 full term and 1 to finish a term until 6/10/20 with (4) four applications: Cherie Elm, Leland Wigg-Ninham, Richard Elm-Hill and Cheryl Stevens.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 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 August 3, 2016 LOC 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: Jennifer Falck

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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



Oneida Nation  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[Oneida-nsn.gov](http://Oneida-nsn.gov)



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center

August 3, 2016 9:00 a.m.

**Present:** Brandon Stevens, David P. Jordan, Jennifer Webster, Fawn Billie, Tehassi Hill

**Others Present:** Jennifer Falck, Taniquelle Thurner, Maureen Perkins, Krystal John, Danelle Wilson, Rae Skenandore, Nancy Barton, Bradley Graham, Tonya Webster, Mike Debraska (via SEOTS), Rhiannon Metoxen

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

Brandon Stevens called the August 3, 2016 Legislative Operating Committee meeting to order at 9:43 a.m.

Motion by Tehassi Hill to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

### II. Minutes to be approved

#### 1. July 20, 2016 LOC Meeting Minutes

Motion by Jennifer Webster to approve the July 20, 2016 LOC meeting minutes; seconded by David P. Jordan. Motion carried with one abstention (Tehassi Hill).

### III. Current Business

#### 1. Mortgage and Foreclosure

Motion by Jennifer Webster to approve the Mortgage and Foreclosure adoption packet and forward to the Oneida Business Committee for consideration; seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to forward the resolution titled “Defining Comprehensive Housing Division in the Mortgage and Foreclosure Law” to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

#### 2. Marriage Rules

Motion by Fawn Billie to certify that the Marriage License Fee Schedule (Rule #1) and Marriage Law Fine Schedule (Rule #2), rules have been promulgated in accordance with the Administrative Rulemaking law; and to forward the rules to the Oneida Business Committee for review, seconded by Tehassi Hill. Motion carried unanimously.

#### 3. Petition: Debraska – Per Capita Distribution

Motion by Jennifer Webster to accept the updated statement of effect for Petition-Debraska Per Capita Distribution and forward to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

**IV. New Submissions**

**1. Conflict of Interest Policy Emergency Amendments**

Motion by David P. Jordan to approve the Conflict of Interest Policy Emergency Amendments resolution and forward to the Oneida Business Committee for consideration; seconded Jennifer Webster. Motion carried unanimously.

**2. LOC Priorities**

Motion by Jennifer Webster to accept the LOC Priorities memo and forward to the Oneida Business Committee as FYI, with the noted changes, seconded by Fawn Billie. Motion carried unanimously.

*Note: The changes included deleting two laws which were listed twice, adding the Research Protection Act back onto the Active Files List as a medium priority, and to remove Garnishment Law Amendments from the list, as that item is complete.*

**3. FY 17 Budget Statement of Effect**

Motion by David P. Jordan to enter into the record the e-poll results approving the FY17 Budget Statement of Effect; seconded by Tehassi Hill. Motion carried unanimously.

**V. Additions**

**VI. Administrative Updates**

**VII. Executive Session**

**VIII. Recess/Adjourn**

Motion by David P. Jordan to adjourn the August 3, 2016 Legislative Operating Committee meeting at 10:22 a.m.; seconded by Fawn Billie. Motion carried unanimously.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 approval of Finance Committee Meeting Minutes of Aug 15, 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: 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 NATION

P.O. Box 365

Oneida, WI 54115

## **MEMORANDUM**

**TO:** Finance Committee

**CC:** Business Committee

**FR:** Denise Vigue, Executive Assistant

**DT:** August 15, 2016

**RE:** **E-Poll Results of: FC Meeting Minutes of Aug. 15, 2016**

An E-Poll vote of the Finance Committee was conducted today to approve the August 15, 2016 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

### **E-POLL RESULTS:**

**There was a Majority 4 YES votes from Chad Fuss, Larry Barton, David Jordan and Wesley Martin, Jr. to approve the August 15, 2016 Finance Committee Meeting Minutes.**

The minutes will be placed on the next BC agenda of August 24, 2016 for approval and the next Finance Committee agenda of September 6, 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 FINANCE COMMITTEE

## FC WORK MEETING

Aug. 15, 2016 – 8:30 A.M.  
BC Executive Conference Room

## FINANCIAL PLANNING MEETING

Aug. 15, 2016 – 9:00 A.M.  
BC Executive Conference Room

## REGULAR MEETING

Aug 15, 2016 – 10:00 A.M.  
BC Executive Conference Room

## REGULAR MEETING MINUTES

---

### **FC Work Meeting:**

Patricia King, Treasurer/FC Chair	Larry Barton, CFO/FC Vice-Chair
David Jordan, BC Council Member	Chad Fuss, Gaming AGM/FC Alternate
Wesley Martin, Jr., Community Elder Member	

**Excused:** Jenny Webster, BC Council Member and Patrick Stensloff, Purchasing Director

**Others Present:** Jennifer Falck, Krystal John & Ralinda Ninham-Lamberies

### **FC Financial Planning Meeting:**

Patricia King, Treasurer/FC Chair	Larry Barton, CFO/FC Vice-Chair
David Jordan, BC Council Member	Louise Cornelius, GGM
Chad Fuss, Gaming AGM/FC Alternate	Wesley Martin, Jr., Community Elder Member

**Excused:** Jenny Webster, BC Council Member and Patrick Stensloff, Purchasing Director

**Others Present:** Jennifer Falck, Krystal John & Ralinda Ninham-Lamberies

### **FC Regular Meeting:**

Patricia King, Treasurer/FC Chair	Larry Barton, CFO/FC Vice-Chair
David Jordan, BC Council Member	Chad Fuss, Gaming AGM/FC Alternate
Wesley Martin, Jr., Community Elder Member	

**Excused:** Jenny Webster, BC Council Member and Patrick Stensloff, Purchasing Director

**Others Present:** Connie Danforth, Sandy Sieloff, David Emerson, Carla Witkowski, Leanne Baeten, Laura Manthe, Sheena Danforth, Sandra Schuyler and Denise Vigue, FC recording secretary

**I. Call to Order:** The Regular FC meeting was called to order by the FC Chair at 10:02 A.M.

### **II. Approval of Agenda: AUGUST 15, 2016:**

Motion by Wesley Martin, Jr. to approve the Finance Committee agenda for August 15, 2016 with one ADD ON under Donations. Seconded by David Jordan. Motion carried unanimously.

Motion by David Jordan to ADD ON the amended Community Fund SOP's to the agenda. Seconded by Chad Fuss. Motion carried unanimously.

### **III. Approval of Minutes: AUGUST 1, 2016 (approved via FC E-Poll on 8/3/16):**

Motion by Wesley Martin, Jr. to ratify the FC E-Poll action of August 3, 2016 approving the Finance Committee meeting minutes of August 1, 2016. Seconded by David Jordan. Motion carried unanimously.

### **IV. Add On: Finance Committee's Community Fund SOP's - Amended**

In order to provide greater clarification to the purpose, usages, and qualifications of the Community Fund the Finance Committee has been working for several months on amending the Standard Operating Procedures for this fund. It was noted that there are gaps in services in meeting all the needs of Oneida members and the Finance Committee will continue to work with others areas such as the Trust Department and Quality of Life Committee to help identify funds to address the service gaps.

Motion by Wesley Martin, Jr. to approve the amended Community Fund SOP's. Seconded by Chad Fuss. Motion carried unanimously.

#### V. Tabled Business:

Motion by Chad Fuss to take items 1-5 off the table for discussion. Seconded by Larry Barton. Motion carried unanimously.

- |  |                |
|--|----------------|
| 1. <u>Laptop Purchase</u><br>Michael Debraska  | Amount: \$300. |
| 2. <u>I-Pad Pro Purchase</u><br>Beverly Somers | Amount: \$300. |
| 3. <u>I-Pad Pro Purchase</u><br>Daniel Miller  | Amount: \$300. |
| 4. <u>I-Pad Air Purchase</u><br>B.Jan Frion    | Amount: \$300. |
| 5. <u>I-Pad Purchase</u><br>William Graham     | Amount: \$300. |

Motion by Chad Fuss to deny items 1-5 as they do not qualify under the Community Fund guidelines/SOP's as amended and to refer all requests to the Trust Department for follow up when the Disability Endowment is completed. Seconded by Wesley Martin, Jr. Motion carried unanimously.

Motion by Wesley Martin Jr. to take Tabled item #6 off the table for discussion. Seconded by Chad Fuss. Motion carried unanimously.

- |   |                |
|---|----------------|
| 6. <u>I-Pad Air Purchase for special needs child</u><br>Sheena Danforth | Amount: \$300. |
|---|----------------|

Sheena was present for the discussion of this item. As noted by the Finance Committee the Community Fund SOP's have been updated to provide clarification of: intent; use; qualifications and areas not covered. Unfortunately this request's intent is not covered, but does point out the gap in services for tribal members with special needs children. The Treasurer can follow up with other areas to see if there is something can be done to meet this request and others like it.

Motion by Chad Fuss to deny this request as it does not qualify under the Community Fund guidelines/SOP's as amended. Seconded by David Jordan. Motion carried unanimously.

#### VI. Capital Expenditures: No items

#### VII. New Business:

1. Valley Bay Therapies – PO Increase  
Connie Danforth, AJRCCC Coordinator

The PO's increase is being requested to cover costs to the end of FY16; more services needed but also revenue also increasing.

Motion by David Jordan to approve the Valley Bay Therapies' Purchase Order increase in the amount of \$125,000.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

- |  |                   |
|--|-------------------|
| 2. <u>Everi Games, Inc. – PO Increase</u><br>David Emerson, Gaming Slots Dept. | Amount: \$30,000. |
|--|-------------------|

Nominal increase to this PO being requested to provide additional multimedia games to meet the demands of the customers.

Motion by David Jordan approve the Everi Games, Inc. Purchase Order increase in the amount of \$30,000.00. Seconded by Wesley Martin, Jr. Motion carried unanimously.

3. First Data Business Solutions

Fawne Teller, Gaming Bingo Dept.

No one present from Bingo to discuss this request; Chad Fuss not sure why it is on the agenda as there is really no requested amount; item is for credit card processing that is in compliance with new chip cards; if there is action perhaps accept as FYI.

Motion by Larry Barton to approve the First Data Business Solutions contract. Seconded by Wesley Martin, Jr. Motion carried unanimously.

4. Oneida Generations LLC-Travel Ctr Lease

David Emerson, Gaming Slots

Gaming preparing for FY17 Purchase Orders this is for the lease payments to Oneida Generations, LLC for the Travel Center.

Motion by Larry Barton to approve the Travel Center Lease in the amount of \$500,796.00. Seconded by David Jordan. Motion carried unanimously.

5. C.E.S.A. 7 –Special Ed Services

Carla Witkowski, BIA Early Intervention

Program have used these services in the past but this year the amount is over \$50,000 so presenting it to the Finance Committee; as from a few weeks ago, this is another portion of therapy services; it is 100% BIA funded; legal questions/issues have been resolved.

Motion by David Jordan to approve the C.E.S.A. 7 contract for special educational services in the amount of \$50,294.00. Seconded by Larry Barton. Motion carried unanimously.

**VIII. Donation Requests /Reports:**

**Note: Both items reviewed before New Business.**

1. St. John's Homeless Shelter/Micah-Event

Requestor: Alexia Wood, SJHS

Leanne Baeten was present to explain need and to request a donation for their second annual fundraising gala event; seeking corporate sponsors; from their figures of homeless served last year of the 451 people service approximately 50 self-described as being Native American.

Motion by Larry Barton to approve from the Finance Committee Donations Line \$2,000.00 to go toward the Gala Fundraising Event for the St. John's Homeless Shelter/Micah Center. Seconded by David Jordan. Motion carried unanimously.

2. **Add On:** Braiding the Sacred Community Event

Requestor: Laura Manthe, Intertribal Ag. Council

Laura Manthe was present to discuss the history of the volunteers for this community traditional teaching and the Braiding the Sacred event in Oneida next month; volunteers purchased all equipment, planted corn & prepare the harvest with community help. They have also done other fundraising.

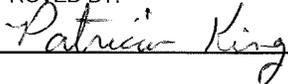
Motion by Wesley Martin, Jr. to approve from the Finance Committee Donations Line \$1,000.00 to go toward the Braiding the Sacred fundraising/educational event in September. Seconded by David Jordan. Motion carried unanimously.

**IX. Executive Session:**

Motion by Larry Barton to move into Executive Session. Seconded by Chad Fuss. Motion carried unanimously. Time: 10:27 A.M.

Motion by Larry Barton to come out of Executive Session. Seconded by Wesley Martin, Jr. Motion carried unanimously. Time: 10:35 A.M.



<b>ONEIDA NATION STANDARD OPERATING PROCEDURE</b>	<b>TITLE:</b>  <b>Oneida Nation/ COMMUNITY FUND</b>	Amendment Date:  <b>Aug 1, 2016</b>
Unit Number: <b>4222006</b>	APPROVED BY: <b>Finance Committee Action</b>	DATE: <b>Aug. 15, 2016</b>
Lawrence Barton, Chief Financial Officer	APPROVED BY: 	DATE: <b>8/15/16</b>
Patricia King, Treasurer	APPROVED BY: 	DATE: <b>8-15-16</b>
AUTHOR: Denise J. Vigue		
PAGE NO: 1 of 4		

1 **PURPOSE:** To set a standardized process for Oneida community member requests for funds and Coca-Cola Products from the Oneida Nation/Community Fund, herein referred to as the **"Community Fund."** The Oneida Nation, the Office of the Treasurer, the Finance Committee, and Coca-Cola wish to show our commitment to the membership and community while providing monetary and product assistance to support the following interests, identified by the Oneida Nation and the Finance Committee:

1. Self-Development
2. Community Events
3. Fundraising Activities

2 **DEFINITIONS:**

- 2.1 **Requester-** Person(s) asking for donation/sponsorship; or person(s) representing an organization asking for a donation/sponsorship.
- 2.2 **Designee** – Person appointed by Finance Committee to process the paperwork required to administer the Community Fund.
- 2.3 **Self-Development** – Activities that promote positive physical, mental, social, and educational well-being of Oneida Tribal members.
- 2.4 **501(c)(3) Non-profit** – Charitable and non-profit organizations as defined by the Internal Revenue Code.
- 2.5 **Twelve-month period** - The time period measured by a fiscal year for the Oneida Tribe.
- 2.6 **First come, first served basis** – Completed and accepted as completed, request forms.

3 **WORK STANDARDS / PROCEDURES**

- 3.1 **All requests for funding shall be submitted in writing to the designee of the Finance Committee. The requester will complete a Community Fund Request Form, and will require the following information:**
  - 3.1.1 Individual requests include: name of requestor, address, telephone/cell numbers, e-mail address, and social security number.

- 3.1.2 Group requests include: name of group, address, telephone/cell numbers, e-mail address, and EIN (W9 must be included)
  - 3.1.3 Reason for the request/type of request
  - 3.1.4 Amount requested
  - 3.1.5 Date payment is needed
  - 3.1.6 Copy of all receipts paid regarding request
  - 3.1.7 List any other efforts to acquire funding and results including: All denial /acceptance letters from other programs/agencies/sources.
  - 3.1.8 Social security number for the individual or Federal ID number for the organization. (W-9 required)
  - 3.1.9 All recipients of requests must be Oneida enrolled members.
  - 3.1.10 If request is on behalf of a minor child the name and enrollment number of the child must be completed and submitted by parent/guardian. (copy of Oneida enrollment must be included)
  - 3.1.11 If request is approved a follow up report is required
- 3.2 The requester will return the completed Community Fund Request Form to the designee of the Finance Committee, who will do the following:**
- 3.2.1 Acknowledge the receipt of the request form
  - 3.2.2 Place on the agenda of the first Finance Committee meeting of the month.
- 3.3 When the request is approved or denied, the designee of the Finance Committee performs the following:**
- 3.3.1 Notify the requester of the approval or denial of the request
  - 3.3.2 If approved, prepares the paperwork for disbursement.
    - 3.3.3 Enters the information into the AS400 for approvals using the correct fund unit number.
- 3.4 Distribution Amounts**
- 3.4.1 Annual Maximum Amounts will be determined as the greater of 50% of the earned income of the Oneida Community Fund account.
  - 3.4.2 A request for funding is limited to one time in the fiscal calendar year, per requester/event.
  - 3.4.3 Requests are limited to \$200 per individual/event per year
  - 3.4.4 Requests are limited to \$750 per group/organization/event per year.
  - 3.4.5 Funding requests shall require a minimum of 10% matching funds or in-kind contribution. (verification such as receipt required)
  - 3.4.6 Funding requests will be disbursed on a first come, first served basis.
  - 3.4.7 Requests will be limited to cash available for the fiscal calendar year or remaining cash on hand for the year.
- 3.5 Areas Not Covered**
- 3.5.1 Fees related to education. (i.e. Private educational institutions, private tuition, private schools, specialty schools, credit classes)
  - 3.5.2 Private tutoring
  - 3.5.3 Political campaigns/contributions/causes/PAC
  - 3.5.4 Private business organizations and/or privately owned businesses
  - 3.5.5 Scholarship fundraising
  - 3.5.6 Adult Competition where monetary prizes are awarded (i.e. tournaments,

- 3.5.7 Capital Campaigns/Fund Drives
- 3.5.8 Legal fees, household expenses or personal bills/expenses (i.e. Technology items such as Computers, Laptops, I-Pads, Cell Phones, or related accessories/software or other bills such as medical bills; housing assistance, etc.)
- 3.5.9 Supplement to any Oneida Tribal Program /Enterprise /Corporation or Committee's budget
- 3.5.10 Equipment, uniform or special clothing needed to participate in event
- 3.5.11 Any travel related costs associated with event/request

**4 Procedures**

**4.1 Payment and Distribution**

- 4.1.1 Central Accounting will make checks payable to the party who will be responsible for the funds. Designee will mail out checks with checkletter explaining fund use/reporting.
- 4.1.2 The Tribe is required to issue 1099's for tax filing purposes in applicable cases.
- 4.1.3 Payment will be limited to registration fees for a registered event.

**5. Required Requestor Follow-Up**

- 5.1.1 Groups, members, organizations must submit a written follow up report to the Oneida Community Fund within 60 days of receiving the funding or 60 days following event. The report must include copies of receipts, and a brief description of how they were used.
- 5.1.2 If follow up report is not received by the end of the fiscal year when it is granted request will be ineligible to reapply for the next year.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 three (3) requests regarding a Reconvened Special General Tribal Council meeting from the August 10, 2016, Special General Tribal Council meeting:  
(1) Approve date of Reconvened Special General Tribal Council meeting  
(2) Approve a meeting time of Reconvened Special General Tribal Council meeting  
(3) Approve reprint of materials for Reconvened Special General Tribal Council meeting w/updated cover and agenda.

## 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: Heather Heuer, Info. Mgmt Specialist/BC Support Office  
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:

\*\*\*\*BACKGROUND\*\*\*\*

At the August 10, 2016, special GTC meeting, the following motions were made at the adoption and adjournment of the meeting:

Motion by Madelyn Genskow that the agenda proceed with (Items 4.A.1-5) Frank Cornelius' petition to be first; when it comes to Madelyn Genskow's petition that Item 5.B.3 Repeal the Judiciary Law resolution be first of the 3 resolutions; that the meeting will last no longer than 4 hours; that each continuation meeting will continue in 4 hour segments; and that the meeting will reconvene in 60 days or less. Seconded by Lou Ann Green. Motion carried by show of hands.

Motion by Nancy Barton to adjourn at 9:58 p.m.; to reconvene within 60 days, with the Tribal Secretary mailing out the meeting materials with the agenda. Seconded by Cathy Metoxen. Motion carried by voice vote.

The following date is available at the Radisson Hotel and Conference Center within the 60 day GTC directive: Sunday, October 2, 2016.

The following times are available to choose from on Sunday, October 2, 2016: 10:00 AM; 1:00 PM; or 6:00 PM

The materials are the same and the agenda has been updated to reflect GTC action(s) taken at the August 10, 2016, special GTC meeting regarding Petitions from Tribal Members Frank Cornelius, Madelyn Genskow, Gina Powless, and Nancy Barton.

Approval of the Reconvened special GTC meeting materials at the August 24, 2016, regular Business Committee meeting is requested in order to meet the 10-Day Notice requirement and Oneida Printing deadlines.

\*\*\*REQUESTED ACTION\*\*\*

Approve two (2) requests regarding a Reconvened Special General Tribal Council meeting from the August 10, 2016, Special General Tribal Council meeting:

- (1) Approve October 2, 2016, as the Reconvened Special General Tribal Council meeting;
- (2) Approve a meeting time (10:00 a.m.; 1:00 p.m.; or 6:00 p.m.) on October 2, 2016;
- (3) Approve reprint of the Reconvened Special General Tribal Council meeting materials with updated cover and agenda.

- 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



**RECONVENED SPECIAL  
GENERAL TRIBAL COUNCIL  
MEETING**

**SUNDAY, OCTOBER 2, 2016**

**XX A.M./P.M.**

**RADISSON HOTEL & CONFERENCE CENTER  
2040 AIRPORT DRIVE  
GREEN BAY, WISCONSIN**

For directions go to: <https://goo.gl/uft8ZQ>

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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.

### PHOTO ID REQUIRED

A valid Tribal or state issued photo identification card must be presented. 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

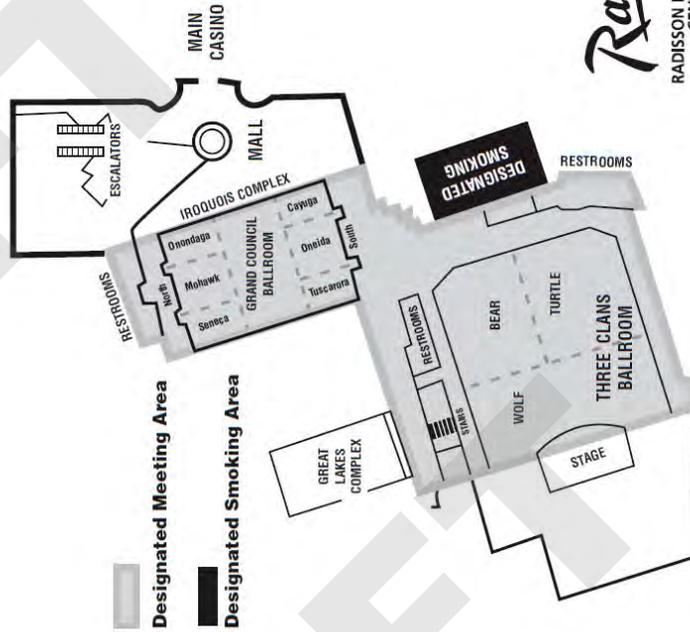
If you have medical needs, please bring your own food and beverages to ensure you are prepared if the meeting runs longer than 3 hours. Some food and beverages will be available for sale.

### TO ATTEND THE MEETING

You must be an enrolled Tribal member.  
You must be at least 18 years old.  
You must present a valid Tribal or state photo ID when checking in and out.

## 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 18 years or older to be in the designated meeting area



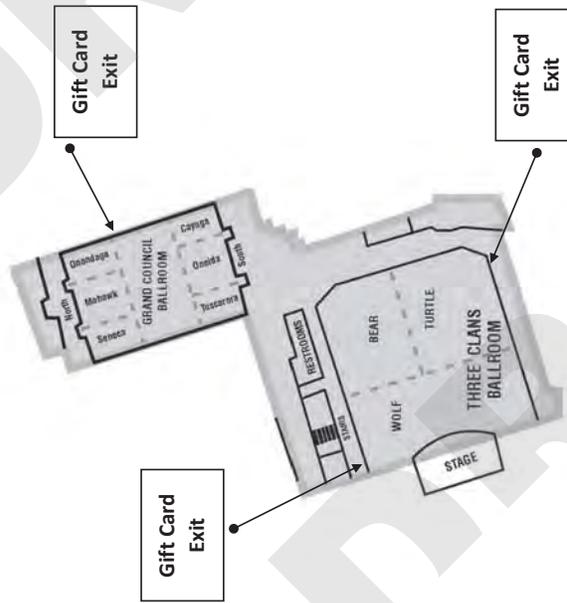
## Voluntary Retail Gift Card

The Oneida Business Committee will again be offering the Voluntary Retail Gift Card at the October 2, 2016, Special GTC Meeting.

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 Nation  
 Oneida Business Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[oneida-nsn.gov](http://oneida-nsn.gov)



## MEMORANDUM

TO: General Tribal Council

FROM: Oneida Business Committee

DATE: August 24, 2016

SUBJECT: Notice of reconvened Special meeting on October 2, 2016

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At the Special GTC meeting held on August 10, 2016, the following motions were made:

*“Motion by Madelyn Genskow that the agenda proceed with (Items 4.A. 1-5) Frank Cornelius’ petition to be first; when it comes to Madelyn Genskow’s petition that Item 5.B.3 Repeal the Judiciary Law resolution be first of the 3 resolutions; that the meeting will last no longer than 4 hours; that each continuation meeting will continue in 4 hour segments; and that the meeting will reconvene in 60 days or less.”*

*“Motion by Nancy Barton to adjourn at 9:58 p.m.; to reconvene within 60 days, with the Tribal Secretary mailing out the meeting materials with the agenda.”*

The attached agenda includes excerpts of the action taken on August 10, 2016, as well as the ten (10) remaining agenda items, which include the following:

- 4.A.1. Petitioner Frank Cornelius: OSGC Report to GTC **(Tabled)**
- 4.A.3. Petitioner Frank Cornelius: Enforcing salaries for OSGC
- 4.A.4. Petitioner Frank Cornelius: Freedom of speech, press, and assembly
- 4.A.5. Petitioner Frank Cornelius: Imposing a tax on the OBC
- 4.B. Petitioner Nancy Barton: Open an Emergency Food Pantry
- 5.A. Petitioner Madelyn Genskow: Resolution regarding Fee-to-Trust Process
- 5.B.1. Petitioner Madelyn Genskow: Repeal Judiciary Law
- 5.B.2. Petitioner Madelyn Genskow: Business Committee Accountability
- 5.B.3. Petitioner Madelyn Genskow: Open Records and Open Meetings Law
- 5.C. Petitioner Gina D. Powless: Create support system for Tribal Members engaged with Oneida Judiciary

Copies of the Reconvened special GTC meeting materials may also be obtained through the Members-Only section of the Oneida Nation’s website at: [oneida-nsn.gov/members-only/](http://oneida-nsn.gov/members-only/)

Thank you for your time and attention in this matter. If you have questions on the agenda or meeting materials, please contact the Business Committee Support Office at 920-869-4364.

## AGENDA

### I. WELCOME AND OPENING PRAYER

### II. ANNOUNCEMENTS & CALL MEETING TO ORDER

### III. ADOPT THE AGENDA (no action required)

EXCERPT FROM AUGUST 10, 2016, special GTC meeting: Motion by Madelyn Genskow that the agenda proceed with (Items 4.A.1-5) Frank Cornelius' petition to be first; when it comes to Madelyn Genskow's petition that Item 5.B.3 Repeal the Judiciary Law resolution be first of the 3 resolutions; that the meeting will last no longer than 4 hours; that each continuation meeting will continue in 4 hour segments; and that the meeting will reconvene in 60 days or less. Seconded by Lou Ann Green. **Motion carried by show of hands**

Amendment to the main motion by Linda Dallas to allow Attorney Joe Nicks, of Godfrey & Khan, and CPA Mark Diederich, of Schenck, to attend during the Oneida Seven Generations Corporation presentation. Seconded by Scharlene Kasee. **Motion carried by show of hands**

Amendment to the main motion by Cathy Metoxen to move Item 6.A. Petitioner Nancy Barton: To Open an Emergency Food Pantry to be second on the agenda. Seconded by Loretta Metoxen. **Motion carried by show of hands**

### IV. NEW BUSINESS

#### A. Petitioner Frank Cornelius: Report and consider four (4) resolutions

- 1) **Report to General Tribal Council regarding Oneida Seven Generations Corporation** (remove from table)
  - a) Discussion
  - c) Action

EXCERPT FROM AUGUST 10, 2016, special GTC meeting: Motion by Sherrole Benton to rescind the December 15, 2013 action dissolving the Oneida Seven Generations Corporation and restrict the corporation to commercial leasing activities. Seconded by Loretta Metoxen. Motion not voted on; item tabled.

Amendment to the main motion by Nancy Skenandore that we as GTC want to know who are the leaders; who are the investors; who are the attorneys; who are the stockholders; who are the owners; who are the board members; how are they paid; what do they use for collateral; for this information be provided for the last 10 years; and to be reported at the next meeting. Seconded by Cathy Metoxen. **Motion carried by show of hands**

Amendment to the main motion by Dan Hawk to allow Oneida Seven Generations Corporation to continue litigation with the City of Green Bay. Seconded by Sherrole Benton. **Motion carried by show of hands**

EXCERPT FROM AUGUST 10, 2016, special GTC meeting Motion by Frank Cornelius to table this item. Seconded by Linda Dallas. **Motion carried by hand count: 845 support; 395 opposed; 16 abstentions**



## SPECIAL MEETING

Sunday, October 2, 2016

**XXXX** a.m./p.m.



**2) Investigation into Oneida Seven Generations Corporation (no action required)**

*EXCERPT FROM AUGUST 10, 2016, special GTC meeting: Motion by Sherrole Benton to reject resolution titled Investigation in Oneida Seven Generations Corporation. Seconded by Donna Metoxen. Motion carried by hand count: 655 support; 347 opposed; 69 abstentions*

**3) Enforcing salaries for Oneida Seven Generations Corporation**

- a) Presentations
  - i. Petitioner
  - ii. Business Committee
- b) Discussion
- c) Action

**4) Freedom of speech, press, and assembly**

- a) Presentations
  - i. Petitioner
  - ii. Business Committee
- b) Discussion
- c) Action

**5) Imposing a tax on the OBC**

- a) Presentations
  - i. Petitioner
  - ii. Business Committee
- b) Discussion
- c) Action

**V. OLD BUSINESS**

**A. Petitioner Madelyn Genskow: Review and consider one (1) resolution regarding Fee-to-Trust Process**

- 1) Business Committee Recommendation
- 2) Discussion
- 3) Action

**B. Petitioner Madelyn Genskow: Review and consider three (3) resolutions**

**1) Business Committee Accountability**

- a) Presentations
  - i. Petitioner
  - ii. Business Committee
- b) Discussion
- c) Action

**2) Open Records and Open Meetings Law**

- a) Presentations
  - i. Petitioner
  - ii. Business Committee
- b) Discussion
- c) Action

**3) Repeal Judiciary Law**

- a) Presentations
  - i. Petitioner
  - ii. Business Committee
- b) Discussion
- c) Action

**C. Petitioner Gina D. Powless: Create a support system for Tribal members engaged with the Oneida Judiciary<sup>1</sup>**

- 1) Judiciary Update re: Self-Representing Litigants
- 2) Discussion
- 3) Action

**VI. NEW BUSINESS**

**B. Petitioner Nancy Barton: Open an Emergency Food Pantry**

- 1) Presentations
  - a) Petitioner
  - b) Business Committee
- 2) Discussion
- 3) Action

**VII. ADJOURN**

<sup>1</sup> EXCERPT FROM JUNE 1, 2015 SPECIAL GTC: (1) Motion by Gina Powless to establish a fully funded and staffed Office of Public Defender by FY2016 to be composed of Oneida Tribal Members, Lay Advocates, Employee Relations Representatives, Paralegals, Equal Employment Opportunity Officers and Staff Attorney, who have previously worked on cases before the Oneida Appeals Commission and Oneida Judiciary, seconded by Judy Cornelius. **Item tabled; no action taken on this motion.**

(2) Motion by Madelyn Genskow to table this item, seconded by Scharlene Kasee. **Motion carried by show of hands.**

EXCERPT FROM JUNE 13, 2016 SPECIAL GTC: (1) Motion by Gina Buenrostro to take this item from the table, seconded by Jennifer Webster. **Motion carried by show of hands.**

(2) Motion by Gina Buenrostro to defer this item to the August 10, 2016, special GTC meeting after the Judiciary Law item on the agenda, seconded by David P. Jordan. **Motion carried by show of hands.**

**TOPIC:  
PETITIONER  
FRANK CORNELIUS**

**REPORT TO GENERAL TRIBAL  
COUNCIL AND  
CONSIDERATION OF FOUR (4)  
RESOLUTIONS**



## Oneida Nation Certification of Petition Signatures

**TO:** General Tribal Council  
**FROM:** Lisa Summers, Tribal Secretary  
**DATE:** June 22, 2016  
**RE:** Frank Cornelius Petition re: Report to General Tribal Council regarding Oneida Seven Generations Corporation and consideration of four (4) resolutions

### Certification of Sufficient Petition Signatures:

Petitioner Name:	Frank Cornelius
Date Submitted:	April 28, 2015
Total # of signatures submitted:	163
Total # of invalid signatures <sup>1</sup> :	3
Total # of valid signatures:	160

One hundred sixty signatures were verified by the Oneida Enrollment Department on April 28, 2015. The number of signatures submitted by the petitioner is sufficient.

**Petition:** A copy of the petition statement is provided here:

PURPOSE: In accordance with ARTICLE 111, Section 4 of the constitution, the below listed voters request a special General Tribal Council meeting meeting for FRANK CORNELIUS, to report on 7 Gens and present four (4) resolutions to be voted on by the General Tribal Council. 1. full forensic investigation on 7 Gens. 2. Have 7 Gens return the money to the tribe. 3. Direct the Kalihwisaks to print any article as freedom of the press. 4. Impose a "tax" on the BC for not dissolving 7 Gens.

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.

<sup>1</sup> Reason(s) for invalidation: 1 – member did not meet age criteria; 2 – names submitted more than once

JO ANNE HOUSE, PHD  
 CHIEF COUNSEL  
 JAMES R. BITTORF  
 DEPUTY CHIEF COUNSEL  
 REBECCA M. WEBSTER, PHD  
 SENIOR STAFF ATTORNEY

## ONEIDA LAW OFFICE

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### MEMORANDUM

**TO:** Oneida Business Committee

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

**DATE:** December 17, 2015 Updated February 26, 2016

**SUBJECT:** Petition – Cornelius – Oneida Seven Generations

You have requested a legal review regarding a petition submitted by Frank Cornelius. The petition contains a single paragraph. The Enrollment Department has verified a sufficient number of signatures on the petition. The petition contains the following request.

“In accordance with ARTICLE 111, Section 4 of the constitution, the below listed voters request a special General Tribal Council meeting meeting for FRANK CORNELIUS, to report on 7 Gens and present four (4) resolutions to be voted on by the General Tribal Council. 1. full forensic investigation on 7 Gens. 2. Have 7 Gens return the money back to the tribe. 3. Direct the Kaliwhisaks to print any article as freedom of the press. 4. Impose a “tax” on the BC for not dissolving 7 Gens.”

The petition was submitted without the referenced resolutions being attached. After discussion at the Oneida Business Committee meeting, the petitioner identified that no resolutions were in existence at the time of drafting the petition, obtaining signatures or filing the petition with the Tribal Secretary. A legal opinion was requested regarding the resolutions that were submitted after the petition. In summary, a petition is interpreted to have been reviewed by every person signing the petition, including all attachments. The signature is an indication that the member wishes to have the author present the information to the General Tribal Council. As a result, the resolutions, created and submitted after the petition, are not considered part of the petition. However, the resolutions are briefly analyzed in this opinion. *See “Opinion – Missing Pages in Petition – Cornelius Petition,” September 8, 2015, attached to this opinion.*

In addition to the above resolutions, the petitioner has also submitted a three page report to be included with his petition. As a part of the process the Tribal Secretary generally notifies a petitioner that he or she may submit a statement to be included in the mailing to the membership. I have included this three page report in this analysis. This legal opinion is subject to change if this report is withdrawn or amended.

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 – dissolving Oneida Seven Generations Corporation, ACF Leasing, LLC litigation, conditional use permit litigation, lease revenues and Treasurer’s responsibilities, investigation of corporation, salary of corporate employees, assessing a tax on

the Oneida Business Committee, and Kaliwhisaks. In addition, there are separate sections regarding the four issues raised in the petition and in the resolutions which were not submitted with the petition – Kaliwhisaks, taxation, contracts and forensic audits.

### **Background**

#### *Dissolving Oneida Seven Generations Corporation*

On December 15, 2013, the General Tribal Council adopted the following motion to dissolve the Oneida Seven Generations Corporation.

“Motion...to dissolve Seven Generations Corporation and for Frank Cornelius to assist and work with the Business Committee on the dissolution[.]”

The Oneida Business Committee immediately began addressing this directive of the General Tribal Council. There were several meetings, some were scheduled and some occurred as a result of an individual meeting between members of the Oneida Business Committee as well as the board members of the corporation. Frank Cornelius was invited to all formal meetings to discuss dissolution. However, he did leave the area during this process.

The Oneida Business Committee met on December 24, 2013, to address the dissolution of the corporation and to provide direction on how that will be carried out by adoption of resolution # BC-12-24-13-A. In Whereas #8, “the Oneida Business Committee, who is charged with carrying out the lawful actions of the General Tribal Council, present[ed] this resolution to begin the process of dissolution of the Oneida Seven Generations Corporation in a business-like manner[.]” The resolution began this process by narrowing the authority of the corporation, stabilizing the banking and business relationships to avoid loan defaults and partnership defaults, and finally to attempt to identify a business structure that would meet the commercial leasing needs of the Tribe. The goal was to complete the dissolution without resulting in financial penalties and create a strong commercial leasing entity.

The amendments to the corporate charter removed references to the board of directors and limited the actions of the corporation to commercial leasing. The goal of limiting the authority of the corporation was to begin the dissolution process and narrow the scope of the corporation’s activities during the dissolution process. The resolution also appointed an Agent, Sage Stone Management, LLC, whose sole purpose was to begin dissolution of the corporation.

As identified at the December 15, 2013, General Tribal Council meeting, dissolution of the corporation involved significant financial agreements and partnership agreements. The estimated time frame was 10-12 months. This involved, for example –

- negotiating with banks to pay outstanding loans, and how the remainder would be paid;
- identifying and transferring existing leases back to the Tribe;
- identifying the value of property owned by the corporation and allocating the value in accordance with the corporate charter; and
- negotiating in regards to corporation value and ownership in limited liability companies.

In addition to the above, the Oneida Business Committee requested the Agent to take two specific actions. The first action was to stabilize the corporate relationships. By this time, the Oneida Business Committee had been receiving information regarding corporate loans being

considered in default and partnership concerns about next steps after the dissolution of the corporation. These actions could have resulted in significant financial costs as identified in the report submitted by McGladrey & Pullen. Primarily, if the dissolution were conducted in a fiscally responsible manner the financial impact would be minimal.

The second action was to identify alternatives to manage the commercial properties of the Tribe. In addition to the Agent making recommendations, the Oneida Business Committee also reviewed the abilities of the Division of Land Management in regards to managing the commercial properties of the Tribe. The Oneida Business Committee has received a proposed draft of a corporate entity restricted to managing the commercial properties of the Tribe. The proposal identified that this type of a corporation could absorb the debt of Oneida Seven Generations, repay the loans issued by the Tribe, and estimated a regular dividend payment to the Tribe.

Between January 2014 and March 2014 the Oneida Seven Generations Corporation was not financially able to pay off all loans. In addition, negotiating amendments to the limited liability company partnerships was not able to be completed in order to avoid penalties associated with those business partners. Further, there were ongoing contracts and leases that it was not possible to finalize and conclude. Finally, transferring leases on Tribal fee land may have been able to be concluded, however leases on trust land were, and are, more difficult to finalize.

#### *ACF Leasing Litigation – Contract Dispute*

ACF Leasing, LLC and others brought suit in Illinois against Oneida Seven Generations Corporation, the Oneida Tribe of Indians of Wisconsin, and various other entities on March 16, 2014.<sup>1</sup> This litigation affected the ability of Oneida Seven Generations Corporation to transfer or dispose of assets, including dissolution. The Oneida Business Committee and the Agent for Oneida Seven Generations Corporation met to discuss litigation strategies and next steps.

A request for proposals from law firms with Indian law and business law expertise was made. After a review of the responsive firms and negotiation of a fee schedule the Oneida Business Committee and Oneida Seven Generations Corporation engaged the following law firms.

- Whyte, Hirschboeck, Dudeck, S.C. represents the Oneida Tribe of Indians of Wisconsin and Oneida Seven Generations Corporation.
  - Swanson, Martin, & Bell, LLP represents the Oneida Tribe of Indians of Wisconsin and Oneida Seven Generations Corporation as local counsel in the State of Illinois.
- Reinhart, Boerner, Van Deuren, S.C. represents Green Bay Renewable Energy.

In addition to the litigation, Whyte, Hirschboeck, Dudeck, S.C. was also brought on board to assist in the legal issues regarding the dissolution of the corporation. This included addressing the financing agreements, limited liability company agreements and leasing agreements. After the initial review by this firm, no further action has been taken by the firm as a result of the litigation being filed. Upon conclusion of the litigation or at a point when assets from Oneida Seven Generations Corporation can be transferred without liability of further litigation this firm may be requested to finalize the legal matters regarding the dissolution.

---

<sup>1</sup> The documents regarding this litigation have been placed on the Tribe's website.

Since the December 2013, action by the General Tribal Council and the Oneida Business Committee, the dissolution of Oneida Seven Generations Corporation was restricted by the litigation which limited the ability to close out the operations of the corporation. The Oneida Tribe of Indians of Wisconsin and Oneida Seven Generations Corporation have been dismissed from the case at the trial court level. ACF Leasing, LLC appealed this determination and the dismissal was upheld on appeal. No appeal of this decision by ACF Leasing, LLC was filed and the dismissal of the Oneida Tribe of Indians of Wisconsin and Oneida Seven Generations Corporation is final. However, ACF Leasing, LLC has a remaining complaint against Green Bay Renewable Energy and has received approval from the court to amend the complaint to include two additional corporate entities.

ACF Leasing, LLC has filed motions to dismiss its complaints against Green Bay Renewable Energy and other corporations. The court has accepted the motions and the case have been dismissed. As a part of the agreement to dismiss the case, ACF Leasing, LLC and Green Bay Renewable Energy have entered into a settlement agreement to settle all claims between the parties.

The dismissal of the case by ACF Leasing, LLC allows Oneida Seven Generations Corporation to begin the process of closing out some of the corporate entities owned by Oneida Seven Generations Corporation. However, as identified below, there remain some claims for damages in favor of the corporation which have not yet been settled or concluded through litigation. The Oneida Business Committee, as of the date of this opinion, was in the process of receiving recommendations from the Agent on the next steps regarding closing some of the corporate entities.

#### *Green Bay Renewable Energy and Oneida Seven Generations Corporation – Conditional Use Permit*

During this time period Green Bay Renewable Energy and Oneida Seven Generations Corporation were appealing the revocation of the conditional use permit by the City of Green Bay. The appellate court ruled in favor of the corporations and the City of Green Bay appealed. The Wisconsin Supreme Court upheld the appellate decision ruling that the City of Green Bay had not identified sufficient reasons for revoking the permit. At this time, Green Bay Renewable Energy and Oneida Seven Generations Corporation are pursuing a settlement with the City of Green Bay regarding the revocation of the conditional use permit. This is a potential recovery of lost profits or sunk costs.

#### *Leasing Revenues*

Oneida Seven Generations Corporation holds the master lease regarding several different properties owned by the Tribe. In some circumstances, the corporation has obtained loans to build office space or warehousing on those properties. In all circumstances, the corporation pays lease fees to the Division of Land Management for the use of those properties. None of the leases allow the land to be encumbered and a review of existing documents conducted earlier does not identify that this has occurred.

The master leases allow Oneida Seven Generations Corporation to sublease the properties to commercial tenants. Those tenants pay rent to the corporation which covers the cost of the

master lease fees, utilities, building maintenance, and in some circumstances build-to-suit construction costs.

Based on the 2015 Semi-Annual report submitted by the Treasurer, Oneida Seven Generations Corporation has \$17 million in assets, \$9 million in equity, and the Tribe has invested \$1.9 million since its creation in 1996.<sup>2</sup> This does not include lease payments made by the corporation to the Tribe regarding the master lease agreements and does not deduct lease payments made by the Tribe to the corporation for buildings such as – Ridgeview Plaza, Mason Street Plaza, Gaming Warehouse, or the Nori Damrow Food Distribution building. In some cases, the Tribe has developed a corporate partnership with Oneida Seven Generations Corporation, such as with the corporation Generations, LLC regarding the financing and construction of the Travel Center. In the event of profits realized at that site, the Tribe would realize a share of those profits while also paying rent for that portion of the building used by the Tribe.

#### *Treasurer's Responsibilities*

The Treasurer is delegated responsibilities in Article I, Section 4 of the By-Laws of the Oneida Tribe of Indians of Wisconsin, the job description approved by the General Tribal Council on July 30, 1990, and as a result of various directives of the General Tribal Council through the years.<sup>3</sup> More recently, the General Tribal Council has adopted actions directing specific reporting requirements for activities such as travel by the Oneida Business Committee and submission of audits for tribal corporations.

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<sup>2</sup> Note the \$1.9 million does not include loans to the corporation which must be repaid to the lender.

<sup>3</sup> For example, the General Tribal Council has directed that the Treasurer (as well as individual members) should maintain the finances of the Tribe and financial information as confidential information.

July 9, 1983, General Tribal Council meeting, "Motion to support the confidentiality of the Treasurer's Report...motion carried."

July 6, 1993, General Tribal Council meeting, "Motion...that the Treasurer's Report be held in confidence by tribal members...motion carried."

A 1989 action by General Tribal Council adopting resolution # GTC-07-03-89-C regarding budgeting processes which contained the following directives; although this resolution has been modified by the adoption of processes and requests of the General Tribal Council, such as resolution # GTC-01-31-94-A and other more frequent actions.

1. That all tribal departments, including enterprises, shall be reviewed separately by the Oneida Business Committee in a special budget meeting called for that purpose;
2. That a mark-up session follow the special meeting;
3. That the budget, as approved, should contain special instructions by the Oneida Business Committee relative to philosophy, priorities, funding and spending limitations.
4. That a Special General Tribal Council meeting be called for September for the exclusive purpose of approval of the budget by the membership;
5. That any future approvals of budget during the fiscal year are limited to \$200,000.00 dollars and all others must be reviewed in public hearings and submitted to the General Tribal Council for approval.

On January 6, 1997, the General Tribal Council adopted the following motion.

Motion...to have a standardized format for the GTC Annual and Semi Annual reports by having each Tribal department separately submit a one to two page maximum report which includes the following: 1. Mission Statement, 2. Summary of major goals and objectives, ie. scheduled completion, revised completion, % complete, status/comment, 3. Staff, 4. Budget summary A. Personnel, B. Discretionary spending (training, travel, contracts, subcontracts, business & meeting expenses) C. Capital expenditures[.]

This motion was later repealed by resolution # GTC-07-07-03-B.

In November 2008, the General Tribal Council reviewed a resolution submitted with a petition regarding the Treasurer's responsibility and ultimately adopted resolution # GTC-11-15-08-C. This resolution directed reporting requirements by the Treasurer to the General Tribal Council. The July 14, 2008, legal opinion, "*Genskow Petition – Resolution – Treasurer Reporting to GTC*," identified that there are in excess of 580,000 transactions each year identified within the accounting systems of the Tribe. More recently, the Fiscal Year 2015 budget is made up of in excess of 1500 pages. The retail enterprises, excluding gaming likely have over 1 million transactions each year. Reporting on "every dollar" at "every GTC meeting" would result in 1000s of pages of activity.

The By-Laws of the Oneida Tribe of Indians of Wisconsin contains the following responsibilities delegated to the Treasurer in Article I, section 4.

"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 acting 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 time as requested by the Council or the executive business committee."

This language requires the Treasurer to report on funds in his or her custody. How that report was made has changed over the course of the Tribe. For example, at the July 2, 1940 meeting the Treasurer's report identified that the Tribe had a cash balance of \$33.38, took in a little over \$47.00 in receipts and made approximately \$152 in expenditures. The minutes identify 10 different expenses. On the other hand, previous Treasurers have all reported on the overall financial status of the Tribe and presented an annual independent audit report.<sup>4</sup>

In addition to these reports, the Treasurer oversees the Tribe's accounting systems and personnel. These systems include documentation of every transaction or revenue and expenditures and ties into systems which maintain back-up documentation supporting these transactions. In addition, all revenues and expenditures are managed according to either Purchasing procedures, Accounting Department procedures, or business unit supporting procedures set forth in manuals and Standard Operating Procedures. All of these activities are maintained in accordance with accounting principles set forth by the Government Accounting Standards Board, federal regulations regarding accepted grants, and various other governing documents.

As identified above, in 1990, the General Tribal Council adopted resolution # GTC-11-15-08-C provides the most recent directives regarding Treasurer reporting requirements in Resolves #1 and 2.<sup>5</sup>

"...all Treasurer reports hereinafter include an independently audited annual statement that provides the status or conclusion of all the receipts and debits in possession of the Treasurer of the Tribe including, but not limited to, all corporations owned in full or in part by the Tribe[.]"

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<sup>4</sup> Previous Treasurers for which research identified reports in General Tribal Council materials include Kathy Hughes, Judy Cornelius, Mercie Danforth, Tina Danforth and recently Patricia King.

<sup>5</sup> The minutes for this General Tribal Council meeting identified that the intent was not to require additional independent audits other than those already conducted.

“...all Treasurer’s reports to the Oneida General Tribal Council at the semi-annual and annual Oneida General Tribal Council meetings hereinafter include an independently audited financial statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer of the Tribe and including, but not limited to component units (Tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) owned in full or part by the Tribe[.]”

Since adoption of this resolution, the annual independent audits of the Tribe and its corporations have been presented to the General Tribal Council. An audit represents an opinion by the audit firm that the financial reports of the Tribe accurately reflect the finances of the Tribe and sufficient safeguards for these funds are in place. It does not reflect a review of every transaction and every procedure or process in place.

### **Requested Actions by Petitioner**

The petitioner requests the General Tribal Council to consider four actions – Kaliwhisaks (free speech), taxation, contracts and a forensic audit. To support these actions, the petitioner later submitted four resolutions. Article VI of the Constitution of the Oneida Tribe of Indians of Wisconsin incorporates the individual protections set forth in the U.S. Constitution.

“...All members of the tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.”

This section of the opinion will analyze the four requested actions separately within the protections identified in Article VI of the Tribe’s Constitution and the U.S. Constitution.

#### *Kaliwhisaks*

The petitioner requests the General Tribal Council to direct that every “article” submitted by a member be published and the “article” shall not be “edited.” To protect against liability, the petitioner directs the Kaliwhisaks to place a disclaimer regarding the “articles.” Although the proposed resolution is titled “Freedom of Speech, Press and Assembly” the petitioner is only requesting action regarding the press, i.e. the Tribal newspaper. This opinion will not address protected speech or assembly. The analysis regarding these concepts is unique to each and would span many pages of information that is not applicable to the requested action.

Finally, this opinion presumes that the request by the petitioner is to publish opinion letters, not newspaper articles. A newspaper publishing an article carries much greater liability which cannot be avoided by placement of a “disclaimer.” An article is reflective of the newspaper’s (including the editor’s and the reporter’s) presentation of statement of facts, However it should be noted that even clarifying that the “articles” are opinion letters or letters to the editor does not exempt the newspaper from liability.

Newspapers, editors, reporters and individuals who submit opinion letters are subject to various forms of liability – defamation, libel, and invasion of privacy, to name a few. The required elements of each type of lawsuit depend on whether the individual is a public or private figure. In addition, the Kaliwhisaks is posted on-line on the Tribe’s website which provides an additional

level of liability under a different set of rules and tests. This set of legal questions will not be included in this opinion.

The Kaliwhisaks publishes original articles written by reporters it employs, reprints articles it purchases from other news sources (such as Reuters and AP), editorials, letters to the editor and advertisements. The office maintains a manual of procedures and standards set forth for each type of publication which includes guidance regarding fact-checking and verifying accuracy. These can be found at the Kaliwhisak's offices.

The primary purpose of the Kaliwhisaks is to present the news regarding tribal activities and affecting Indian country. The newspaper is also the location all official publications of the Tribe are made. *For example, see Legislative Procedures Act, 16.8-2(c) and Oneida Judiciary Rules of Civil Procedures, 153.5-6(c).* Although the newspaper is subsidized by Tribal funding contribution, it supports its costs through selling advertising space. The newspaper also reserves space for opinion letters.

The policy for submission of opinion letters is included in the newspaper's operations manual. There is also a summary printed in the newspaper.

"Letters must be limited to 250 words. All letters are subject to editing and must have your signature, address and phone number for confirmation. Confirmation of letters will be needed before publication. Kaliwhisaks has the right to refuse publication of submitted letters."

"Effective January 1, 2001 per Kaliwhisaks Policies & Procedures, Section I(c)(4), "individuals will not be allowed to publish more than eight (8) letters per year regardless of topics." See page 8B of the December 3, 2015, *Kaliwhisaks for example.*

Letters to the editor are published on a space available basis. The editor has identified the number of opinion letters received per edition of the newspaper averages from none to three letters. This amount generally increases during election periods. Editing of letters are generally to allow the letter to fit within the 250 word limit and to correct grammar. However, the editor has identified that letters have been edited to exclude information that could not be verified. Finally, some letters have been rejected in their entirety for the following reasons.

- Too much unverifiable information.
- Over the word limit.
- Potentially libelous information.
- Attacking individuals.
- Illegible.
- A personal ad more appropriate for the advertising section.

#### *Taxation*

The petitioner requires the General Tribal Council to impose a tax on Oneida Business Committee members for actions taken in regards to Oneida Seven Generations Corporation and the December 2013 General Tribal Council action. Specifically, a tax of \$5000 is placed on Oneida Business Committee members who voted "not to dissolve 7 Generations but only restructure" and a \$10,000 tax on the "Chairwoman and Tribal Attorney."

In Blodgett v. Holden, 275 U.S. 142, 147 (1927), the U.S. Supreme Court struck down a tax retro-actively applied. The tax was a new gift tax applied to a period prior to the legislation's enactment date, and even prior to the proposed legislation being presented in Congress. The court stated, "...a statute purporting to lay a tax may be so arbitrary and capricious that its enforcement would amount to a deprivation of property without due process of law within the inhibitions of the Fifth Amendment." In Untermeyer v. Anderson, 276 U.S. 440, 445-6 (1928) that same gift tax was reviewed regarding the constitutionality of its application after the legislation was presented to Congress for consideration but prior to its being enacted into law. The court stated that, "[t]he taxpayer may justly demand to know when and how he comes to be liable for taxes – he cannot guess and ought not be required to guess the outcome of pending measures. The future of every bill before Congress is necessarily uncertain. The will of the lawmakers is not definitely expressed until final action thereon has been taken." The petitioner proposes to apply a tax to the action of the Oneida Business Committee taken over two years prior and for which no person could have had any notice that their actions could be subject to a tax.

In addition, to the taxation question, the proposed action by the petitioner also violates due process by finding the actions of the Oneida Business Committee to be in violation of the December 2013 General Tribal Council action without having the opportunity to provide any defense or response to the accusation. As identified in the eighth Whereas in resolution # BC-12-24-13-A, "the Oneida Business Committee, who is charged with carrying out the lawful actions of the General Tribal Council, presents this resolution to begin the process of dissolution of the Oneida Seven Generations Corporation in a business-like manner[.]" The third Resolve states, "...remain in office until such time as the dissolution of the corporation has been completed or amendments to the corporate charter are made[.]"

#### *Contracts*

The petitioner proposes that the General Tribal Council adopt a resolution calling for salaries of employees of Oneida Seven Generations Corporation to be modified going back to 2008, to be limited to no more than 25% of the profits of the corporation, and that salaries in excess of this amount be returned to the Tribe. This action violates the Tribe's Constitution regarding due process, is not consistent with the charter of the corporation, and is not consistent with the language in the original charter.

Oneida Seven Generations Corporation was created in 1996 by the Oneida Business Committee through adoption of resolution # BC-12-04-96-B. Under the authority delegated to the Oneida Business Committee to carry out the governance of the tribe, the corporation was created in accordance with Article IV, Section 1(h) of the Tribe's Constitution. The corporation has been in continuous existence since its creation and is currently directed by the December 2013 action of the General Tribal Council to be dissolved.

The original corporate charter contained the following language in Article IX.

(B) The Corporation shall remit to the Oneida Nation seventy-five percent (75%) of net profits after the establishment of a reserve for debt service and working capital needs. On an annual basis, the Corporation will submit to the Oneida Nation the projected need for working capital. The reserve for debt service will be set at an amount equal to six (6) monthly payments.

(C) Excess profits will then be paid over to the government of the Oneida Nation. No distribution of earnings or profit may be made to any individual by the Corporation.

In 2006, the Oneida Business Committee adopted resolution # BC-09-27-06-H. In the fourth Whereas, the Oneida Business Committee stated, "...it is in the best interests of the Tribe to amend the charter of the Oneida Seven Generations Corporation to promote and enhance the business and economic development of the Tribe[.]" Among other amendments, Article IX was amended as follows.

~~(B) The Corporation will remit to Oneida Nation seventy five percent (75%) of net profits after the establishment of a reserve for debt service and working capital needs. On an annual basis, the Corporation will submit to the Oneida Nation the projected need for working capital. The reserve for debt service will be set at an amount equal to six (6) monthly debt payments shall establish a cash reserve for debt service which will be set as an amount equal to six (6) months debt payments and one (1) year working capital. Debt payments are defined as payments on principal and interest for all current debts of the Corporation. Working capital is defined as current assets minus current liabilities.~~

~~(C) Excess profits will then be paid over to the government of the Oneida Nation. No distribution of earnings or profits may be made to any individual by the Corporation. Distribution of earnings or profits may be made at the discretion of the Shareholders, which will be mutually agreed upon at the Annual Shareholder's Meeting.~~

Corporate employees are employed under an agreement or contract between the corporation and the individual. The proposed resolution suggests that the employee's salaries be negatively affected retro-actively back to 2008. The General Tribal Council does not have the authority to affect these contractual employer-employee relationships in this manner. The actions of the corporation were taken in accordance with the lawfully adopted charter and the delegated authority. To retro-actively change this employment contract would violate Article VI, "...all members of the tribe may enjoy, without hindrance...due process of law, as guaranteed by the Constitution of the United States." The federal Constitution prohibits the impairment of contracts in Article I, Section 10. This prohibition involves both public contracts, i.e. contracts with the state, as well as private contracts, i.e. contracts between individuals. The proposed resolution does not affect future employment relationships, it attempts to affect lawful employment contracts entered into and maintained for the past seven years.

In addition, as identified above and in prior opinions, the reference to the required percentage return to the Tribe was removed from the corporate charter in 2006. It is not clear why 2008 was chosen as the time period in which retro-active action is requested. As a result, the resolution attempts to implement language that was amended in 2006 and is no longer effective. At this time, the action that could be taken would be to amend the charter to reflect the original language in the 1996 charter and make that language effective after adoption.

Nothing in the employer-employee relations would be in violation of the corporate charter or the delegated authorities to Oneida Seven Generations Corporation.<sup>6</sup> Further, nothing in the employer-employee relations is in violation of the original charter language. The 1996 language identified that the corporation will return 75% of the net profits less working capital and reserve

<sup>6</sup> It should be noted that Oneida Seven Generations Corporation has one full time and one part time employee, not four as identified by the petitioner.

needs of the corporation. The revenues of the corporation minus operating expenses equal the net profit of the corporation. Employee salaries are an operating expense of the corporation.<sup>7</sup> As a result, the resolution, even though it would be unconstitutional, would have no effect as employee salaries are an operational cost of the corporation and would be one of the expenses deducted prior to paying 75% of net profit to the Tribe.

#### *Forensic Audit*

The General Tribal Council has received four prior legal opinions regarding Oneida Seven Generations Corporation.

- September 23, 2013, *Cornelius – Petition – Dissolution of Oneida Seven Generations Corporation*
- March 12, 2013, *Dodge – Petition – Land Use – Oneida Seven Generations Corporation*
- February 15, 2011, *Genskow Petition – Resolution – Oneida Seven Generations Corporation*
- July 10, 2008, *Genskow Petition – Resolution – Oneida Seven Generations Corporation*

I have requested the Secretary's Office to place these prior opinions on-line on the Tribe's website in order to provide much of the background investigation requested by the petitioner in the resolution. Although these memos have been presented at prior meetings in which action was taken regarding the petitions and/or resolutions, members are encouraged to read these prior documents.

The petitioner requests that an "outside forensic federal audit or investigation" be conducted for "possible fraud in their land transactions or other financial improprieties." There is no specific allegation of fraud or impropriety. It is presumed that this is in relation to the land leased to the corporation which is developed and leased to commercial tenants. However, the Tribe utilizes both internal and external audits to determine that the appropriate measures are in place to track expenditures and receipts and to verify the accuracy of the financial statements.

A forensic audit looks at a specific activity in which fraud is alleged to have occurred. The Bureau of Indian Affairs does not currently have systems or personnel to provide such audit services, particularly when no federal funds are involved. Further, there is no specific allegation of fraud having occurred. As a result, it is not clear what is being investigated. The forensic audit requires specific skills and knowledge in order to conduct and there is generally a higher cost associated with this type of audit. The statement and proposed resolutions call for an "outside" audit, and identifying the scale or cost of such an audit if conducted by an independent auditing firm is not possible to calculate.

#### *Analysis*

The petition contains a request to call a General Tribal Council meeting to provide a report on the December 2013 directive of the General Tribal Council to dissolve the Oneida Seven Generations Corporation and to take action on four resolutions which were not attached to the petition. The petitioner has submitted a three page statement to the Tribal Secretary to be included with his petition. This is typical, allowing the author of a petition to submit a 'cover

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<sup>7</sup> See generally <http://www.investinganswers.com/financial-dictionary/financial-statement-analysis/net-profit-2230> for an explanation of net profit calculation.

letter' with a petition and to give a presentation at the meeting itself. The statement identifies several different issues raised by the author regarding the dissolution process. As identified in this opinion, there are inaccurate facts presented within the statement.

The statement erroneously identifies the Oneida Business Committee's intent in carrying out the General Tribal Council's December 2013 directive. There were individual requests to reconsider the December 2013 directive; however that is within the individual ability to do so. Even if that individual is the Chairman of the Oneida Business Committee. However, the Oneida Business Committee also took actions to begin the dissolution process.

The statement identifies that the attorney for the corporation was the same attorney working for Nature's Way. Research into the claim identifies no such attorney existed. This may be a reference to an individual who was appointed as a board member, but that individual was not hired as an attorney by the corporation or Nature's Way. There was no attorney engaged by the Oneida Seven Generations Corporation for the purposes of defending the corporation in regards to a General Tribal Council meeting or in regards to action that may have been taken as a result of a petition. The corporation has engaged legal counsel in regards to the litigation regarding the conditional use permit and ACF Leasing, LLC.

The dissolution of Oneida Seven Generations Corporation requires negotiation of the payment of bank loans and lines of credit. Such loans and lines of credit would either be paid in full through the corporation assets or as a result of either the Tribe or some other entity taking up the debt. In addition, the limited liability companies have rules for changing a member in the company in order to avoid penalties that may include purchasing the value of the assets and conclusion of the partnership. The statement identifies that the corporation could have been dissolved within 10 days. However, as identified above, it was not possible to conduct this within that time period and to avoid a negative financial impact. The materials for the December 2013, General Tribal Council meeting and the external accounting report both presumed that the dissolution would be conducted in such a manner as to avoid financial impact.

The proposed actions in the petition and the four late submitted resolutions are also problematic. The resolution regarding directing that all "articles" be published in the Kaliwhisaks results in increased liability to the Tribe which cannot be avoided by the placement of a disclaimer. However, the newspaper does provide an opportunity to publish letters to the editor, opinion letters, with minimal restrictions – i.e. 250 words or less, maximum eight times per year, and basic fact checking regarding the information in the letter. The resolution regarding taxation of the Oneida Business Committee and retro-active infringement on the employer-employee contracts within the Oneida Seven Generations Corporation are in violation of the protections in the Constitution of the Oneida Tribe of Indians of Wisconsin. Finally, the resolution regarding a forensic audit conducted by the Bureau of Indian Affairs is outside of the scope of that federal agencies activities and for which it does not appear funding exists. Further, it is not possible to identify what financial cost a forensic audit would rise to in light of the lack of allegations of fraud on the part of the corporation. As a result, it could be that every transaction of the corporation since its inception would have to be reviewed resulting in a fee far exceeding the value of any findings.

### Conclusion

The petition requests an opportunity to present a report to the General Tribal Council and requests that body to take four actions. Four months after submission of the petition, the petitioner drafted and submitted the four referenced resolution. The petitioner has also submitted a statement to be included with the mailing to members for this meeting.

The petitioner's request to present a report to the General Tribal Council is in order. However, two of the proposed resolutions (taxation and retro-actively affecting contracts) would be in violation the Tribe's Constitution and are not in order for adoption by the General Tribal Council. The resolution regarding publishing "articles" in the Kaliwhisaks would subject the Tribe and the editor to undue liability which cannot be waived or avoided. It is recommended that the General Tribal Council, if anything, reaffirms the letters to the editor policy currently in place by the Kaliwhisaks as sufficient opportunity to present opinions to the members. Finally, the request for the Bureau of Indian Affairs to conduct a forensic audit is outside of that agencies activities and if conducted by an independent auditing firm engaged by the Tribe may result in costs that far outweigh any benefit obtained by the request for the audit given the lack of specificity of allegations and the almost 20 year life of the corporation. It is recommended that the General Tribal Council not direct such action be taken. If action is taken a two-thirds vote would be required to adopt the resolution since it will have an impact on the Tribe's budget and require funds to be identified for this purpose.

If you have further questions, please contact me.

**TO ALL OF THE PEOPLE OF THE ONEIDA NATION:**

**June 2015**

**After 18 months, 7 Generations is still alive and costing us money. Dissolving 7 Gens is simple and should NOT have taken over 10 days. It is all spelled out in Article XV, Dissolution, in their Charter. It states:**

- 1. By 2/3 of the Corporation Board members and**
- 2. By the Business Committee Resolution, withdrawing the Charter.**

**Sage Stone told the BC they could dissolve 7 Gens and pay off all the bills in 4-6 months but the BC told them to only restructure.**

**The GTC is the supreme law of the land. They voted to create 7 Gens and now they voted to dissolve 7 Gens. But the BC did not do that.**

**Seven Gens was notified and were given the chance to defend themselves, but they chose not to do so. They had their own lawyer – the same lawyer who worked for “Natures Way” where we lost over \$4 million.**

**If anyone wanted to sue 7 Gens or the LLC's they could have AFTER it was dissolved; they had their own lawyer. However, because the BC did not do as directed, they got themselves involved.**

**The BC has abused their position of trust and has not carried out their oath of office. They planned to profit from their scheme of not dissolving 7 Gens and only re-structured 7 Gens in large part, through promoting friends and relatives and giving jobs to their supporters.**

**It is both fascinating and fitting that the GTC should do their job in accordance with Article IV, Section 1, Paragraph (h) “Charter subordinate organizations – reserving the right to review any action.” Now the GTC must correct the BC. For too long the BC never got called out on anything they did. They work for us, sometimes they have to be reminded of that. If they are wrong, it is up to us, the GTC, to correct them in accordance with the rule of law in our Constitution under Article IV, Section 1, Paragraph (i) “to adopt Resolutions regulating Tribal officials.”**

**So we have to clean up and correct the BC for the rest of the Tribe and for our children. If the Oneida leadership had thought about everyone, we most likely would not need this GTC today. Big egos, big money, big corruption like in “Natures Way,” cost us \$4,000,000.00.**

**The Chairwoman would be the first to tell you the BC is innocent, at least for now, but the cronies and others in the inner circle, based on the facts that we know from the sworn affidavits and all the testimony from the case on 7 Gens in Illinois, will prove them wrong.**

**From the attorneys you will find out that we had NO idea what has been going on for the last 10 years.**

**They hid behind “cooperation-courpet vail-special entity.” They put their families in positions thinking there is no one with the fortitude to stop them, until December 15, 2013.**

**Now they only restructured 7 Gens, they did not dissolve them like they were told to do. They plotted and schemed to keep 7 Gens alive, they meekly hid behind outside studies. In November 2013 they hired McGladery & Pullen for \$150,000 and did not like their conclusion, because they told the BC:**

TO THE ONEIDA NATION

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June 2015

1. From a quantitative prospective as of September 30, 2013, the proposed dissolution of OSGC into the Tribe has MINIMAL IMPACT ON THE TRIBE.
2. The Tribe would maintain its ability to meet financial commitments.

So on December 24, 2013 over the phone, they hired an old friend of theirs, who only had one year in business "Sage Stone Management, LLC, for \$12,000 a week, and gave him orders to re-structure 7 Gens. They also hired the highest paid financial firm in the state of Wisconsin, Whyte, Hirschboeck & Dudec., without the GTC approval as required in our Constitution.

Finally, the BC would NOT even notify me when they discussed 7 Gens. I was appointed by the GTC as a representative or agent "to work with and assist the BC in the dissolution" in accordance with Article I, Section 5 of our by-laws. Not notifying me is illegal in accordance with Article 111, Section 3 in our Constitution. It requires that I report back to the Council from time to time. They also tried to make me sign a secret piece of paper – something the GTC never intended to do to me. In order to make good decisions for the GTC I need to have access to all documents.

I have tried for over 18 months to give a report to you (the GTC), to no avail. I have written the Chairpersons almost every month asking for a place on any GTC meeting. In accordance with Article 111, Section 4, it states, "50 qualified voters may by written notice, call special meetings of the GTC." It is in our Constitution. I was insulted, humiliated, and my microphone was shut off when I tried to give you my report. You (GTC) appointed me so if they did that to me, they did that to you. Everyone has a right to disagree – but they DO NOT have the right to be disrespectful. We all have a right to "free speech." In accordance with Article VI of our Constitution it states "All members of the Tribe may enjoy freedom of speech and press."

I even gave them a second petition for a GTC meeting and they plotted to stop me from getting on the floor. The BC said that "I was late." The BC HAS NO SAY-SO ON THE CONSTITUTION. The Constitution is silent on the BC. The Constitution specifically states "The Chairman OR 50 qualified voters may by written notice call special meetings of the GTC."

I have not been afforded "due process" and I have not even been questioned on anything and the BC does NOT give me any information on this matter as required in the Resolution dissolving 7 Gens.

I spent 22 years in the Marine Corps to protect and defend this Tribe and this country. Now I have immersed myself to the improvement of the lives of my fellow Oneidas, following the rule of law according to our Constitution, and because the GTC appointed me to represent them in the dissolution.

The BC has in the past fostered a culture of corruption and greed that has created a drifting from the rule of law. After 10 years of corruption, we must correct the BC to provide honest oversight and supervision across the board – so here in Oneida any enforcement action by the GTC will get us through these difficult times, as unfortunate as these events are, it should be clear that we welcome the actions to reinforce measures that put us back into the rule of law and take out wrongdoing.

TO THE ONEIDA NATION

Page 3  
June 2015

Transparency is the problem, our Constitution in Article 1 in the by-laws states in Section 4, **TREASURER OF THE COUNCIL**, we are supposed to get a report where every dollar went at every GTC meeting, and such other times as requested by the Council or the BC. They **DON'T DO THAT**.

This is why we must pass these 4 resolutions today:

1. Get an investigation on 7 Generations
2. Collect the profit from rent on our 17 properties
3. Obtain freedom of the press and freedom of speech
4. Impose a tax or fine on the BC for spending money on 7 Generations for not dissolving them on December 15, 2013, until today, as we ordered them to do.

If you get good governance and good leadership you make good decisions and this leads to good outcome for all of us.

The BC has made it very clear that they don't give a flip about the will of the people. The people voted 814 to 689 to dissolve 7 Generations 18 months ago.

I hope that you will support the efforts of the dedicated and brave enough to fight the good fight – there is so much at stake here. It is in your power to vote to follow the rule of law and our Constitution. The facts are absolutely devastating to the BC. Now you have the inside scoop about the secrets and lies surrounding 7 Generations. The Tribe's future is up to you.

Luckily there are some people brave enough to stand up for our Constitutional rights, even against the BC. This could be the historical first time the people took off their gloves and slapped down the BC. Article IV, Section 1, Paragraph (f) in our Constitution specifically states, "only the GTC can levy and collect taxes of any kind." We are fast approaching a Constitutional crisis provoked by the BC for not following their oath of office and dissolving 7 Gens 18 months ago like we told them to do.

This is historic. You voted to dissolve 7 Gens 18 months ago. NOW we must act in such a way (all together), to make the BC respect the Constitution and rule of law, to carry out their sworn duties for the future generations. The BC thinks that WE work for THEM so they do not even follow the rule of law.

Please don't let the BC run roughshod over your liberties and your freedoms. Stand strong for YOUR Constitution. It only takes a moment of your time to raise your hand and vote to do something that will have a profound effect on Oneida's survival. It is only through the faithful, strong people like you to fight this critical battle. We told them to dissolve 7 Gens 18 months ago – the BC did not do it. That is insubordination and against the Oneida Constitution. This is your investment in the future of our Tribe.

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

JUN 29 2015

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN

INITIALS

Thank you,

F. L. Cornelius  
GTC Representative to Dissolve 7 Generations



## Oneida Seven Generations Corporation

P O Box 257, Oneida, WI 54155

Phone: 920-347-0500

Fax: 920-347-0504

OSGC Dissolution response:

Per the General Tribal Council's action, we continue with the dissolution of Oneida Seven Generations Corporation (OSGC).

However, because OSGC is involved with ongoing litigation it is imperative that we continue to operate as the commercial real estate company on behalf of the Oneida Nation until it is feasible to be fully dissolved.

## Financials:

## Oneida Seven Generations Corporation

Combining Statement of Net Assets

as of: March 31, 2016

	Oneida Seven Generations Corporation	Glory, LLC	Oneida Generations, LLC	Oneida Energy, Inc	TOTAL
<b>Assets</b>					
Total Current Assets	1,231,764	76,173	27,524	5,563	1,341,025
Total Noncurrent Assets	7,803,520	2,763,190	3,610,957	235,526	14,413,192
<b>Total Assets</b>	<b>9,035,284</b>	<b>2,839,363</b>	<b>3,638,481</b>	<b>241,089</b>	<b>15,754,217</b>
<b>Liabilities and Net Assets</b>					
Current Liabilities:	3,237,043	210,325	466,620	227,907	4,141,895
Noncurrent Liabilities:	1,441,672	530,894	1,548,126	1,982,448	5,503,141
<b>Total Liabilities:</b>	<b>4,678,715</b>	<b>741,219</b>	<b>2,014,746</b>	<b>2,210,355</b>	<b>9,645,035</b>
<b>Total Net Assets</b>	<b>4,356,569</b>	<b>2,098,144</b>	<b>1,623,735</b>	<b>(1,969,266)</b>	<b>6,109,181</b>
<b>Total Liabilities &amp; Net Assets:</b>	<b>9,035,284</b>	<b>2,839,363</b>	<b>3,638,481</b>	<b>241,089</b>	<b>15,754,217</b>

## Oneida Seven Generations Corporation

Oct 2015 - March 2016

Combining Statement of Revenue and Expenses

	Oneida Seven Generations Corporation	Glory, LLC	Oneida Generations, LLC	Oneida Energy, Inc	TOTAL
Total Operating Revenue	1,036,161	254,397	278,730	-	1,569,288
Total Operating Expenses	431,074	228,567	172,449	177,750	1,009,840
<b>Operating Income (Loss)</b>	<b>605,087</b>	<b>25,830</b>	<b>106,281</b>	<b>(177,750)</b>	<b>559,448</b>
Total Nonoperating Revenue (Expenses)	(81,669)	(19,804)	(62,536)	(30,000)	(194,010)
<b>Income (loss)</b>	<b>523,418</b>	<b>6,026</b>	<b>43,745</b>	<b>(207,750)</b>	<b>365,438</b>



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



## MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: July 5, 2016

RE: Recommendation – Frank Cornelius Petition – Report on Oneida Seven Generations Corporation

---

From December 2013 until today, the Oneida Business Committee has been working towards the dissolution of Oneida Seven Generations Corporation as directed by the General Tribal Council. Although we would have liked this to move forward faster, it was not and is not possible. The corporation was sued by ACF which was only recently settled. In addition to that, the corporation also has some minor contract litigation matters which have not yet been resolved. And finally, the corporation has some damage recovery litigation in settlement discussions with the City of Green Bay regarding the conditional use permit.

However, the previous Oneida Business Committee, as well as the current Oneida Business Committee has taken steps to limit the corporation to simply acting as a commercial leasing company and to work with the current agent to resolve the litigation and financing agreements. What we have found is that the corporation, as a commercial leasing company, is a viable operation. Once all of the other issues are resolved, there are valuable tenants that continue to lease the property, and the corporation continues to utilize its relationships to identify new tenants and increase the existing landlord-tenant relationships. The foundation of the corporation remains solid.

Mr. Cornelius would argue that the Oneida Nation can simply dissolve the corporation, walk away from the financial agreements, tear up the partnership agreements, and simply take control of the corporate assets. It never was that simple. The Oneida Nation cannot take on the debt that would be incurred if the corporation were dissolved and we cannot simply walk away from those financial commitments; we cannot simply take up the litigation that would recover damages regarding the conditional use permit litigation that the corporation won; and we cannot simply tell partners of the corporation they are now working for the Tribe. It's not that simple. But, we continue to direct the dissolution of the corporation in an orderly manner that protects the assets of the corporation and of the Oneida Nation. Just like a city, state or national government cannot just walk away from its responsibilities, neither can we faced with the need for immediate responses and actions, we and the prior Oneida Business Committee have done the best we could. Hindsight always makes for a clearer picture, looking backwards only helps you judge

what you have done, not what you need to do. We believe that the corporation has value and will bring value in the future. We believe that if the corporation were limited to purely commercial leasing as we have done with the charter, that Oneida Seven Generations Corporation can bring in revenue to support its actions of maintaining the land and buildings it has leased and eventually, return funds to the Tribe paying off the loans it has entered into in order to fight the litigation brought by ACF and the recovery of damages brought about by the City of Green Bay.

Yes, the General Tribal Council has issued a directive to dissolve Oneida Seven Generations Corporation. After many presentations and much discussion, the General Tribal Council took action. With all that has occurred since the December 2013 action, we believe that the General Tribal Council has made its position very clear – no waste-to-energy, waste-to-oil, or other projects that could potentially result in harm to the community and the environment. We believe that the General Tribal Council has also made it clear that it cannot tolerate business investments and ventures that are not clearly explained to the membership regarding both the financial and the environmental impacts. We agree, this is a matter that requires the Oneida Nation to monitor and manage business investments carefully, presenting as much information as possible to the members before taking action.

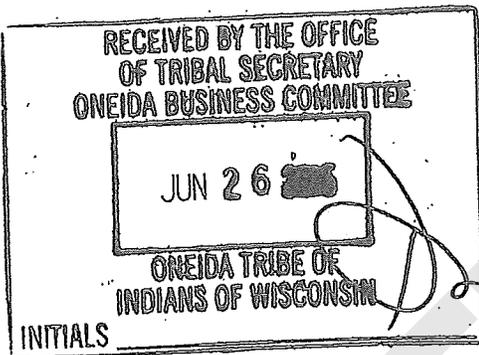
However, managing commercial leasing can be done profitably and more easily by a corporate entity. We believe the time is ripe for General Tribal Council to look forward and determine a future direction. The Oneida Seven Generations Corporation is now limited to commercial leasing only, and the corporation can be more formally restructured so it is in the best position to lease the Oneida Nation's commercial properties. We ask the General Tribal Council to consider the following recommendation and recognize that it will take a two-thirds vote to accomplish.

**Recommendation: Motion to rescind the December 15, 2013 action dissolving the Oneida Seven Generations Corporation and restrict the corporation to commercial leasing activities.**

# RESOLUTION 1

## INVESTIGATION INTO ONEIDA SEVEN GENERATIONS CORPORATION

---



GTC RESOLUTION \_\_\_\_\_

**INVESTIGATION INTO  
ONEIDA SEVEN GENERATIONS CORPORATION**

**WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and

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

**WHEREAS,** the Oneida General Tribal Council can manage all economic affairs, charter subordinate Organizations, and adopt resolutions not inconsistent with the Constitution; and

**NOW THEREFOR BE IT RESOLVED** that the General Tribal Council directs the Chairperson to request The superintendent of the Bureau of Indian Affairs to conduct an outside forensic Federal audit or investigation into the Seven Generations' operation for possible fraud in their land transactions or other financial improprieties; and

**BE IT FURTHER RESOLVED** that the General Tribal Council be informed of the following:

- A. Who are the leaders in all the limited liability companies
  - B. Who are all the investors, Indian and non-Indian
  - C. Who are the stockholders
  - D. Who are the attorneys
  - E. Are the LLC officials receiving stipends or a salary
  - F. What is the relationship of the Business Committee, past and present, to the Seven Generations Corporation, LLC's, or investors, if any.
  - G. How many LLC's do we have
  - H. Who are the owners
  - I. Who are the board members
  - J. How much do they get paid
  - K. What do they use for collateral
  - L. Is Seven Generations' assets co-mingled with tribal property
  - M. Is Seven Generations' money co-mingled with tribal money;
- and

**BE IT FURTHER RESOLVED** that the Business Committee withdraws Seven Generations' charter Immediately.

Legislative Reference Office  
P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214

# Oneida Tribe of Indians of Wisconsin



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

## *Statement of Effect*

### *Investigation into Oneida Seven Generations Corporation*

#### *Summary*

This Resolution has three components. First, it states that the Oneida “General Tribal Council (GTC) directs the Chairperson to request the superintendent of the Bureau of Indian Affairs (BIA) to conduct an outside forensic Federal audit or investigation into the Seven Generations’ operation for possible fraud in their land transactions or other financial improprieties.” Secondly, it requires that the GTC “be informed of the following:

- A. Who are the leaders in all limited liability companies
- B. Who are all the investors, Indian and non-Indian
- C. Who are the stockholders
- D. Who are the attorneys
- E. Are the LLC officials receiving stipends or a salary
- F. What is the relationship of the Business Committee, past and present, to the Seven Generations Corporation, LLC’s, or investors, if any.
- G. How many LLC’s do we have
- H. How are the owners
- I. Who are the board members
- J. How much do they get paid
- K. What do they use for collateral
- L. Is Seven Generations’ assets co-mingled with tribal property
- M. Is Seven Generations’ money co-mingled with tribal money.”

Lastly, this Resolution requires that the Oneida Business Committee (OBC) “withdraw[s] Seven Generations’ charter immediately.”

Submitted by: Krystal John, Staff Attorney, Legislative Reference Office

#### *Analysis by the Legislative Reference Office*

This Petition was submitted to the Tribal Secretary’s Office on April 28, 2015, and was verified by the Enrollment Department. This Petition was placed on the OBC agenda and accepted at the May 13, 2015 OBC meeting. This Petition requests a special GTC meeting allowing the Petitioner to present on and address four Resolutions, including the subject Resolution.

## **Procedural Update**

On May 13, 2015, the OBC acknowledged the receipt of the Petition without the resolutions referenced in the Petition being attached. On May 20, 2015, the LOC added the Petition to the active files list and directed that a memorandum be sent to the OBC stating that the Petition did not include the four resolutions in which the Petition referenced. On May 27, 2015, the OBC received a memorandum from the LOC and directed that the Tribal Secretary reach out to the Petitioner in order to request the resolutions and that they be submitted within 30 days. On June 24, 2015, Chief Counsel expressed concerns relating to the validity of the Petition because it was not possible to determine whether those whom had signed the Petition had actually seen and endorsed any resolutions because they were not attached to the verified Petition. The Petitioner asserted that there had not been any resolutions included with his original Petition, but that he could return with resolutions if they were required. The OBC directed the Tribal Secretary to work with the Petitioner relating the resolutions.

At the July 22, 2015 OBC meeting the Tribal Secretary presented a memorandum to the OBC stating that a meeting was held with the Petitioner on June 29, 2015 during which it was agreed that the Tribal Secretary would research whether any resolutions could have possibly been submitted with the Petition. The memorandum stated that further research confirmed that her office had not received any resolutions with the original Petition. Lastly, the memorandum stated that the Petitioner submitted a report to the Tribal Secretary, June 29, 2015; the report was attached to the Secretary's July 22, 2015 memorandum as a handout. At the July 22, 2015 OBC meeting, discussion ensued and the Petitioner asserted that he had in fact presented resolutions to the Tribal Secretary's Office and the Tribal Secretary's office maintained that she had not yet received any resolutions. On July 22, 2015, at 11:35 AM the Tribal Secretary's office received the Petitioner's four resolutions. On August 12, 2015, Councilman Jordan received the Resolutions from the Petitioner with a date stamp of June 26, 2015.

### **The First Component of this Resolution – Chairperson Request the BIA to Conduct an Outside Forensic Federal Audit or Investigation into the Seven Generations' Operation**

In regards to the first component of this Resolution, the proposed GTC directive that the chairperson request the superintendent of the BIA to conduct an outside forensic Federal audit or investigation into the Seven Generations' operation for possible fraud in their land transactions or other financial improprieties, adoption has no legislative impact.

### **The Second Component of this Resolution – GTC be Informed of Information Pertaining to Seven Generations Corporation and Other Businesses Owned by the Tribe**

In regards to the second component of this Resolution, that the GTC be informed of items A-M listed in the Summary section above, it is possible that items requested to be disclosed to the GTC would conflict with the Limitations Upon Access and Exceptions to the Open Records and Meetings (Law) pursuant to section 7.4, specifically, subsections (b) and (e). Subsection (b) exempts “[c]ontracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties.” Subsection (e) exempts “[t]rade secrets and commercial or financial information obtained from a person or business, or such information

belonging to the Tribe where the trade secrets or information are proprietary, privileged, or confidential or where disclosure of the trade secrets or information may cause competitive harm. Nothing contained in this paragraph shall be construed to prevent a person or business from consenting to disclosure.”

Without a closer look at the information requested to be disclosed to the GTC, it is impossible to determine if the third component of the Resolution would violate the Open Records and Meetings (Law), however, section 7.4-6 of the subject law requires that if an authority, which in this case would be the OBC, “is unsure about whether a document may be released, the authority shall consult with the Oneida Law Office prior to release.”

**The Third Component of this Resolution – Require the OBC to Withdraw Seven Generations Corporation’s Charter Immediately**

In regards to the third component of this Resolution, which requires that the OBC withdraw Seven Generations’ charter immediately, the Tribe does not have a Corporate Code adopted, so there is no legislative impact. The withdrawal of the corporate charter must be pursuant to the charter itself.

***Conclusion***

Adoption of the first and third components of the Resolution would not affect any current legislation of the Tribe; however, the second component may conflict with the Open Records and Meeting (Law).



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: November 20, 2015  
 FROM: Larry Barton, Chief Financial Officer  
 TO: Patricia King, Treasurer  
 Oneida Business Committee  
 RE: **Financial Impact of Resolution– Investigate Oneida Seven Generations**

### I. Background

Under consideration is a petition which contained a resolution directing an investigation of the Oneida Seven Generations Corporation. The Petition, if approved, would require the Chairwoman to “request the Superintendent of the Bureau of Indian Affairs to conduct an outside Federal forensic audit or investigation into the Seven Generations’ operation for possible fraud in their land transactions or other financial improprieties.”

Further, there are thirteen (13) separate bullet points listed, detailing directed information regarding the legal structures of partnerships involving Oneida Seven Generations Corporation, which the petitioners request be disclosed to the General Tribal Council. Lastly, the resolution would direct the Oneida Business Committee to immediately withdraw the Charter of the Oneida Seven Generations Corporation.

### II. Executive Summary of Findings

The Finance Department has not been able to review the Legal Opinion of the resolution, as of this writing. However, in consultation with the Chief Counsel and the Director of Legislative Affairs, it is our understanding that the Bureau of Indian Affairs does not provide the type of service suggested by the resolution. As written, the resolution may not be actionable. However, we have requested a ballpark estimate from RSM US LLP, the audit firm currently conducting our annual audit of the Tribe’s financial statements. They have estimated fees would fall in a range from fifty-thousand dollars (\$50,000) to two hundred-thousand dollars (\$200,000) or more, depending on how many hours are required to drill into the documents of each partnership, should the Business Committee choose to have RSM to perform the requested review. This would be outside the scope of work which the audit firm is already performing for the Tribe.

### III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is our understanding that the Bureau of Indian Affairs does not perform the service suggested by the resolution, therefore it may not be acted upon.

**TOTAL ESTIMATED FINANCIAL IMPACT: NOT APPLICABLE**

### 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.

Oneida Seven Generations Corporation - Response to questions in the second resolve of the Resolution entitled "Investigation into Oneida Seven Generations Corporation":

- A. Pete King is the managing agent for OSGC, and therefore the managing member of the LLC's; except for Green Bay Renewable Energy and Oneida Energy/Blocker. John Breuninger is the managing agent for Green Bay Renewable Energy and Oneida Energy/Blocker.
- B. The investor of OSGC is the Oneida Nation.
- C. The Oneida Nation is the only shareholder.
- D. OSGC has used Godfrey & Kahn; Reinhart, Boerner, & VanDeuren; Herrling Clark; and Metzler, Timm & Treleven for different litigation issues.
- E. Pete King is a paid contractor as the managing agent of OSGC; he does not get paid by the LLC's he manages. John Breuninger is paid as the managing agent for GBRE and Oneida Energy/Blocker.
- F. Per the OSGC corporate charter, the Oneida Business Committee appoints the managing agent who exercises authority and management of the Corporation. Each elected official must disclose any relationship to OSGC or LLC's.
- G. There are currently nine LLC's.
- H. The Oneida Nation is the owner of OSGC; OSGC is the majority owner of the LLC's. Our partners in the LLC's are confidential, but we can disclose that there are no OBC members, past or present; and no past board members.
- I. There are no board members.
- J. There are no payments.
- K. The lease-hold interests.
- L. No.
- M. No.



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



## MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: July 5, 2016

RE: Recommendation – Frank Cornelius Petition – Resolution – Audit of Oneida Seven Generations Corporation

---

The Oneida Seven Generations Corporation is 21 years old. The original charter was adopted in 1995. Since its creation, the corporation has had several different managers, accountants, financing agreements, partnership agreements, and financial audits. It has been most recently audited by the Internal Audit Department in 2008 for compliance with the corporate charter.

An audit generally looks at a sample of the activities of the entity and possibly chooses more samples in areas of high risk. A forensic audit looks at every transaction in an attempt to discover or prove an alleged criminal activity or misconduct. These types of audits are expensive and generally limited to a series or single transaction specifically identified by those requesting the audits. The Chief Financial Officer has suggested that such an audit could cost from \$50,000 to \$250,000. Without specific allegations, we believe that conducting a forensic audit of a 20 year history is more likely to cost closer to \$250,000. As identified in the legal opinion, this is not a task the Bureau of Indian Affairs takes on, this would be the Oneida Nation's responsibility.

We do not have any specific allegations of fraud or other misconduct by an individual, an officer, an employee or the corporation. If a member has any of this type of information supporting an allegation, please forward that information to Tehassi Hill, Councilman and Chairman of the Audit Committee or directly to Loucinda Conway, Internal Audit Manager. We will investigate that information and take appropriate actions.

The resolution also asks that a report on specific information be developed for the General Tribal Council. Although much of this information has appeared in previous information shared with the General Tribal Council, we have asked the agent to develop an updated report and present it at the August Special General Tribal Council meeting. As we have stated in the past, there are agreements in place which protect some of the information from being disclosed. Violation of those agreements could lead to damages against the Oneida Nation. Since we cannot go back and just amend those documents, we must abide by the terms of those agreements. However, we have

notified the Agent that no further such agreements, contracts or other documents should contain such restrictive language.

In regards to the final two questions regarding co-mingling the Tribe's assets and finances, the answer is no. There is no co-mingling of either assets or finances between the Oneida Nation and the corporation.

Finally, the resolution asks the General Tribal Council to "withdraws the Oneida Seven Generations' charter immediately." This resolve will have the same effect as the December 2013 motion of the General Tribal Council if action is taken to protect the assets of the corporation. Mr. Cornelius would argue that the accounting report submitted in 2013 by an outside firm says that no financial damage to the Tribe would occur if the corporation was dissolved and it would be no different today. However, the accounting report was based on a reasonable and fiscally responsible dissolution. Further, the corporation and the Oneida Nation have already been financially harmed by that action, we were sued by ACF. On the other hand, we could immediately withdraw the charter and be prepared to make reparations for violation of agreements in place and losses related to financing documents already in place which would either take all resources and revenue from leases to repay or result in additional litigation which the Tribe could not avoid.

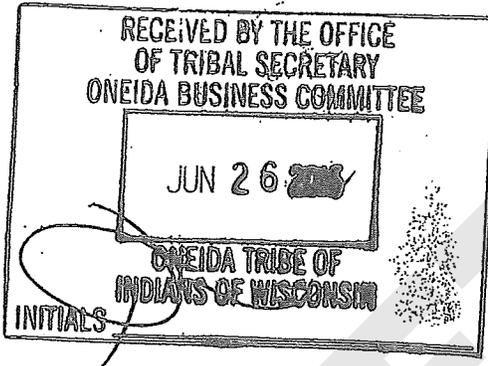
We would ask the members to reject the resolution. However, if there are any members with documentation of financial misconduct, we would ask that you bring that forward so that it can be addressed as quickly as possible.

**Recommendation: Motion to reject the resolution.**

# RESOLUTION 2

## ENFORCING SALARIES FOR ONEIDA SEVEN GENERATIONS CORPORATION

---



GTC RESOLUTION \_\_\_\_\_

**ENFORCING SALARIES FOR  
ONEIDA SEVEN GENERATIONS CORPORATION**

**WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and

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

**WHEREAS,** Section IV, Section 1(h) authorizes the Oneida Business Committee "to charter subordinate organizations for economic purposes"; and

**WHEREAS,** Article IV of the Oneida Constitution Section 1(h) reserves the right to review any action taken by virtue of delegated power; and

**WHEREAS,** Seven Generations' original charter required that Seven Generations only keep 25% of all the money collected for their operating expenses, and return the remaining 75% back to the Tribe; and

**NOW THEREFOR BE IT RESOLVED** that the General Tribal Council hereby sets a maximum limit on total salaries of 25% and the operational costs per year for all of the four (4) Seven Generations employees, commencing back in 2008 to date of dissolution, according to the original charter; and

**BE IT FURTHER RESOLVED** that the General Tribal Council directs the Tribal Attorney to take any and all action necessary to have the employees return the excess profit back to the Tribe in accordance with Article IX(B) using the Federal Courts if necessary, and to commence immediately.

Legislative Reference Office  
P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214

# Oneida Tribe of Indians of Wisconsin



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

## *Statement of Effect*

### *Enforcing Salaries for Oneida Seven Generation Corporation*

#### *Summary*

This first component of this Resolution would “set a maximum limit on total salaries of 25% and the operational costs per year for all of the four (4) Seven Generations employees, commencing back in 2008 to date of dissolution, according to the original charter.” The second component of this Resolution would “direct[s] the Tribal Attorney to take any and all action necessary to have the employees return the excess profit back to the Tribe in accordance with Article IX(B) using the Federal Courts if necessary, and to commence immediately.”

Submitted by: Krystal John, Staff Attorney, Legislative Reference Office

#### *Analysis by the Legislative Reference Office*

This Petition was submitted to the Tribal Secretary’s Office on April 28, 2015 and was verified by the Enrollment Department. This Petition was submitted to the OBC agenda and accepted at the May 13, 2015 meeting. This Petition requests a special GTC meeting allowing the Petitioner to present on and address four resolutions, including the subject Resolution.

#### **Procedural Update**

On May 13, 2015, the OBC acknowledged the receipt of the Petition without the resolutions referenced in the Petition being attached. On May 20, 2015, the LOC added the Petition to the active files list and directed that a memorandum be sent to the OBC stating that the Petition did not include the four resolutions in which the Petition referenced. On May 27, 2015, the OBC received a memorandum from the LOC and directed that the Tribal Secretary reach out to the Petitioner in order to request the resolutions and that they be submitted within 30 days. On June 24, 2015, Chief Counsel expressed concerns relating to the validity of the Petition because it was not possible to determine whether those whom had signed the Petition had actually seen and endorsed any resolutions because they were not attached to the verified Petition. The Petitioner asserted that there had not been any resolutions included with his original Petition, but that he could return with resolutions if they were required. The OBC directed the Tribal Secretary to work with the Petitioner relating the resolutions.

At the July 22, 2015 OBC meeting the Tribal Secretary presented a memorandum to the OBC stating that a meeting was held with the Petitioner on June 29, 2015 during which it was agreed that the Tribal Secretary would research whether any resolutions could have possibly been submitted with the Petition. The memorandum stated that further research confirmed that her office had not received any resolutions with the original Petition. Lastly, the memorandum stated that the Petitioner submitted a report to the Tribal Secretary, June 29, 2015; the report was attached to the Secretary's July 22, 2015 memorandum as a handout. At the July 22, 2015 OBC meeting, discussion ensued and the Petitioner asserted that he had in fact presented resolutions to the Tribal Secretary's Office and the Tribal Secretary's office maintained that she had not yet received any resolutions. On July 22, 2015, at 11:35 AM the Tribal Secretary's office received the Petitioner's four resolutions. On August 12, 2015, Councilman Jordan received the Resolutions from the Petitioner with a date stamp of June 26, 2015.

**The First Component of this Resolution – Set a Maximum Limit on Total Salaries of all Seven Generations Corporation's Employees**

The first component of this Resolution would "set a maximum limit on total salaries of 25% and the operational costs per year for all of the four (4) Seven Generations employees, commencing back in 2008 to date of dissolution, according to the original charter." The Tribe currently has no Corporate Code and therefore adoption of this component of the Resolution would have no impact on current legislation of the Tribe.

**The Second Component of this Resolution – Direct Tribal Attorney to Take any and all Action Necessary to Have the Employees Return Excess Profit to the Tribe**

In regards to the second component of this Resolution, which "direct[s] the Tribal Attorney to take any and all action necessary to have the employees return the excess profit back to the Tribe in accordance with Article IX(B) using the Federal Courts if necessary, and to commence immediately," adoption would not have any impact on current legislation of the Tribe.

***Conclusion***

Adoption of this Resolution would not affect any current legislation of the Tribe.



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: November 23, 2015  
 FROM: Larry Barton, Chief Financial Officer  
 TO: Patricia King, Treasurer  
 Oneida Business Committee  
 RE: **Financial Impact of Resolution– Salaries for Oneida Seven Generations**

### I. Background

Under consideration is a petition which contained a resolution regarding salaries for all Oneida Seven Generations employees. Citing the original charter of the Oneida Seven Generations Corporation, the draft resolution states that the corporation was to keep only 25% of all revenues collected for operating expenses and return the other 75% back to the Tribe. The draft resolution would seek to have funds returned to the Tribe.

The first resolved section states that the General Tribal Council would set a maximum limit for salaries of 25% (for) operational costs per year for all four Seven Generations employees. Further, the draft resolution would establish a look back period, beginning in 2008 and progressing until the date of dissolution of the corporation. The second resolved section would direct the “Tribal Attorney” to take all necessary actions to compel Seven Generations to return any “excess profit” (salary paid to them which may have exceeded 25% of the revenues received by the corporation) back to the Tribe, using Federal Courts, if necessary.

### II. Executive Summary of Findings

We have not received the legal opinion as of this writing. Finance has no opinion regarding the legality of such an action. The Statement of Effect drafted by the Legislative Reference Office indicates the Tribe has no Corporate Code, therefore there is no legislative impact of the first part of the draft resolution. They further state that there is no legislative impact if the “Tribal Attorney” were to seek reimbursement from Oneida Seven Generations employees. Development of a Corporate Code would best be addressed by the Legislative Reference Office’s processes.

### III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is our understanding that since there is not a current Corporate Code, the draft resolution may not be acted upon.

**TOTAL ESTIMATED FINANCIAL IMPACT: NOT APPLICABLE**

### 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.



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



## MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: July 5, 2016

RE: Recommendation – Frank Cornelius Petition – Resolution – Enforcing Salaries of Oneida Seven Generations Corporation

---

The petition calls for a cap on salaries, effective back to 2008 and recovery of salaries of the corporate employees inconsistent with this salary cap. The analysis presented identify that this is an unconstitutional action to make such a retro-active directive. In addition, the action would have little, to no effect on future actions as salaries are part of the operational costs of the corporation and thus, as presented in the resolution, could end up being much higher than current levels.

The 1995 charter identified that the corporation would return a percentage of net profits to the Tribe. This was amended in 2006 to allow the corporation the opportunity to create the necessary cash reserves in order to grow its commercial leasing activities and business investments. As a result, between 2006 and today, no such restriction existed. This would be the same as the General Tribal Council saying that the 2007 action directing a \$100 stipend be reduced to \$50 retroactively and that the Oneida Nation must collect all payments in excess of the \$50 paid. You simply cannot change the rules retroactively in this manner, it's unconstitutional.

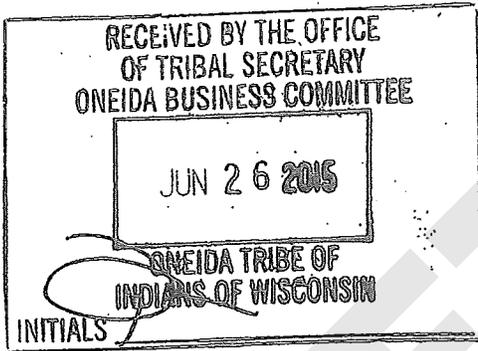
The General Tribal Council could direct the Oneida Business Committee to modify the corporate charter to reinsert this language for future application. This would be within the authority of the General Tribal Council. However, if the corporation is dissolved, this action will not be necessary. If the corporation is not dissolved, but restricted to commercial leasing, such an action may inhibit the corporation in the near future. We do not recommend taking this action.

**Recommendation: Motion to reject the resolution as unconstitutional.**

# RESOLUTION 3

## FREEDOM OF SPEECH, PRESS, AND ASSEMBLY

---



GTC RESOLUTION \_\_\_\_\_

**FREEDOM OF SPEECH, PRESS, AND ASSEMBLY**

**WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and

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

**WHEREAS,** Article VI of the Oneida Constitution allows freedom of press and freedom of speech; and

**WHEREAS,** the Business Committee has not followed the GTC Resolution 11-15-08-A; and

**WHEREAS,** the Oneida Constitution and Bill of Rights is supreme; and

**WHEREAS,** the Indian Civil Rights Act provides “no Indian Tribe exercising powers of self-government, shall make or enforce any law – abridging freedom of speech or freedom of the press”; and

**WHEREAS,** the United States Constitution guarantees freedom of press, speech and due process; and

**NOW THEREFOR BE IT RESOLVED** that the Kalihwisaks will print any article from any Oneida unedited, not to exceed 400 words; and

**BE IT FURTHER RESOLVED** that the Kalihwisaks will print a disclaimer, so as not to be sued.

Legislative Reference Office  
 P.O. Box 365  
 Oneida, WI 54155  
 (920) 869-4376  
 (800) 236-2214

# Oneida Tribe of Indians of Wisconsin



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

## *Statement of Effect*

*Freedom of Speech, Press and Assembly*

### *Summary*

This Resolution alleges that the Oneida Business Committee (OBC) has not followed the General Tribal (GTC) Resolution # 11-15-08-A. In order to secure freedom of press and speech, the Petitioner requests that GTC direct that the Kalihwisaks will print any article from any Oneida unedited, not to exceed 400 words and that the Kalihwisaks will print a disclaimer regarding such articles to prevent legal suites from being entered against the newspaper.

Submitted by: Krystal John, Staff Attorney, Legislative Reference Office

### *Analysis by the Legislative Reference Office*

This Petition was submitted to the Tribal Secretary's Office on April 28, 2015 and was verified by the Enrollment Department. This Petition was submitted to the OBC agenda and accepted at the May 13, 2015 meeting. This Petition requests a special GTC meeting allowing the Petitioner to present on and address four resolutions, including the subject Resolution.

### **Procedural Update**

On May 13, 2015, the OBC acknowledged the receipt of the Petition without the resolutions referenced in the Petition being attached. On May 20, 2015, the LOC added the Petition to the active files list and directed that a memorandum be sent to the OBC stating that the Petition did not include the four resolutions in which the Petition referenced. On May 27, 2015, the OBC received a memorandum from the LOC and directed that the Tribal Secretary reach out to the Petitioner in order to request the resolutions and that they be submitted within 30 days. On June 24, 2015, Chief Counsel expressed concerns relating to the validity of the Petition because it was not possible to determine whether those whom had signed the Petition had actually seen and endorsed any resolutions because they were not attached to the verified Petition. The Petitioner asserted that there had not been any resolutions included with his original Petition, but that he could return with resolutions if they were required. The OBC directed the Tribal Secretary to work with the Petitioner relating the resolutions.

At the July 22, 2015 OBC meeting the Tribal Secretary presented a memorandum to the OBC stating that a meeting was held with the Petitioner on June 29, 2015 during which it was agreed

that the Tribal Secretary would research whether any resolutions could have possible been submitted with the Petition. The memorandum stated that further research confirmed that her office had not received any resolutions with the original Petition. Lastly, the memorandum stated that the Petitioner submitted a report to the Tribal Secretary, June 29, 2015; the report was attached to the Secretary's July 22, 2015 memorandum as a handout. At the July 22, 2015 OBC meeting, discussion ensued and the Petitioner asserted that he had in fact presented resolutions to the Tribal Secretary's Office and the Tribal Secretary's office maintained that she had not yet received any resolutions. On July 22, 2015, at 11:35 AM the Tribal Secretary's office received the Petitioner's four resolutions. On August 12, 2015, Councilman Jordan received the Resolutions from the Petitioner with a date stamp of June 26, 2015.

**The First Components of this Resolution – Direct the Kalihwisaks to Print any Article from any Oneida Unedited, Not to Exceed 400 Words**

The first component of this Resolution directs the Kalihwisaks to print any article not exceeding 400 words submitted from any Oneida as submitted, without edits. While the Kalihwisaks has internal policies, there are no current Tribal laws or policies adopted by either the OBC or GTC which relate to the Kalihwisaks' content selection and editorial processes. Therefore, adoption of this component of the Resolution would have no impact on current legislation of the Tribe.

**The Second Component of this Resolution – Direct the Kalihwisaks to Print a Legal Disclaimer with Each Article Submitted**

In regards to the second component of this Resolution, which directs the Kalihwisaks to print a disclaimer regarding submitted articles to prevent legal suits from being entered against the newspaper, adoption would not have any impact on current legislation of the Tribe.

***Conclusion***

Adoption of this Resolution would not affect any current legislation of the Tribe.



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: November 20, 2015  
 FROM: Larry Barton, Chief Financial Officer  
 TO: Patricia King, Treasurer  
 Oneida Business Committee  
 RE: **Financial Impact of Resolution– Freedom of Speech, Press and Assembly**

### I. Background

Under consideration is a petition which contained a resolution regarding the freedom of speech, press and assembly. The first resolved section would compel the Kalihwisaks to print an unedited version of any article submitted by any Oneida tribal member, provided the submission did not exceed 400 words. The second resolved section states the “Kalihwisaks will print a disclaimer, so as not to be sued.”

### II. Executive Summary of Findings

We contacted the Managing Editor of the Kalihwisaks. It was communicated that the number of submissions cannot be determined. However, if the volume is such that additional pages were required to be added to the editions, the cost is sixty-three (\$63.00) per page. Further, the Managing Editor states that a disclaimer would not protect the Kalihwisaks, if the resolution would compel the paper to print any libelous or slanderous material. Last, the Managing Editor is concerned with a potential inability to edit any submissions in order to remove any obscene or objectionable material.

### III. Financial Impact

A direct financial impact cannot be estimated. Whether or not additional pages would need to be added to any edition of the Kalihwisaks would be solely determined by the number of submissions which could not be edited by the Kalihwisaks staff. Further, according to the Managing Editor, the paper could be subject to lawsuit if libelous or slanderous material were printed, despite presence of any disclaimers.

**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.



Oneida Nation  
 Oneida Business Committee  
 PO Box 365 • Oneida, WI 54155-0365  
[oneida-nsn.gov](http://oneida-nsn.gov)



## MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: July 5, 2016

RE: Recommendation – Frank Cornelius Petition – Resolution – Freedom of Speech, Press, and Assembly

---

The Kalihwisaks, as the official newspaper of the Oneida Nation, publishes news, advertisements, public notices and letters to the editor. The paper uses the best practices of the newspaper industry, including those practices regarding publishing advertisements and letters to the editor. This is necessary in order to avoid liability resulting from third party ads and letters which may contain slander or liable. The newspaper has consistent and clear Standard Operating Procedure regarding both types of publication which are available for individuals to review.

The Constitution of the Oneida Nation incorporates the protections set forth in the United States Constitution. There is freedom of the speech, the press and assembly. But, those freedoms are not endless, there are some restrictions. First, you can't yell fire in a theatre or other place of assembly, you can't write anything you want without incurring liability for those writings, and you can't simply assemble wherever and whenever you want without obtaining the proper permits. Placing a disclaimer in the Kalihwisaks saying the words of the opinion letter are not those of the newspaper is insufficient to protect the Oneida Nation from liability. Mr. Cornelius, or any member, may publish their own newspaper or letter on-line or on paper. It is their right to do so and accept the consequences of those actions. The Kalihwisaks represents the Oneida Nation and has established standard and consistent publishing criteria which allows for opinion letters to be published. It is our opinion that these standards should not be changed.

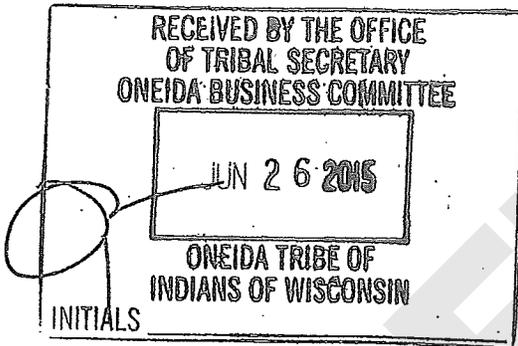
The two paragraphs above total 251 words. This is the current limitation on opinion letters for the Kalihwisaks. We agree that this limitation could be increased. We will be asking the Internal Services Division Director and the Editor of the Kalihwisaks to review existing standards and consider the costs associated with increasing the word count limitation.

**Recommendation: Motion to direct the Oneida Business Committee to review the word count limitation regarding opinion letters published in the Kalihwisaks.**

# RESOLUTION 4

## IMPOSING A TAX ON THE ONEIDA BUSINESS COMMITTEE

---



GTC RESOLUTION \_\_\_\_\_

**IMPOSING A TAX ON THE BUSINESS COMMITTEE**

**WHEREAS,** the Oneida Tribe of Indians of Wisconsin 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 Tribe of Indians of Wisconsin; and

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

**WHEREAS,** Article IV, Section 1, Paragraph (f) states only the GTC can promulgate and enforce the levying of TAXES; and

**WHEREAS,** Article IV(i) of the Oneida Constitution allows the GTC to adopt resolutions regulating the Tribal officials or Tribal organizations; and

**WHEREAS,** the Business Committee has not followed the GTC motions of 12-15-13 and violated GTC Resolution 11-15-08-C by not reporting anything back to the GTC; and

**NOW THEREFOR BE IT RESOLVED** that the General Tribal Council by imposing a tax on all the Business Committee members who voted not to dissolve 7 Generations but only restructure, pay \$5,000 as reimbursement to the Tribe for spending millions of dollars of our money on 7 Generations; and both the Chairwoman and Tribal Attorney pay twice that amount, for having knowledge of the law and as an accessory, pay \$10,000 each; and

**BE IT FURTHER RESOLVED** that the General Tribal Council directs all the Business Committee members, who voted NOT to dissolve 7 Generations but only restructure, to start paying the tax from their personal accounts to the Oneida Tribal general account within 60 days from now or have the Tribe cancel their per capita until it is all repaid.

Legislative Reference Office  
 P.O. Box 365  
 Oneida, WI 54155  
 (920) 869-4376  
 (800) 236-2214

# Oneida Tribe of Indians of Wisconsin



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

## *Statement of Effect*

### *Imposing a Tax on the Business Committee*

#### *Summary*

This Resolution alleges that the Oneida Business Committee (OBC) (1) has not followed the General Tribal Council's (GTC) motions made on December 13, 2015 and (2) has violated GTC Resolution 11-15-08-C by not reporting back to the GTC. As a consequence, the Petition requests that the GTC resolve to "impose a tax on all the Business Committee members who voted not to dissolve 7 Generations but only restructure pay \$5,000 as reimbursement to the Tribe for spending millions of dollars of our money on 7 Generations; and both the Chairwoman and Tribal Attorney pay twice that amount, for having knowledge of the law and as an accessory, pay \$10,000 each." This Resolution requires that those required to pay the subject tax "start paying the tax from their personal accounts to the Oneida Tribal general account within 60 days from now or have the Tribe cancel their per capita until it is all repaid."

Submitted by: Krystal John, Staff Attorney, Legislative Reference Office

#### *Analysis by the Legislative Reference Office*

This Petition was submitted to the Tribal Secretary's Office on April 28, 2015, and was verified by the Enrollment Department. This Petition was placed on the OBC agenda and accepted at the May 13, 2015 OBC meeting. This Petition requests a special GTC meeting allowing the Petitioner to present on and address four resolutions, including the subject Resolution.

#### **Procedural Update**

On May 13, 2015, the OBC acknowledged the receipt of the Petition without the resolutions referenced in the Petition being attached. On May 20, 2015, the LOC added the Petition to the active files list and directed that a memorandum be sent to the OBC stating that the Petition did not include the four resolutions in which the Petition referenced. On May 27, 2015, the OBC received a memorandum from the LOC and directed that the Tribal Secretary reach out to the Petitioner in order to request the resolutions and that they be submitted within 30 days. On June 24, 2015, Chief Counsel expressed concerns relating to the validity of the Petition because it was not possible to determine whether those whom had signed the Petition had actually seen and endorsed any resolutions because they were not attached to the verified Petition. The Petitioner

asserted that there had not been any resolutions included with his original Petition, but that he could return with resolutions if they were required. The OBC directed the Tribal Secretary to work with the Petitioner relating the resolutions.

At the July 22, 2015 OBC meeting the Tribal Secretary presented a memorandum to the OBC stating that a meeting was held with the Petitioner on June 29, 2015 during which it was agreed that the Tribal Secretary would research whether any resolutions could have possibly been submitted with the Petition. The memorandum stated that further research confirmed that her office had not received any resolutions with the original Petition. Lastly, the memorandum stated that the Petitioner submitted a report to the Tribal Secretary, June 29, 2015; the report was attached to the Secretary's July 22, 2015 memorandum as a handout. At the July 22, 2015 OBC meeting, discussion ensued and the Petitioner asserted that he had in fact presented resolutions to the Tribal Secretary's Office and the Tribal Secretary's office maintained that she had not yet received any resolutions. On July 22, 2015, at 11:35 AM the Tribal Secretary's office received the Petitioner's four resolutions. On August 12, 2015, Councilman Jordan received the Resolutions from the Petitioner with a date stamp of June 26, 2015.

#### **The First Component of this Resolution – Direct a Tax be Paid by OBC Members and Tribal Attorney**

The first component of this Resolution proposes a GTC directive that a tax be imposed on “the Business Committee members who voted not to dissolve 7 Generations but only restructure pay \$5,000 as reimbursement to the Tribe for spending millions of dollars of our money on 7 Generations; and both the Chairwoman and Tribal Attorney pay twice that amount, for having knowledge of the law and as an accessory, pay \$10,000 each.” The Tribe has no tax law or policy; this component of the resolution has no legislative impact.

#### **The Second Component of this Resolution – When and How the Tax may be Paid**

In regards to the second component of this Resolution, that those required to pay the subject tax “start paying the tax from their personal accounts to the Oneida Tribal general account within 60 days from now or have the Tribe cancel their per capita until it is all repaid,” the Per Capita and the Oneida Judiciary Rules of Civil Procedure will govern how per capita payments may be attached for the collection of a debt owed to the Tribe. This component of the resolution has no legislative impact.

#### ***Conclusion***

Adoption of this Resolution would not affect any current legislation of the Tribe.



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: November 20, 2015

FROM: Larry Barton, Chief Financial Officer

TO: Patricia King, Treasurer  
Oneida Business Committee

RE: **Financial Impact of Resolution– Imposing Tax on Business Committee**

### I. Background

Under consideration is a petition which contained a resolution that a tax be imposed on the Business Committee members whom voted to restructure Oneida Seven Generations Corporation, as well as on the “Tribal Attorney.”

The draft resolution alleges that the Oneida Business Committee has either not followed or has violated various General Tribal Council resolutions cited. The draft resolution seeks to compel all Business Committee members who voted not to dissolve OSGC to pay a “tax” of five-thousand dollars (\$5,000.00). However, the Chairwoman and the “Tribal Attorney” (presumably, the Chief Counsel) would be required to pay twice that amount, or ten-thousand dollars (\$10,000.00). Further, the draft resolution states that the affected persons begin paying from their personal accounts, or have their per capita payments canceled until the “tax” amount is paid.

### II. Executive Summary of Findings

We have not received the legal opinion as of this writing, and have no opinion as to the legality of such an action. The Statement of Effect drafted by the Legislative Reference Office indicates the Tribe has no tax law or policy, therefore there is no legislative impact of the first part of the draft resolution, which imposes \$5,000 and \$10,000 taxes upon Business Committee members and the Chief Counsel. As to the second part, which describes how the impacted parties may pay the “taxes,” there is already a Per Capita Law which would govern any attachments of per capita payments. Attachments may only be ordered currently by the Tribe’s Judicial System.

### III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is our understanding that since there is not a current Tax Law or Policy, the draft resolution may not be acted upon.

**TOTAL ESTIMATED FINANCIAL IMPACT: NOT APPLICABLE**

### 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.



Oneida Nation  
Oneida Business Committee  
PO Box 365 • Oneida, WI 54155-0365  
oneida-nsn.gov



## MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: July 5, 2016

RE: Recommendation – Frank Cornelius Petition – Resolution – Imposing a Tax on the Oneida Business Committee

---

This resolution proposes a “tax” on the Oneida Business Committee and tribal attorneys for actions that occurred after December 2013, but before the tax was imposed. This is an unconstitutional action and cannot be taken by the General Tribal Council. It arises to the same type of action of the General Tribal Council attempting to impose a retro-active tax on employment; or a tax on benefits received from the tribe; or a property tax. The Oneida Nation cannot impose a retro-active tax.

**Recommendation: Motion to reject resolution as unconstitutional.**



**TOPIC:  
PETITIONER  
MADELYN GENSKOW**

**REVIEW AND CONSIDER ONE  
(1) RESOLUTION REGARDING  
FEE-TO-TRUST PROCESS**



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 and the colony of Pennsylvania, a new nation, the United States was made possible.

### MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: May 11, 2016  
RE: Oneida Business Committee Recommended Action  
Genskow Resolution – Fee-to-Trust Process

---

We have received and reviewed the petition, legislative analysis, legal analysis and financial analysis, and the petitioner's statements regarding the above proposed resolution.

This item originally appeared on the agenda of the April 11, 2016, Special General Tribal Council meeting. At that time, we notified the General Tribal Council that the proposed resolution was unconstitutional and in violation of Tribal laws and could not be presented unless amended. The General Tribal Council, after the presentation and brief discussion adopted the following motion.

"Motion by Sherrole Benton that we take no action as this resolution will appear on the June 13, 2016, Special General Tribal Council meeting agenda. Seconded by Wes Martin. Motion carried by a show of hands."

The petitioner submitted a supporting memo for the original proposed resolution, but did not submit an amended resolution which addressed the constitutional issues. The petitioner also did not contact the Oneida Business Committee to schedule a meeting to attempt to address this issue.

The Oneida Business Committee discussed amending the proposed resolution to remove the constitutional issues. However, we felt that would be inappropriate given the resolution was submitted with a petition and subject to the request of the signatories on

the petition. We do not recall when the Oneida Business Committee had taken that type of action in the past and did not feel it was within our ability to do so now.

We are recommending that the General Tribal Council reject the presentation of this resolution as the petitioner has failed to provide a corrected resolution. This would not prohibit the petitioner from filing another petition with a resolution that did not contain unconstitutional provisions.

**Recommended Action: Motion to deny presenting the resolution because of the unconstitutional actions requested in the resolution.**



**TOPIC:  
PETITIONER  
MADELYN GENSKOW**

**REVIEW AND CONSIDER  
THREE (3) RESOLUTIONS**



## Oneida Nation Certification of Petition Signatures

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**TO:** General Tribal Council  
**FROM:** Lisa Summers, Secretary  
**DATE:** April 8, 2016  
**RE:** Madelyn Genskow Petition re: Review and consider three (3) resolutions

### Certification of Sufficient Petition Signatures:

Petitioner Name:	Madelyn Genskow
Date Submitted:	March 30, 2015
Total # of signatures submitted:	61
Total # of invalid signatures <sup>i</sup> :	1
Total # of valid signatures:	60

Sixty signatures were verified by the Oneida Enrollment Department on March 31, 2015. 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.

<sup>i</sup> Reason(s) for invalidation: 1 – Name could not be verified

# RESOLUTION 1

## ONEIDA BUSINESS COMMITTEE ACCOUNTABILITY

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**ONEIDA BUSINESS COMMITTEE Accountability Resolution**

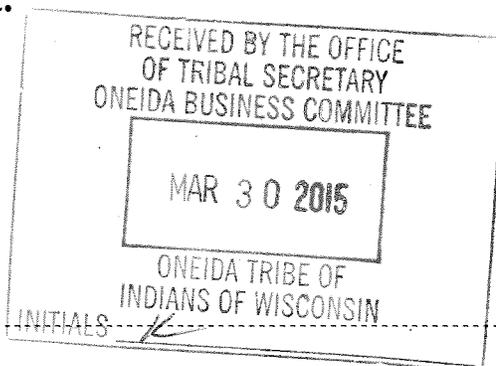
**WHEREAS**, it appears that the members of the Business Committee cannot make public statements regarding certain problems in the Tribe without a majority vote of the Business Committee and

**WHEREAS**, this has caused Oneida General Tribal directives to not be carried out because the General Tribal Council is not informed and

**WHEREAS**, it is documented that the Resolution 11-15-08 C requiring full disclosure was never carried out

**NOW THEREFORE BE IT RESOLVED** . The first item on every Agenda of the Annual and Semi-Annual meetings shall be that each individual member of the Business Committee must verbally report to the GTC if they, as an individual member of the Business Committee, know if there are any GTC Directives that are not being carried out.

**BE IT FINALLY RESOLVED** this item may not be deleted from the agenda.



JO ANNE HOUSE, PHD  
CHIEF COUNSEL  
JAMES R. BITTORF  
DEPUTY CHIEF COUNSEL  
REBECCA M. WEBSTER, PHD  
SENIOR STAFF ATTORNEY

## ONEIDA LAW OFFICE

N7210 SEMINARY ROAD  
P.O. BOX 109  
ONEIDA, WISCONSIN 54155

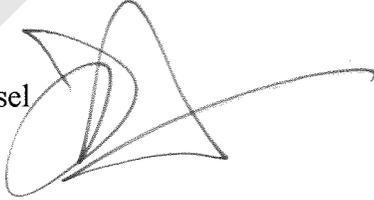
PATRICIA M. STEVENS GARVEY  
CAROYL J. LONG  
KELLY M. MCANDREWS  
MICHELLE L. MAYS

(920) 869-4327

FAX (920) 869-4065

### MEMORANDUM

**TO:** Oneida Business Committee

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

**DATE:** October 5, 2015

**SUBJECT:** Petition – Genskow – Oneida Business Committee Reporting

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains three 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.

- "...it appears that the members of the Business Committee cannot make public statements regarding certain problems in the Tribe without a majority vote of the Business Committee[.]”
- "...this has caused Oneida General Tribal Council directives to not be carried out because the General Tribal Council is not informed[.]”
- "...it is documented that the Resolution 11-15-08 C requiring full disclosure was never carried out[.]”

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.

- "...The first item on every Agenda of the Annual and Semi-Annual meetings shall be that each individual member of the Business Committee must verbally report to the GTC if they, as an individual member of the Business Committee, know if there are any GTC directives that are not being carried out.”
- "...this item may not be deleted from the agenda.”

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 – public speaking and resolution # GTC-1-15-08-C.

#### Public Speaking

The Oneida Business Committee is the elected body representing the Tribe when the General Tribal Council is not in session. As a body, the Oneida Business Committee meets in both open and executive/closed session to receive information and requests regarding issues, discuss those issues, and make a decision by either adopting a motion or a resolution. The Oneida Business

Committee, as a body, acts on behalf of the Tribe unless a specific delegation is made to a member of the Oneida Business Committee to act on an issue or represent the Tribe.

Individual members of the Oneida Business Committee may speak on their own behalf. However, such speech must recognize the position they hold and the quality of the information they are given as a result of their elected position. In other words, members of the Oneida Business Committee receive and have access to information which is not public information.<sup>1</sup>

*Oneida Leadership Group Agreements.* When the 2014 Oneida Business Committee began office they met to discuss how they would proceed during their term of office regarding policy and direction of the Tribe as well as how they would interact with each other. The result of those meetings was the “Oneida Leadership Group Agreements.” These agreements are set forth below.

- Hold each other accountable for our actions.
- Community atmosphere – we are here to help each other and hold each other up.
- Leave the titles at the door. We are equal working together, on a level playing field.
- Challenge the status quo thinking and maintain an open mind.
- Be present physically and emotionally.
- Respectful communication in tone and style.
- Support the decision of the team.
- Come prepared.
- Pay attention and listen.
- No interrupting.
- Deliver the mail to the right address.
- Assume the best.
- Share the time; everyone gets a chance to speak.
- Check attitude at the door.
- Focus on the issue, not the person.
- Be solution-oriented to problems.
- Do not take any decisions personally.
- Maintain our values.

In addition to the Group Agreement, the Oneida Business Committee has also identified that six members must be present in order to make a decision. Based on this, and the Group Agreement, the members of the Oneida Business Committee committed to meeting to discuss issues and arrive at a consensus that everyone could support.

*Public Relations – Newspaper.* In the past, the Oneida Business Committee has directed that all contact with reporters (whether print or other media) be conducted through the Public Relations Office. The Public Relations Office is now a responsibility of Intergovernmental Affairs and Communications. The current Oneida Business Committee has not formally re-affirmed this policy; however, the Intergovernmental Affairs and Communications personnel continue to act as a point of contact for reporters.

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<sup>1</sup> See also discussion at September 21, 2015, Special General Tribal Council meeting, Chair comments regarding certain business activities requiring confidentiality.

*General Tribal Council Reporting.* The Oneida Business Committee continues to provide the travel expense reports as directed by the General Tribal Council. Further, consistent with the prior Oneida Business Committee, a cover letter from the Oneida Business Committee is submitted with the Annual and Semi-Annual Reports. Members of the Oneida Business Committee are contacted regarding subjects to include and the cover letter is approved by the Oneida Business Committee.

*Kaliwhisaks.* The Kaliwhisaks includes a legislative page for members of the Oneida Business Committee. This page allows, on a rotating basis, individual Oneida Business Committee members to address a letter to the members on issues of importance from their individual perspective.

*Oneida Business Committee – Quarterly Reporting.* Each subcommittee or standing committee on which members of the Oneida Business Committee participates provides a quarterly report. These reports identify matters before that body, priorities set on activities of the body, and highlights regarding activities or actions taken by the body. These reports supplement the minutes of these entities. Examples of these types of entities include the Community Development and Planning Committee and the Legislative Operating Committee.

#### **Resolution # GTC-11-15-08-C**

The General Tribal Council met on November 15, 2008, to review a petition submitted by Madelyn Genskow. That petition contained nine resolutions, one of which was regarding the Treasurer's reports. The petitioner identified that the purpose of the resolution was to have the audits of the Tribe reported to the General Tribal Council, and that the financial reports should include the component units of the Tribe. *Meeting Packet, p 119.* The minutes indicate that very little discussion took place. However, the discussion reported identifies that the intent was to make information available to the members, to increase "communication." The members rejected a motion to adopt a resolution proposed by the Oneida Business Committee which required reporting in accordance with Generally Accepted Accounting Principles and Government Accounting Standards.

The General Tribal Council adopted Resolution # GTC-11-15-08-C after a brief discussion and clarification of its intent and application. The resolution contains four Resolves which can be summarized as follows.

- The Treasurer's report must include the annual audit<sup>2</sup> of the Tribe and the component units.<sup>3</sup>

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<sup>2</sup> Prior to adoption of the resolution a Parliamentary question was presented regarding whether the resolution as in order. The ruling was as follows – "The resolution does not require an audit be conducted outside of existing audit processes as clarified in discussion on the floor and as a result does not violate existing tribal law." *General Tribal Council Meeting Minutes, November 15, 2008, p. 13.* This Resolve is interpreted as requiring only an annual audit of the Tribe.

<sup>3</sup> A "component unit" is a corporate or external entity that derives a majority of its activities from the Tribe and as a result is dependent on the Tribe for its profit and losses. Current component units of the Tribe are identified as the Oneida Seven Generations Corporation (because of the management of commercial property owned by the Tribe) and the Oneida Golf Enterprise (because of the financial reliance on the Tribe).

- The Treasurer’s report must include an annual audit of the Tribe that reviews the finances of the Tribe and its component units.
- No Tribal employee shall enter into an agreement with a corporation that requires the agreement to remain confidential.
- This resolution will be implemented at the next General Tribal Council meeting a Treasurer’s report is submitted.

Prior to adoption of this resolution the Treasurer reported to the General Tribal Council at the Annual, Semi-Annual and budget meetings.<sup>4</sup> In addition, the Treasurer reported to the Oneida Business Committee on a quarterly basis. The reports contained an overview of the financial status of the Tribe and occasionally included information regarding investments made by the Tribe. Since adoption of the resolution, the Treasurer continues to provide the same reporting at the Annual, Semi-Annual and budget meetings, as well as the quarterly reporting at the Oneida Business Committee meetings. However, on an annual basis, the audits of the Tribe and the corporate entities of the Tribe are also submitted to General Tribal Council. In addition, in the Annual and Semi-Annual reports, a brief financial status of the corporations and return on investment is also reported.

The budget for the Tribe remains available at specific public locations (Oneida Community Library and SEOTs offices). In addition, the external and internal audits of the Tribe are available in accordance with the Audit Law. Finally, the annual audit and corporate annual audits are available for viewing with the Tribe’s budget.

### Analysis

This resolution contains three Whereas sections and two Resolves. The Whereas sections make two general allegations. First, that General Tribal Council directives have not been carried out because an Oneida Business Committee member cannot speak without approval of a majority of the Oneida Business Committee. Second, that “full disclosure” was never carried out. The resolution also contains two Resolves. First, the agenda of the Annual and Semi-Annual meetings must have, as the first item on the agenda, each Oneida Business Committee member to present a verbal report on General Tribal Council directives not being carried out. The second Resolve directs that the agenda item cannot be deleted.

*Whereas – Restriction on Public Speaking.* It is not clear what directive or restriction is being referred to which restricts an Oneida Business Committee member from speaking. However, there are some processes the Oneida Business Committee has agreed to utilize during their term. For example, the Oneida Business Committee has agreed to a consensus decision making process and committed to that process. For example, the Group Agreements identify that the members of the Oneida Business Committee would “support the decision of the team.” If the Oneida Business member have agreed to the difficult process of consensus building, support of that consensus is critical to participation.

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<sup>4</sup> See opinion, “Genskow Petition – Resolution – Treasurer Reporting to GTC,” dated July 14, 2008, for the history of Treasurer’s reports to the General Tribal Council.

If the specific limiting directive or restriction to speech is identified, it will be possible to provide a more in depth review. Without that information, it is not possible to identify what, if any, such a restriction may have had on a member of the Oneida Business Committee.

In addition to the above, the Whereas section suggests that the restriction on speech was somehow the cause of a General Tribal Council directive not being carried out. The General Tribal Council, since the adoption of the Constitution in 1936, has adopted many motions and resolutions directing action. It is not possible to review all of those actions in the limited time available to determine which, if any, were not carried out; even if that review were limited to short time period the research would be significant.<sup>5</sup> Neither the resolution nor the petition identify any examples of General Tribal Council directives that were not carried out, nor has it identified any examples of General Tribal Council directives that were not carried out because a member of the Oneida Business Committee was restricted or limited from speaking. If such examples or specific occasions were identified, further review would be needed and this opinion would need to be updated.

*Whereas – Full Disclosure.* This Whereas section alleges that a General Tribal Council Resolution was not carried out. The petition does not identify how this resolution has not been implemented, it simply states that it is “documented” that the resolution has not been carried out. As a result, it is not possible to conduct a review of this allegation and to provide an analysis.

*Resolve – Agenda Item – Individual Verbal Report.* The first Resolve requires individual Oneida Business Committee members to report on failures to carry out General Tribal Council directives. This verbal report is to be presented at an Annual or Semi-Annual meeting. The report could be as simple as – “I do not know of any actions.” However, even if there are issues reported, it is not clear what, if any action General Tribal Council could take. A verbal report would not contain sufficient information, presented to the membership prior to the meeting, for informed decision making by the body.

The Oneida Business Committee members take an oath of office prior to entering office. The oath identifies that they will carry out and execute the laws of the Oneida Tribe of Indians of Wisconsin. As such, this directive to present a verbal report at the Annual or Semi-Annual meeting appears to suggest a number of interpretations that would violate that responsibility. For example, the Resolve could be interpreted that a member of the Oneida Business Committee could not take steps to implement corrective action because he or she would then be unable to present a verbal report on such inaction. In the alternative, the verbal report could involve individuals who would have no notice of such action being brought before the General Tribal Council.

- If that individual were an elected official, a verbal report would be in violation of the Removal Law, or the Constitution if this were an allegation against another Oneida Business Committee member.

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<sup>5</sup> This research would be made even more difficult where subsequent actions of the General Tribal Council superseded in whole or in part prior actions of that body.

- If the individual were an employee, a verbal report would be in violation of the delegated authority regarding employment matters to the Human Resources Department and the Personnel Commission.
- If the individual were a gaming employee, a verbal report could be in violation of licensing issues under the Oneida Nation Gaming Ordinance.

The Resolve is not sufficiently clear to provide basic notice requirements to the General Tribal Council to make informed decisions, and does not provide sufficient protections regarding the due process of individuals. As a result, the overbroad nature of the Resolve would pose significant legal issues.

*Resolve – Prohibited from Deleting.* The second Resolve directs that this verbal reporting item on the agenda may not be deleted. However, it is not clear if such a directive can be implemented. Adoption of the agenda, in accordance with notice requirements under the Ten Day Notice Policy, is subject to the will of the General Tribal Council. For example, for at least the past 20-plus years the General Tribal Council has taken action to re-arranging the agenda placing priority on items by moving the item to the beginning of the agenda. Further, the General Tribal Council has also deleted items from the agenda. It is possible, that even after adoption of this Resolve, the General Tribal Council could still, by two-thirds vote, delete an item from the agenda.

### **Conclusion**

This resolution contains Whereas sections which are unclear. It is not possible to provide a legal analysis regarding the allegations being made.

The resolution contains two Resolves. The first Resolve may result in directing an Oneida Business Committee member to violate the laws and/or Constitution of the Tribe. At the very least, it is a directive to provide a report for which insufficient information has been presented to the members in a timely manner in which to make an informed decision. This Resolve contains constitutional issues which are likely to render it out of order.

The second Resolve contains a directive that the directed agenda item cannot be removed. It is not possible to restrict the procedural actions of the General Tribal Council in this manner. Unlike direct information and notice be presented prior to a meeting, the agenda itself is subject to the authority of the General Tribal Council. As a result, at most, this Resolve could result in a two-thirds vote to amend the agenda to delete these items.

If you have further questions, please contact me.

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

Lynn A. Franzmeier, Staff Attorney  
Taniquele J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



P.O. Box 365  
Oneida, WI 54155  
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**Statement of Effect**

*Petition Resolution 1: OBC Accountability*

**Summary**

On March 30, 2015, the Tribal Secretary's Office received a petition which states "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 these resolutions to the GTC intact." The petition further requests that the meeting be held on a Saturday.

The Petition was verified by the Enrollment Project Specialist on March 31, 2015, and on April 22, 2015, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect addresses the first of three resolutions attached to the Petition, pertaining to OBC Accountability.

*Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office*

**Legislative Analysis**

According to this Resolution, it appears that the OBC cannot make public statements regarding certain problems in the Tribe without a majority vote by the OBC. The Resolution further claims that this has caused General Tribal Council directives from being carried out. An example was made that states that Resolution 11-15-08-C requiring full disclosure was never carried out.

This Resolution seeks to add a permanent item to the agenda for all Annual and Semi-Annual General Tribal Council meetings which requires each OBC member to verbally report if they know of any General Tribal Council directives that are not being carried out. The Resolution requires this verbal report to be the first item on the agenda; in addition, this item cannot be deleted from the agenda.

This Resolution has no legislative impact at this time. 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.



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: January 20, 2016

FROM: Larry Barton, Chief Financial Officer

TO: Patricia King, Treasurer  
Oneida Business Committee

RE: **Financial Impact of Resolution– Oneida Business Committee Accountability**

### I. Background

Under consideration is a petition which contains a proposed Resolution titled, “Oneida Business Committee Accountability Resolution.” The “whereas” sections of the proposed Resolution assert that Oneida Business Committee members may not make public statements regarding “problems in the Tribe” without a majority vote of the Business Committee. Further, the proposed Resolution asserts that GTC Resolution # 11-15-08-C requiring full disclosure was never carried out.

The resolved section of the proposed Resolution would require that each Annual and Semi-Annual meeting of the General Tribal Council begin with all nine (9) Business Committee Members individually providing a verbal report detailing whether they know of any General Tribal Council directives which are not being carried out. Further, adoption of the Resolution would not permit removing this item from the agenda of an Annual or Semi-Annual meeting.

### II. Executive Summary of Findings

The proposed Resolution contains no examples of the assertions. There is not the presence of items citing reasons for the proposal. It calls for verbal reports to open certain General Tribal Council meetings. Any actions pertaining to said verbal reports may be in violation of a 10 day notice policy.

### III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is unknown how long these nine verbal reports – one from each Business Committee member – would take. If the time

frame required complete an agenda is extended too far, recent activity has shown that those in attendance may choose to recess before completion, which would require at least one additional meeting to complete the agenda. In this case, we would incur costs to convene a second meeting. For the time frame January 19, 2015 to January 6, 2016 we held ten (10) General Tribal Council meetings. The average cost of these meetings was \$191,264. It is therefore possible that this proposed Resolution would delay the time to complete an agenda, leading the GTC members in attendance to recess a meeting before its completion.

**TOTAL ESTIMATED FINANCIAL IMPACT: zero to \$382,528**

#### **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.

To: General Tribal Council  
From: Madelyn (Cornelius) Genskow



May 2, 2016

Re: Business Committee Accountability Resolution

They have not carried out the following General Tribal Council directives:

1. Benefits books are not mailed to tribal members including Guidelines, updated annually.

1.a. (Community Funds) where several tribal members were funded \$450.00 for gym and dance classes, swim classes, cheer leading class, etc.

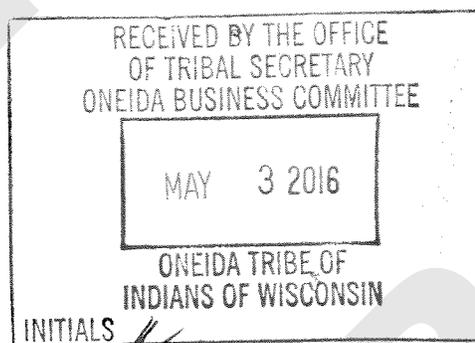
2. Oneida hymn singing to be taught in the tribal schools.

3. Land Commissioner to be elected, not appointed.

4. Ombudsmen. As an advocate for someone to the Health Center I found out that if you have a problem at the Health Center. You report the problem to Sandy Schuyler – whose boss is the Director of the Health Center – not to the ombudsman, as directed by the General Council, should be independent of the management of the Health Center.

5. GTC Resolution 11-15-2008C: No one in the Tribe is to sign a corporate contract that the tribal members can not see. The current “Open Records Law” 7.4 limitations upon access and exceptions and 7.4.1 **(B) contracts or other agreements which specifically prohibit disclosure of the content of the contract of agreement to third parties. - the GTC would be the third party.**

See attachments.



Page 193 of 461  
 OBC OFFICE  
 OF TRIBAL SECRETARY  
 ONEIDA BUSINESS COMMITTEE

MAY 3 2016

**VII. New Business:**

**1. External Donation Requests – Discussion**

Patricia 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.

**VIII. Executive Session:** No requests submitted

**IX. Community Fund:**

*This should in The GTC ordered "Benefits Book"*

**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 Billie. 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.

**C. Follow 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 if there was included in agreement a limited waiver of sovereign immunity, and an updated legal review of this addendum; also there was discussion of this 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, Jr. Motion carried unanimously.

**Thank you and/or FYI:**

**1. FYI – Outagamie County Service Agreement**

Paula King-Dessart, OBC Office Manager

Nathan 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

**Oneida Tribe of Indians of Wisconsin****BUSINESS COMMITTEE**

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



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RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

MAY 3 2016

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN



DEWA DEMOLUN 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.

**( General Tribal Council Resolution 11-15-08-C )**

Treasurer's Report to include all Receipts and Expenditures and the Amount and Nature of all Funds in the Treasurer's Possession and Custody

- Whereas,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- Whereas,** the Oneida 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,** Article I, Section 4 of the bylaws of the Tribe establishes that the Treasurer of the Oneida General Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Oneida General Tribal Council, whether such funds be Tribal funds or special funds for which the Oneida General Tribal Council is acting as trustee or custodian, and
- Whereas,** aforementioned article and section of the bylaws of the Tribe further establishes that the Treasurer of the Oneida General Tribal Council shall deposit all funds in such depository as the Oneida General Tribal 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 or her possession and custody at each regular meeting of the Oneida General Tribal Council and at such other times as requested by the Oneida General Tribal Council or the Oneida Business Committee, and
- Whereas,** while in session, the Oneida General Tribal Council in the past has been denied information regarding all receipts and expenditures of the Tribe including receipts and expenditures of all and including, but not limited to, component units (tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) in the semi-annual and

**( FLIP PAGE TO SEE THE FULL DISCLOSURE RESOLVE. )**

Page Two Resolution 11-15-08-C

annual reports provided to the Oneida General Tribal Council at regularly scheduled Oneida General Tribal Council meetings, and

**Now Therefore Be It Resolved**, that the Oneida General Tribal Council hereby directs that all Treasurer reports hereinafter include an independently audited annual statement that provides the status or conclusion of all the receipts and debits in possession of the Treasurer of the Tribe including, but not limited to, all corporations owned in full or in part by the Tribe, and

**Be It Further Resolved**, that the Oneida General Tribal Council hereby directs that all Treasurer's reports to the Oneida General Tribal Council at the semi- annual and annual Oneida General Tribal Council meetings hereinafter include an independently audited annual financial statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer of the Tribe and including, but not limited to component units (Tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) owned in full or in part by the Tribe, and

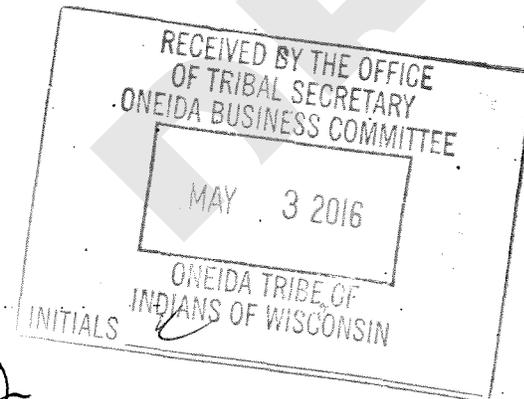
~~**Be It Further Resolved**, that no "agent" of the Tribe shall enter into any agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures and the nature of such funds) and that such an agreement is not binding to the Tribe, and~~

**Be It Finally Resolved**, that the Oneida General Tribal Council hereby directs implementation of this resolution at the next regular Oneida General Tribal Council meeting or at such special meeting of the Oneida General Tribal Council whereby a Treasurer's report is requested.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 1,254 members present at a meeting duly called, noticed and held on the 15<sup>th</sup> day of November 2008, 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.

Patricia Hoeft  
Patricia Hoeft, Tribal Secretary  
ONEIDA 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.

# Oneida Nation BUSINESS COMMITTEE



P.O. Box 365 • Oneida, WI 54155  
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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: General Tribal Council  
From: Oneida Business Committee  
Date: May 11, 2016  
RE: Oneida Business Committee Recommended Action  
Genskow Resolution – Business Committee Accountability

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We have received and reviewed the petition, legislative analysis, legal analysis and financial analysis, and the petitioner's statements regarding the above resolution. We have also reviewed the Action Report from the April 11, 2016, General Tribal Council meeting where the following motion was made.

"Motion by Tehassi Hill to accept resolution on page 58 as information only, and for the Tribal Secretary to provide a written report at the Annual General Tribal Council meeting regarding General Tribal Council directives. Seconded by Sandy Schuyler. Motion carried by show of hands."

This motion by the General Tribal Council carries out the request on the proposed resolution by the petitioner. There is no further action needed.

In addition, every Oneida Business Committee member reports out to the General Tribal Council in the Annual and Semi-Annual report under the Oneida Business Committee's report, and has a column in the Kaliwhisaks on a rotating schedule in which the Oneida Business Committee member gives a report on subjects of interest or requiring further discussion.

In addition, if there are issues requiring action, Oneida Business Committee members:

- meet every two weeks each month in regular session;

- can meet as needed in Special or Emergency Oneida Business Committee meetings;
- participate as members of the Audit Committee;
- participate as members of the Legislative Operating Committee;
- participate in the Officers' meetings; and
- meet in regularly scheduled Strategic or Administrative Work meetings.

It serves no purpose to wait until the Annual or Semi-Annual meeting to report on a directive not being carried out. Especially when that can be brought to the attention of the Oneida Business Committee at almost any time to be taken up and addressed.

**Recommended Action: Motion to accept the resolution as information only.**

RE: BUSINESS COMMITTEE  
ACCOUNTABILITY  
**BUSINESS COMMITTEE  
RECOMMENDATION**

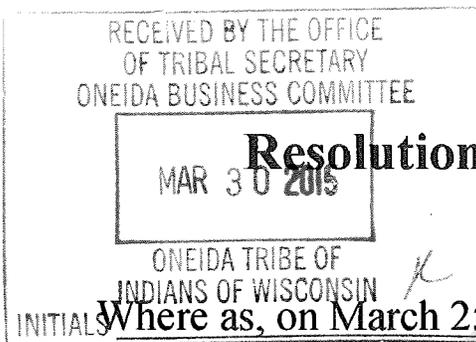
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**(MULTIMEDIA PRESENTATION)**

# RESOLUTION 2

## OPEN RECORDS AND OPEN MEETINGS LAW

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## Resolution Regarding the Open Records Law

Where as, on March 25<sup>th</sup>, 2015 Oneida tribal member Yvonne Metivier requested from the Oneida Records Dept. Research for minutes and audio for General Tribal Council meetings where by a motion was made to create the position of Ombudsman, and

Where as, Yvonne Metivier also on March 25<sup>th</sup>, 2015 requested, was there and General Tribal Council action to create the position of Internal Services Position? And

Where as, the request was denied by the Director of the Oneida Tribal records Department who sited the Open Records and Open Meeting Law 7.7.7. and

Where as, in the past requests have been made for research of minutes and audio of GTC meetings by tribal member Madelyn Genskow regarding GTC minutes and audio and Business Committee minutes, and requests were honored prior to March 25<sup>th</sup> 2015 and

Where as, the members of the General Tribal Council need access to tribal records in order to hold the Business Committee and Management accountable to the General Tribal Council.

Where as, when Madelyn Genskow requested information regarding the General Manager boxes and their content and who was in possession of those record boxes, she was told that the Internal Services Director could have access to those boxes but tribal members could not and

Where as the types of issues the Position of Ombudsman deals with has been radically changed since it was started by the GTC to address concerns at the Health Center and

Now therefore, be it resolved, the GTC orders that the GTC must approve the Open Records and Open Meetings Law in its entirety.

JO ANNE HOUSE, PHD  
CHIEF COUNSEL  
JAMES R. BITTORF  
DEPUTY CHIEF COUNSEL  
REBECCA M. WEBSTER, PHD  
SENIOR STAFF ATTORNEY

## ONEIDA LAW OFFICE

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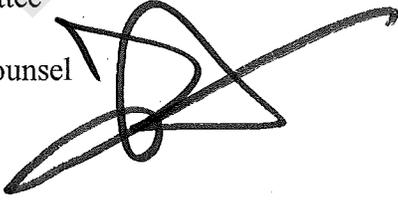
PATRICIA M. STEVENS GARVEY  
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MICHELLE L. MAYS

(920) 869-4327

FAX (920) 869-4065

### MEMORANDUM

**TO:** Oneida Business Committee

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

**DATE:** November 20, 2015

**SUBJECT:** Petition – Genskow – Open Records and Open Meetings Law

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains three 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 seven Whereas sections.

- "...on March 25<sup>th</sup>, 2014 Oneida tribal member Yvonne Metivier requested from the Oneida Records Dept. Research for minutes and audio for General Tribal Council meetings where by a motion was made to create the position of Ombudsman[.]”
- "...Yvonne Metivier also on March 25<sup>th</sup>, 2015 requested, was there and General Tribal Council action to create the position of Internal Services Position?”
- "...the request was denied by the Director of the Oneida Tribal records Department who cited the Open Records and Open Meetings law 7.7.7[.]”
- "...in the past requests have been made for research of minutes and audio of GTC meetings by tribal member Madelyn Genskow regarding GTC minutes and audio and Business Committee minutes, and requests were honored prior to March 25<sup>th</sup>, 2015[.]”
- "...the members of the General Tribal Council need access to tribal records in order to hold the Business Committee and Management accountable to the General Tribal Council[.]”
- "...when Madelyn Genskow requested information regarding the General Manager boxes and their content and who was in possession of those record boxes, she was told the Internal Services Director could have access to those boxes but tribal members could not[.]”
- "...the types of issues the Position of Ombudsman deals with has been radically changed since it was started by the GTC to address concerns at the Health Center[.]”

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.

- “the GTC orders that the GTC must approve the Open Records and Open Meetings Law in its entirety.”

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 – Open Records and Open Meetings law, records requests, General Manager’s records, Ombudsman, and Internal Services Division Director.

## Open Records and Open Meetings Law

The Open Records and Open Meetings law was adopted in January 2005 by the Oneida Business Committee in accordance with the authority delegated in the Administrative Procedures Act. The law is intended, "...to advance the democratic principle of open government by providing access to information regarding the affairs of government[.]" *Section 7.1-1*. In order to advance this policy, "...this law shall be construed with a presumption of public access...consistent with the conduct of governmental business. The denial of public access is generally contrary to the public interest, and only under certain exceptions may access be denied[.]" *Section 7.1-2*.

As identified in other opinions and reviews of the Open Records and Open Meetings law, there are exceptions to public access, or open records. Generally, section 7.4-1 defines records warranting an exception to public access, "...where the public's right to a document is outweighed by the public interest in keeping such documents confidential." Those exceptions are specifically listed in section 7.4, *Limitation Upon Access and Exceptions*. Unless an exception to a public record is specifically listed in this section, the presumption is that the record is a public document.

- Documents submitted or created prior to award of a bid or contract.
- Contracts prohibiting disclosure.
- Documents which if released would result in an invasion of privacy.
- Law enforcement documents.
- Documents which identify trade secrets or financial information of third parties.
- Drafts of documents.
- Documents containing medical information.
- Documents protected by attorney-client privilege.
- Documents from an investigation which contain personal information.
- Documents from the Child Protective Board.
- Documents which contain information which would result in danger to an individual.
- Documents protected by other law.<sup>1</sup>
- Audit related documents.<sup>2</sup>
- Personnel related documents.<sup>3</sup>
- Documents related to a gaming license background check.<sup>4</sup>
- Documents related to student records.

The Open Records and Open Meetings law identifies that records requests should be made to the owner of the record. Where the owner of the record is no longer available, such as a prior member of the Oneida Business Committee or an individual no longer employed by the Tribe, the responsible party is the Tribal Secretary. The owner of a record has a reasonable time in which to respond to a request for records. If the request is denied, the requesting party can appeal that to the Area Manager, or if no Area Manager to the Tribal Secretary. If the records are the

<sup>1</sup> For example: Resolution # BC-8-14-91-A and the rules of order prohibit discussing individuals in open session; General Tribal Council has identified that the financial records of the Tribe shall be held in confidence; and the Membership Ordinance regarding enrollment records.

<sup>2</sup> However, final audit reports, subject to redaction, are available for viewing by Tribal members.

<sup>3</sup> Under the Oneida Personnel Policies and Procedures, personnel records and information is considered confidential.

<sup>4</sup> See Oneida Nation Gaming Ordinance; Tribe-State Gaming Compact regarding vendor licensing; and contracts for the purposes of obtaining background information, especially those concerning financial records.

responsibility of the Tribal Secretary, the appeal can be made directly to the Judiciary. Any appeal of a denial must be made within five business days. Finally, if the denial is upheld, an appeal may be made to the Judiciary. The Open Records and Open Meetings law places the burden on the owner of the record to prove why the denial of the request is within the scope of the law and the exceptions granted.

### Records Requests

Records requests can be made to any department or program throughout the organization which maintains documents. A review of requests of this size is beyond the scope of this opinion. To obtain a picture of records requests the Records Management Office was contacted to identify information. The Records Management Office holds “inactive” records on behalf of the organization. *Section 7.9*. Inactive records include those required to be maintained by law such as accounting and financial records, prior elected officials, and prior employees. Most records, under the Open Records and Open Meetings law, have a hold period of seven years prior to destruction. *Section 7.9-4*.

The information provided involved a time period between February 19, 2015, and September 22, 2015. I have also requested copies of records requests and the responses to those requests. A selection of this latter group of records was submitted. During this time period, there were 40 requests made for records to the Records Management Office by 10 different individuals. Most requests were made for audio recordings with the second category being minutes. Of those requests, 19 were made by Madelyn Genskow, six were made by Leah Dodge, four were made by Mike Debraska, and six other individuals made between one and three requests each.

The report identifies that of the 40 requests, five requests were approved in part and denied in part, one request was denied in full. Two examples of the partial approval/denial are as follows.

- **March 25, 2015 Request**
  - Audio and minutes for a specific General Tribal Council meeting in 2008.
    - Approved
  - Audio and minutes for a specific General Tribal Council meeting in 2011.
    - Approved
  - General request for Ombudsman information from a General Tribal Council meeting.
    - Denied – the request was insufficiently specific to allow for the records to be pulled.
  - General request for information related to the “Internal Services position.”
    - Denied – the request was insufficiently specific to allow for the records to be pulled.
- **April 22, 2015 Request**
  - General request for information related to the Internal Services Division Director position approval by the Oneida Business Committee.
    - Denied – the request was insufficiently specific to allow for the record to be pulled and the meeting minutes of the Oneida Business Committee are already publicly available through the Tribe’s website.
  - Request a specific General Tribal Council meeting in 2005.
    - Approved
  - General request regarding job descriptions and the Quality of Life Subcommittee.

- Denied – the request was insufficiently specific to allow for the record to be pulled.

The Open Records and Open Meetings law identifies how long records are to be kept and how the records can be accessed. As part of the implementation of the law and technology advances, the Tribe is moving toward electronic records storage and delivery. This changes how records can be made available and accessed.

The Records Management Office is actively involved in the transition from paper records to electronic storage. This involves scanning, reviewing and tagging records with key words. Once this is done, the record is loaded into the OnBase program which allows for storage and retrieval. In addition, with the key word access and the ability to search documents, OnBase also allows easier research of those records. However, the research process still contains a significant amount of paper document searching and reliance on memory to narrow down the search parameters.

In addition to digitization of records, the Tribal Secretary's Office and the Intergovernmental Affairs and Communications department are actively working towards on-line access of records. This on-line access includes public access records such as the laws of the Tribe, resolutions of the Oneida Business Committee and information regarding tribal operations. In addition, the on-line access contains information available only to Tribal members such as General Tribal Council meeting minutes and packets. As records are placed on-line, they become available for members to retrieve without making a records request. For those records, the Records Management Office identifies where they are located on the website and directs the requesting party to search the on-line information. This self-access and research makes records available to members and requestors 24 hours a day, seven days a week. These records are no longer subject to a records request under the Open Records and Open Meetings law.

The Records Management Office has also moved away from fulfilling general research requests. Those requests are not within the Open Records and Open Meetings law parameters which outline the primary responsibilities of the office, and generally are time consuming activities which have been conducted on a time-available basis. The office is working towards making records more available in general and easier to research through an on-line database.

### **General Manager's Records**

There are a number of boxes of records by previous General Managers of the Tribe. These boxes are maintained under the current retention schedules and are sorted, digitized, and destroyed as time allows within the Records Management Office. However, the particular boxes identified in the proposed resolution involve four boxes of records requested in 2013 and six boxes of records requested in 2014 spanning two different General Managers out of more than 100 boxes from previous General Managers. The boxes forwarded to the Internal Services Division Director contained departmental reports, business plans, and notes from various meetings attended. In a brief discussion with the Internal Services Director, it appears that the boxes may have been

forwarded for a review of the business plans contained in those records.<sup>5</sup> All of the boxes were released and were not returned. The documents were subject to consolidation and re-use or destruction as duplicative or out of date.

A report on a telephone request made by Madelyn Genskow regarding the “King Dome” was included as a part of the reports delivered by the Records Management Office. This telephone request was made in early February 2015. The Records Management Office report identified six hours was spent reviewing the “General Managers” boxes for references to the request and no such records were identified.

The proposed resolution alleges that the petitioner was “told that the Internal Services Director could have access to those boxes but tribal members could not[.]” In general, not every record of the Tribe is available for viewing under the Open Records and Open Meetings Law. Further, the law requires that the request be sufficiently specific so as to identify a record and not be a general fishing expedition. Although there was no written request made, the report identifies that a search for the general record requested was made and that no such record existed. As a result, it would be a true statement, individuals (whether members, employees, or otherwise) would not have access to the boxes to browse through the documents. Although the contents of boxes sent to the Records Management Office must be clearly described, there are often confidential records included in those materials – such as financial records related to business opportunities, personnel records, and personal notes not subject to release – which is the case with some of the identified boxes.

### Ombudsman

The position of Ombudsman was created by motion of the General Tribal Council at the conclusion of a meeting held on July 11, 2005.

“Motion...that a ombudsman position be established that would listen to the concerns of the employees of the health center and tribal community members, and that these concerns are brought to the assistant general manager, and the issues and how their resolved be published in the Kaliwhisaks on a regular basis[.]” *General Tribal Council Minutes, July 11, 2005, pg. 16.*

The July 11, 2005, General Tribal Council meeting was a special meeting called to address a petition regarding the Oneida Health Center. At the time, a significant turnover in doctors was occurring at the health center and there appeared to be a high level of dissatisfaction with administrative decisions. A review of discussion, mailed packet, handouts and presentations during this meeting does not identify any discussion regarding an ombudsman position or scope other than the motion having been made and adopted.

A job description was developed and an individual hired to fill the position. The position has been filled and vacated by employee(s) between its creation in 2005 and today, until being filled by the current employee. The job description approved in 2005 is substantially similar to the job

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<sup>5</sup> Since there are a significant number of “General Manager” boxes in the Records Management Office inactive files, and ten specific boxes were requested out of all the boxes present, it appears that this was not a general request for boxes, but a specific request for boxes containing a specific type of record. As identified above, the common record appears to be “business plans.” However, there are also a great number of entries regarding departmental reports that also report to the Internal Services Division Director which may have been the focus of the request.

description in place today which was posted on January 6, 2011. The primary difference appears to be transferring supervision from the Chief of Staff to the General Manager and more clearly identifying the duties and responsibilities. The job description remains focused on providing services to the Comprehensive Health Division.

*National Ombudsman.* At the October 9, 2013, Oneida Business Committee meeting a discussion took place during the presentation of the Ombudsman quarterly report. The report discussed a dispute resolution process for the Tribal organization. The national concept arose out of a discussion from membership in a national networking association. The follow-up discussion after the report was accepted was regarding a national or municipal Ombudsman office. The motion from that meeting was as follows.

“Motion...to ask Diane McLester-Heim to bring back a recommendation in 90 days to the Business Committee on how to expand the Ombudsman role to a National one for the Tribe[.]”

On January 22, 2014, the Oneida Business Committee referred this issue of a National Ombudsman to the Quality of Life Committee. That committee met on several occasions to discuss this question. On June 10, 2014, the Quality of Life Committee adopted the following motion.

“Motion...to accept the report and recommendation to work with HRD to change the job description for the Ombudsman to reflect the responsibilities of a National Ombudsman and to forward a recommendation to the OBC recommending this change be included within the FY2015 budget if necessary[.]”

At the June 25, 2014, Oneida Business Committee meeting the following motion was adopted. “Motion...to approve the recommendation from the Quality of Life Committee to revise the Ombudsman job description to become a National Ombudsman and to include adjustments if needed within the FY2015 budgeting process[.]”

The current Oneida Business Committee has determined that it will not implement this change from an Ombudsman focused on the health care area to a more organization-wide responsibility.

A review of the quarterly reports for 2015 identify that the office receives the majority of interaction from the health care area, however there are contacts from or about departments across the organization. These reports identify “contacts” made to the Ombudsman by Tribal members. There is no indication that an employee has not, or cannot, sufficiently address health care issues brought to the Ombudsman. These matters are in addition to the health care matters being addressed. It appears that these contacts, other than health care contacts, have been occurring since at least 2012 based on the initial quarterly report submitted on January 11, 2012.

### **Internal Services Division Director**

The organization of the Tribe has been modified many times.<sup>6</sup> In some circumstances that has occurred as a result of direction by the General Tribal Council. A primary example of that is

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<sup>6</sup> This includes organizational structures before and after adoption of the Constitution. A thorough history of the Tribe’s employment and organizational structure can be found on the Tribe’s website at <http://www.oneidanation.org/HumanResources/page.aspx?id=20080>, accessed on November 19, 2015.

resolution # GTC-2-25-82 directing the creation of a General Manager position to manage employment.

The organization of programs under the General Manager has changed several times since 1982 actions. The current structure of the Tribe was developed and implemented in 1994. The structure is based on logical groups of related activities. However, regardless of how the activities (programs, services, and business) of the Tribe are organized, some are unique such that they support the entire organization. This resulted in the development of the Internal Services Department. The department is made up of Grants, Kaliwhisaks, Management Information Systems, Print Shop and Mail Center, Tsyunhehkwa (the educational farm), Tourism, and Legal Resources.

The structure was consistent with the 1982 action of the General Tribal Council to have the organization of the Tribe managed through a General Manager. There was no General Tribal Council action which created or approved the 1994 reorganization of the Tribe or the changes that have occurred since that date.

In 2000, the General Tribal Council reviewed a petition presented regarding the organizational structure, including at least two options presented by the Oneida Business Committee. After a series of meetings the General Tribal Council adopted “Plan B.” During that meeting the Chairman identified that the motion was out of order because “Plan B” was not presented and the information was not delivered to the membership in accordance with the Ten Day Notice Policy. However, the motion was eventually acted upon and approved by a majority vote. Following this meeting, the Oneida Business Committee adopted resolution # BC-08-02-00-B which declared that the action of the General Tribal Council was in violation of the rules and processes of that body and could not be carried out by the Oneida Business Committee without violating their oath of office and responsibilities. In 2011, the Oneida Business Committee adopted resolution # BC-09-28-11-D which rescinded the prior resolution and began implementing the 2000 directive of the General Tribal Council regarding “Plan B.”

However, the Oneida Business Committee stated that after the passage of 11 years, “Plan B” was no longer effective and given the changes in the organization could not be implemented. The Oneida Business Committee reported to the General Tribal Council on at least three occasions their efforts to finalize a reorganization of the Tribal operations which was not completed during that term of office. The current Oneida Business Committee has committed to reviewing and completing a reorganization of the Tribal operations to present to the General Tribal Council and has assigned personnel to complete this project.

### **Analysis**

The proposed resolution requests the General Tribal Council to consider directing the Open Records and Open Meetings law to be approved by the General Tribal Council. In support of this request, the resolution presents seven Whereas sections.

As identified above, some of those Whereas sections are correct, however they do not support the request regarding the Open Records and Open Meetings law. For example, yes, the Records

Management Office denied research requests presented by Yvonne Metivier for lacking specificity on which records were being requested. However, where information was given such that specific records could be identified, the requests have been fulfilled. In light of the number of requests for research and not specific documents and the increasing availability of records online and at the Oneida Community Library, the Records Management Office is no longer providing research services. Further, the office has not had a responsibility to conduct research services, but to manage the records of the Tribe and has begun focusing on that responsibility with its limited staffing.

It is also true in some respects that a request for “General Manager boxes” was denied. As identified above, the documents requested from those boxes did not exist. Further, a general request to review documents is insufficient to make documents available. Finally, the response on file indicated that some of the “General Manager boxes” had been transferred to the Internal Services Division Director to review. As identified above, that request was regarding economic development projects. The response to the requestor did not identify that “she was told that Internal Services Director could have access to those boxes but tribal members could not[.]” It appears that she was told the boxes had been transferred, that the Records Management Office would not be receiving the boxes back, and that there were no records of the type she had requested in the content lists for those boxes.

Finally, the Whereas sections in the proposed resolution identifies that the Ombudsman position “has been radically changed[.]” Based on the research, it appears that in late 2013 and early 2014, the Oneida Business Committee began exploring expansion of the Ombudsman position to provide services across the entire Tribal organization. The current Oneida Business Committee has not approved such expansion of duties. However, as identified by the motion creating the Ombudsman position, that position does “listen to the concerns of...tribal community members.” It appears that members have brought concerns to the Ombudsman position and since the quarterly reporting to the Oneida Business Committee has occurred, the Ombudsman has routinely reported contacts with members who brought issues forward outside of the Health Center area.

The Open Records and Open Meetings law was adopted in 2005 and has been substantially similar since that date. The amendments in 2014 were made to remove “Oneida Appeals Commission” and replace that with “the Judiciary.” No other amendments were made at that time. All amendments to the law were subject to either Public Comment periods under the Administrative Procedures Act, and any new amendments will be subject to Public Meetings under the Legislative Procedures Act.

The Resolve section asks that the Open Records and Open Meetings law be adopted by the General Tribal Council. There are no pending amendments to the law, and the law has already been properly processed and adopted through the authority set forth in the Administrative Procedures Act and, as applicable, the Legislative Procedures Act. No further approvals are necessary.

However, it is consistent with past practices of the General Tribal Council, to ratify actions properly taken by the Oneida Business Committee. For example, the Administrative Procedures

Act was one such law that was originally adopted by the Oneida Business Committee and then ratified by the General Tribal Council.

### **Conclusion**

There are no prohibitions regarding the General Tribal Council ratifying the adoption of the Open Records and Open Meetings law which has been adopted in conformance and under authority delegated in the Administrative Procedures Act and under the Legislative Procedures Act. It is recommended that the resolution be changed to reflect such ratification and restricting future action to be taken only by the General Tribal Council.

Now Therefore Be It Resolved that the General Tribal Council does ratify the adoption of the Open Records and Open Meetings law and restricts amendment to this law by the General Tribal Council only.

If amended, the resolution would require only a simple majority vote as it does not change or amend any prior action of the General Tribal Council.

As presented, the intent of the resolution is not clear. Some of the interpretations, such as the law is invalid until such approval, would be in violation of existing actions and delegated authority by the General Tribal Council. As a result, the proposed language must be interpreted to be forward acting, I.e., that any changes to the law must be approved by the General Tribal Council. If this is the intent, it would be a simple majority vote to adopt.

The Whereas sections of this resolution contain some errors which should be addressed prior to adoption. Specifically, Whereas sections 6 and 7 should be deleted as they contain erroneous information. In addition, Whereas sections 1-3 should be amended to reflect that a “research” request was made, not a request for specific records.

If you have further questions, please contact me.

## Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Staff Attorney  
Taniquele J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



P.O. Box 365  
Oneida, WI 54155  
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(800) 236-2214  
<https://oneida-nsn.gov/Laws>

### Statement of Effect

#### *Petition Resolution 3: Open Records Law*

#### *Summary*

On March 30, 2015, the Tribal Secretary's Office received a petition which states "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 these resolutions to the GTC intact." The petition further requests that the OBC coordinate with the petitioner on the time of the meeting.

The Petition was verified by the Enrollment Project Specialist on March 31, 2015, and on April 22, 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 3, pertaining to the Open Records Open Meetings Law.

*Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office*

#### *Legislative Analysis*

This Resolution claims that a Tribal member made a request to the Oneida Records Management Department on March 25, 2015 to research 1) minutes and audio for General Tribal Council meetings where by a motion was made to create the Ombudsperson position; and 2) General Tribal Council action to create the Internal Services position. According to this Resolution, this request was refused citing section 7.7-7 of the Open Records Open Meetings Law which requires a request to be sufficient in that it "reasonably describes the record or the information sought." This section goes on to state that "a request for a record without reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request" [See *Open Records Open Meetings Law 7.7-7*].

The Resolution states that past requests have been approved and that members of the General Tribal Council need to access Tribal records in order to hold the OBC and management accountable. In addition, the Resolution claims that a Tribal member requested information regarding the General Manager's content; however, was told that Tribal members did not have access to this information.

This Resolution is ordering that the General Tribal Council approve the Open Records and Open Meetings Law. The Open Records and Open Meetings Law (Law) was adopted and amended by the OBC pursuant to the following resolutions: BC 1-12-05-B, BC 04-12-06-KK and BC 10-14-09-B. This Law gives either the OBC or the General Tribal Council the authority to amend the Law [See 7.2-2]. If the intent of the Resolution is to only allow the General Tribal Council to amend this Law or to adopt laws pertaining to open records and open meetings, then the current

Law will need to be amended or repealed pursuant to the Legislative Procedures Act. The Resolution itself, if adopted, would not result in any amendments to the Law.

Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

***Conclusion***

Adoption of this Resolution would require future amendments to or the repeal of the Open Records and Open Meetings Law.



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: January 20, 2016

FROM: Larry Barton, Chief Financial Officer

TO: Patricia King, Treasurer  
Oneida Business Committee

RE: **Financial Impact of Resolution– Open Records Law**

### I. Background

Under consideration is a petition which contains a proposed Resolution titled, “Resolution Regarding the Open Records Law.” There are seven “whereas” paragraphs in this resolution that address several citations or instances of requests for records, as well as addressing the Ombudsman position within the Tribe and addressing research into audio and minutes of past General Tribal Council meetings. There is one resolved section that states “the General Tribal Council orders that the General Tribal Council must approve the Open Records and Open Meetings Law in its entirety.”

### II. Executive Summary of Findings

The Tribe already has an Open Records and Open Meetings Law. This Law was approved and amended by various BC resolutions, as cited in both the Legislative Review and the Legal Analysis. The proposed Resolution is unclear if any changes to the Law are being recommended. But, it is clear that the proposed Resolution calls for an approval of this Law by the General Tribal Council.

### III. Financial Impact

There is no direct financial impact of adopting the draft resolution as it is written. However, since it is clear the proposed Resolution calls for an approval by the General Tribal Council, it can be inferred that a meeting to consider must be convened. For the time frame January 19, 2015 to January 6, 2016 we held ten (10) General Tribal Council meetings. The average cost of these meetings was \$191,264.

**TOTAL ESTIMATED FINANCIAL IMPACT: \$191,264 per meeting held to consider Resolution**

### 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.

To: General Tribal Council  
From: Madelyn (Cornelius) Genskow

*Madelyn Genskow*

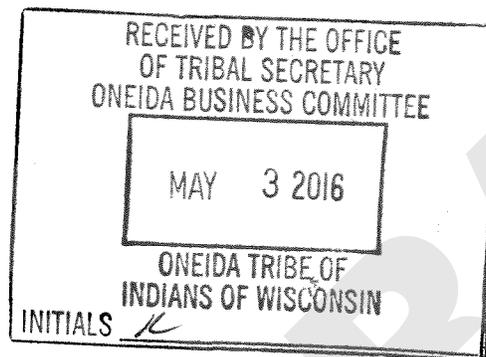
May 2, 2016  
Re: Resolution Open Records Law

- 1) Under the open records law section 7.4 Limitations upon access and exceptions and 7.4.1 sub B: **Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties.**

**The General Tribal Council would be the "third party."**

- 2) Section 7.18 Enforcement  
**"The Judiciary shall have the power, in it's discretion and upon good cause shown, to issue an appropriate order, injunction, or prohibition and to declare any action taken in violation of this law void in whole or in part." This statement gives the Judiciary TOTAL POWER and the tribal member is left with no recourse.**
- 3) After I requested information on the sale of the King Dome to the Oneida tribe. Records Management told me that **they would no longer do any research of any records for any tribal members other that management or the Business Committee. This prevents individual members of the tribe, who are attempting to investigate how tribal funds are spent or whether tribal laws are followed, from access to contracts or previous Generai Tribal Council and Business Committee directives.**

See attachments.



# Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

MAY 3 2016

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN



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.



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

### ( General Tribal Council Resolution 11-15-08-C )

Treasurer's Report to include all Receipts and Expenditures and the Amount and Nature of all Funds in the Treasurer's Possession and Custody

- Whereas, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- Whereas, the Oneida 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, Article I, Section 4 of the bylaws of the Tribe establishes that the Treasurer of the Oneida General Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Oneida General Tribal Council, whether such funds be Tribal funds or special funds for which the Oneida General Tribal Council is acting as trustee or custodian, and
- Whereas, aforementioned article and section of the bylaws of the Tribe further establishes that the Treasurer of the Oneida General Tribal Council shall deposit all funds in such depository as the Oneida General Tribal 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 or her possession and custody at each regular meeting of the Oneida General Tribal Council and at such other times as requested by the Oneida General Tribal Council or the Oneida Business Committee, and
- Whereas, while in session, the Oneida General Tribal Council in the past has been denied information regarding all receipts and expenditures of the Tribe including receipts and expenditures of all and including, but not limited to, component units (tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) in the semi-annual and

( FLIP PAGE TO SEE THE FULL DISCLOSURE RESOLVE. )

Page Two Resolution 11-15-08-C

annual reports provided to the Oneida General Tribal Council at regularly scheduled Oneida General Tribal Council meetings, and

**Now Therefore Be It Resolved,** that the Oneida General Tribal Council hereby directs that all Treasurer reports hereinafter include an independently audited annual statement that provides the status or conclusion of all the receipts and debits in possession of the Treasurer of the Tribe including, but not limited to, all corporations owned in full or in part by the Tribe, and

**Be It Further Resolved,** that the Oneida General Tribal Council hereby directs that all Treasurer's reports to the Oneida General Tribal Council at the semi- annual and annual Oneida General Tribal Council meetings hereinafter include an independently audited annual financial statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer of the Tribe and including, but not limited to component units (Tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) owned in full or in part by the Tribe, and

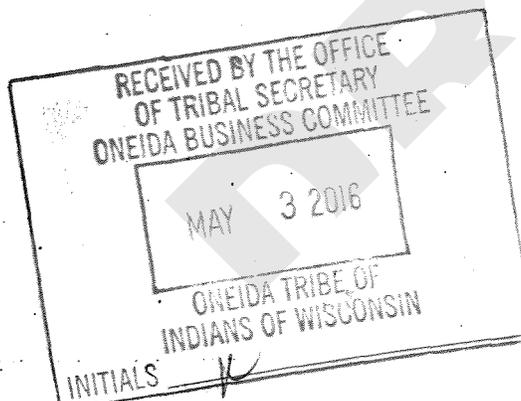
~~**Be It Further Resolved,** that no "agent" of the Tribe shall enter into any agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures and the nature of such funds) and that such an agreement is not binding to the Tribe, and~~

**Be It Finally Resolved,** that the Oneida General Tribal Council hereby directs implementation of this resolution at the next regular Oneida General Tribal Council meeting or at such special meeting of the Oneida General Tribal Council whereby a Treasurer's report is requested.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 1,254 members present at a meeting duly called, noticed and held on the 15<sup>th</sup> day of November 2008, 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.

  
Patricia Hoeft, Tribal Secretary  
ONEIDA BUSINESS COMMITTEE



# Oneida Tribe of Indians of Wisconsin

## BUSINESS COMMITTEE

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

MAY 3 2016

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN



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



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

General Tribal Council Meeting  
November 15, 2008  
Nine Resolutions  
10:00 a.m.

Present: Rick Hill – Chair, Kathy Hughes – Vice Chair, Tina Danforth – Treasurer, Patty Hoeft – Secretary, Ed Delgado, Trish King, Melinda J. Danforth, Brandon Stevens, Tehassi Hill

Opening: Tehassi Hill

Quorum: 1,280

**Agenda:** Motion by Madelyn Genskow to adopt the agenda with one amendment that the Business Committee gave a five minute presentation followed by Madelyn Genskow's five minute presentation and go into Robert's Rules of Order after each set of presentations for each resolution and all voting will be by hand vote, seconded by Corrine Zhuckkahosee. Motion carried.

Motion by Brandon Stevens to amend the main motion to allow Seven Generation's ten minutes and a short video, seconded by Loretta V. Metoxen. Motion carried.

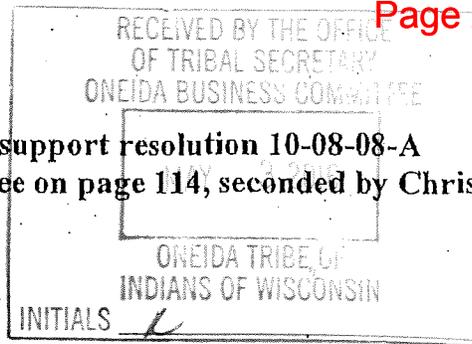
### 1. Non-confidentiality Information

Ed Delgado: The current practice allows mandates that members of boards, committees and commissions have to swear that they don't provide almost any information. It's overdrawn and subjects people to removal. The Business Committee agrees that it is overdrawn. There is no problem passing this resolution.

Madelyn Genskow: Read the non-confidentiality resolution. Stated General Tribal Council (GTC) could work to make things better for ourselves. The Business Committee has agreed that some things need to be changed. We need to make sure nobody can take away our freedom of speech in the future. Please vote to adopt the freedom of speech resolution.

This is page 1 of GTC Nov. 15, 2008. FLIP PAGE OVER  
This is page page 12. SEE THE BUSINESS COMMITTEE ATTEMPT TO BLOCK  
FULL DISCLOSURE . PAGE 14, GTC MADELYN GENSKOW'S RESOLUTION  
FOR FULL DISCLOSURE APPROVED.

**Vote: Motion by Loretta V. Metoxen to support resolution 10-08-08-A recommended by the Business Committee on page 114, seconded by Christine Klimmek. Motion carried.**



### 8. Treasurer's Report Requirements

Kathy Hughes: Business Committee recommends not adopting the petitioner's resolution, but rather the alternate resolution located on page 139. The petitioner is asking for two audits. The cost would be doubled for two annual audits. The alternate resolution meets the goal of reporting out to GTC. There are past actions that needed to be removed for the Treasurer to come forward to report to GTC.

Madelyn Genskow: The intention wasn't to request a second audit, but for audits to be reported to GTC. The constitution requires the Treasurer give a report on all receipts and debits at the annual and semi-annual meetings. All receipts and debits could be requested by GTC on who spent those funds, who received those funds. Currently, information on our money is not reported out according to the constitution. This resolution will make the work of GTC possible for the benefit of our people. It will mean that you will never again be told that the Business Committee cannot tell you.

Motion by Kathy Hughes to adopt resolution on page 139 clarifying confidentiality regarding Tribal finances, setting the Treasurer's reporting minimum requirements and directing amendments to the Audit Law to allow audits to be presented, seconded Loretta Webster.

Discussion:

Ed Delgado: Stated he didn't support the Business Committee recommendation.

Sandy Dennet: Supported Madelyn Genskow's resolution. The information we receive isn't clear nor provides justification. Felt the Business Committee resolution doesn't increase communication.

Hugh Danforth: Supported the Business Committee resolution because it publishes more information, not prohibits more information being published to our membership.

Trish King: Supports the Business Committee resolution. The petitioner's resolution doesn't clearly identify a process where changes would have to be made. The resolution would have to go back through the LRO process, etc. The Business Committee identifies the process, utilizing our procedures; we would be able to amend that law.

Motion by Kathy Hughes to adopt resolution on page 139 clarifying confidentiality regarding Tribal finances, setting the Treasurer's reporting minimum requirements and directing amendments to the Audit Law to allow audits to be presented, seconded Loretta Webster. Total Vote: 729 2/3 needed; Hand count: For: 275 (Opposed: 454) Abstained: 8 Motion failed.

*A*

Motion by Madelyn Genskow to adopt resolution 11-15-08-C on page 126, seconded by Linda Dallas.

Discussion:

*A*

Trish King: Questioned the legality of the resolution that calls for documents to be open and public. There is an audit law that would have to be changed first. Asked if it was appropriate to adopt this resolution understanding that there are tribal laws in place?

Parliamentarian ruling: The resolution doesn't require an audit to be conducted outside of existing audit processes as clarified in discussion on the floor and as a result does not violate existing tribal law.

*A*

Motion by Madelyn Genskow to adopt resolution 11-15-08-C on page 126, seconded by Linda Dallas. Total vote: 782 2/3 needed: (For: 660) Opposed: 123 Abstained: 2 Motion carried.

**General Tribal Council Resolution 11-15-08-C**

Treasurer's Report to include all Receipts and Expenditures and the Amount and Nature of all Funds in the Treasurer's Possession and Custody

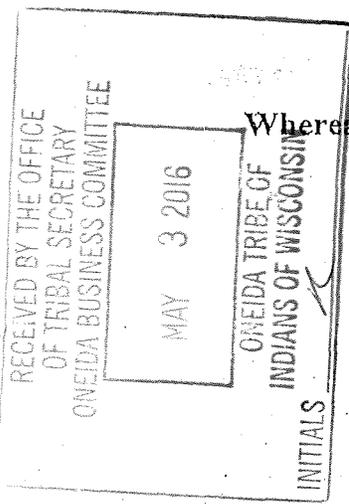
Whereas, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

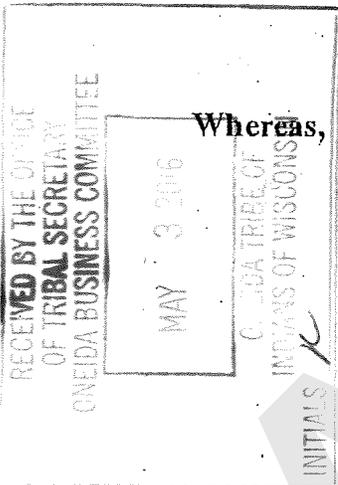
Whereas, the Oneida General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and

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, Article I, Section 4 of the bylaws of the Tribe establishes that the Treasurer of the Oneida General Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Oneida General Tribal Council, whether such funds be Tribal funds or special funds for which the Oneida General Tribal Council is acting as trustee or custodian, and

Whereas, aforementioned article and section of the bylaws of the Tribe further establishes that the Treasurer of the Oneida General Tribal Council shall deposit all funds in such depository as the Oneida General Tribal 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 or her possession and custody at each regular meeting of the Oneida General Tribal Council and at such other times as requested by





the Oneida General Tribal Council or the Oneida Business Committee,  
and

**Whereas,**

while in session, the Oneida General Tribal Council in the past has been denied information regarding all receipts and expenditures of the Tribe including receipts and expenditures of all and including, but not limited to, component units (tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) in the semi-annual and annual reports provided to the Oneida General Tribal Council at regularly scheduled Oneida General Tribal Council meetings, and

**Now Therefore Be It Resolved,** that the Oneida General Tribal Council hereby directs that all Treasurer reports hereinafter include an independently audited annual statement that provides the status or conclusion of all the receipts and debits in possession of the Treasurer of the Tribe including, but not limited to, all corporations owned in full or in part by the Tribe, and

**Be It Further Resolved,** that the Oneida General Tribal Council hereby directs that all Treasurer's reports to the Oneida General Tribal Council at the semi-annual and annual Oneida General Tribal Council meetings hereinafter include an independently audited annual financial statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer of the Tribe and including, but not limited to component units (Tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) owned in full or in part by the Tribe, and

**Be It Further Resolved,** that no "agent" of the Tribe shall enter into any agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures and the nature of such funds) and that such an agreement is not binding to the Tribe, and

**Be It Finally Resolved,** that the Oneida General Tribal Council hereby directs implementation of this resolution at the next regular Oneida General Tribal Council meeting or at such special meeting of the Oneida General Tribal Council whereby a Treasurer's report is requested.

## 9. Prior GTC Directives

Patty Hoeft: Felt this was a good item put in front of us. It results in formal reporting to the GTC and the Business Committee. This will start in the Annual with a listing similar to what is in the book. The Business Committee recommends not adopting the resolution.



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 and the colony of Pennsylvania, a new nation, the United States was made possible.

## MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: May 11, 2016  
RE: Oneida Business Committee Recommended Action  
Genskow Resolution – Open Records and Open Meetings Law

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We have received and reviewed the petition, legislative analysis, legal analysis and financial analysis, and the petitioner's statements regarding the above resolution.

The petition calls for the General Tribal Council to act on something that was adopted in accordance with the laws of the Nation and has been in effect since 2005. The purpose of the law is to give access to Tribal records to provide for an open and transparent government. The Records Management Office was created as a central location for records of the Nation. It has a document management and storage responsibilities.

As a part of those document management responsibilities, the Records Management Office is making records more available through on-line resources available on the Member's-Only website as well as a public research computer set up in the program offices. The large quantity of records limits the program services to provide records that are requested and not available on-line or through the accessible public research computer. There are insufficient resources for the department to act as a research tool under the Open Records and Open Meetings law.

The Open Records and Open Meetings law balances the needs of the members to know the actions of their government with the need of government officials to be able to act in confidence when needed. The law recognizes that Oneida Business Committee members and government employees must have a way to protect the assets and resources of the Tribe as required under the Constitution and the Nation's laws. This

law recognizes the historical directives of the General Tribal Council regarding certain records such as finances (directives in July 1983 and 1993), participation in meetings (motions required to allow non-members to attend), and personnel records (Oneida Personnel Policies and Procedures).

Adoption of this resolution would result in no additional actions, no amendments to existing laws, and no changes to the requirements of Public Meetings to accept comments on proposed amendments to the law.

**Recommended Action: Motion to reject the resolution.**

RE: OPEN RECORDS AND OPEN  
MEETINGS LAW  
**BUSINESS COMMITTEE  
RECOMMENDATION**

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**(MULTIMEDIA PRESENTATION)**

# RESOLUTION 3

## REPEAL JUDICIARY LAW

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**Resolution to Repeal the Judiciary Law, GTC Resolution 01-07-13-B, and GTC Resolution 07-01-13-A titled Adoption of Corrective Amendments to the Oneida Code of Laws and Oneida Tribal Policies regarding references to the Oneida Appeals Commission and/or Oneida Tribal Judicial System, and Business Committee Resolution 06-25-14-B.**

**Whereas, the Oneida General Tribal Council always has been and always shall be the Supreme power of the Oneida Indian Tribe of Wisconsin.**

**Whereas, in 2008 there was a StrateGlobe contract signed by officers of the Oneida Business Committee of \$575,500.00 without the knowledge of all the Business Committee and**

**Whereas, the fact that the StrateGlobe contract for \$575,500.00 is documented in Business Committee minutes dated May 14, 2008 page 12, and there is more discussion regarding StrateGlobe contract on May 28, 2008 minutes pages 8 and 9, and Business Committee minutes of June 11, 2008 page 6 document that Councilman Ed Delgado request the Oneida Business Committee have access to the StrateGlobe contract for information, and that a motion was made by a Business Committee member which was approved for the Business Committee to view the contract and**

**Whereas, this documents that the Oneida Tribal Attorneys allowed a situation where even the Oneida Business Committee did not have access to see the contract without a motion being made and**

**Whereas, Business Committee minutes dated June 11, 2008 page 9 document that after the Business Committee came out of Executive Session, the StrateGlobe contract was terminated and**

**Whereas, on November 15, 2008 the General Tribal Council approved a resolution submitted by Madelyn Genskow, Resolution 11-15-08-C, which read in part "no agent of the Tribe shall enter into any agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures, and the nature of such funds) and that such an agreement is not binding to the Tribe and**

**Whereas, on January 7, 2013 the General Tribal Council adopted the Judiciary Act by Resolution 01-07-13-B and**

page 1 of 5

RECEIVED BY THE OFFICE OF TRIBAL SECRETARY ONEIDA BUSINESS COMMITTEE
MAR 30 2015
ONEIDA TRIBE OF INDIANS OF WISCONSIN
INITIALS <i>W</i>

Whereas, on July 1, 2013 the Business Committee presented **Resolution 07-01-13-A titled Adoption of Corrective Amendments to the Oneida Code of Laws and Oneida Tribal Policies Regarding References to the Oneida Appeals Commission and/or Oneida Judicial System**, to the General Tribal Council, and the General Tribal Council adopted it and

Whereas, the Oneida Business Committee used **GTC Resolution 07-01-13-A** as authority to pass **Business Committee Resolution 06-25-14-B** and

Whereas, in **Resolution 06-25-14-B**, which included the following words: **now therefore let it be resolved that the attached amendments to the Garnishment Law, Oneida Nation Gaming Ordinance, Open Records and Open Meeting Law, Oneida Worker's Compensation Law, and Zoning and Shoreland Protection Law were adopted by the B.C. effective November 1, 2014** and

Whereas, the **Open Records and Open Meetings Law** under 7.4 titled "**Limitations Upon Access and Exceptions**" the following is stated: The following shall be exempt from inspection and copying, Item (b) states: **Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties** and

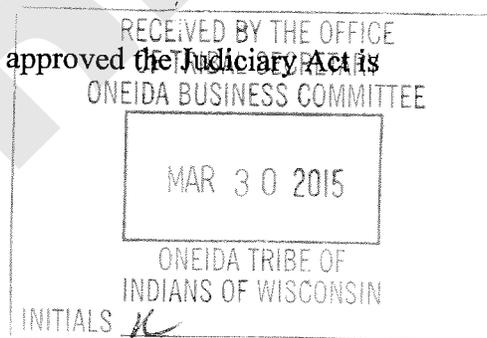
Whereas, **this law** under 7.18 titled **Enforcement** states "**The Judiciary shall have the power, in its discretion and upon good cause shown, to issue an appropriate order, injunction or prohibition to declare any action taken in violation of this law void in whole or in part**" and

Whereas, the **Business Committee has misled the Oneida General Tribal Council and now the contracts and how the Oneida tribal money is spent is once again kept secret from the Oneida people.**

**Now therefore be it resolved, the General Tribal Council will regain its authority as the supreme power of the Oneida Tribe.**

**Be it further resolved, the GTC Resolution 01-07-13B that approved the Judiciary Act is repealed effective immediately.**

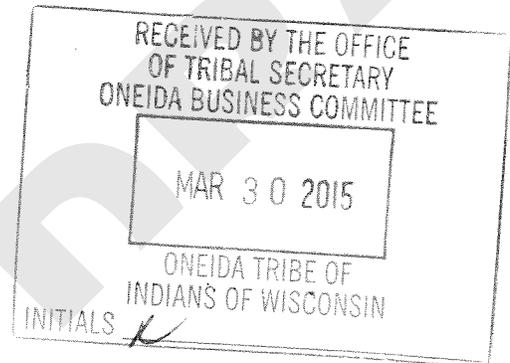
page 2 of 5



**Be it further resolved**, that **GTC Resolution 07-01-13A** which the **Business Committee** used **abusively** is repealed effective immediately.

**Be it further resolved**, that **GTC Resolution 11-15-08C** is restored, which will provide full disclosure to the Oneida people regarding how their money is spent.

**Be it finally resolved**, this resolution will provide **full disclosure** to all contracts, not just corporate.



# Oneida Tribe of Indians of Wisconsin

## BUSINESS COMMITTEE



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

RECEIVED BY THE OFFICE OF TRIBAL SECRETARY. ONEIDA BUSINESS COMMITTEE

MAR 30 2015



UQWA 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.

INITIALS *K*

ONEIDA TRIBE OF INDIANS OF WISCONSIN

P.O. Box 365 • Oneida, WI 54155

Telephone: 920-869-4364 • Fax: 920-869-4040

### ( General Tribal Council Resolution 11-15-08-C )

Treasurer's Report to include all Receipts and Expenditures and the Amount and Nature of all Funds in the Treasurer's Possession and Custody

Whereas, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

Whereas, the Oneida 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, Article I, Section 4 of the bylaws of the Tribe establishes that the Treasurer of the Oneida General Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Oneida General Tribal Council, whether such funds be Tribal funds or special funds for which the Oneida General Tribal Council is acting as trustee or custodian, and

Whereas, aforementioned article and section of the bylaws of the Tribe further establishes that the Treasurer of the Oneida General Tribal Council shall deposit all funds in such depository as the Oneida General Tribal 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 or her possession and custody at each regular meeting of the Oneida General Tribal Council and at such other times as requested by the Oneida General Tribal Council or the Oneida Business Committee, and

Whereas, while in session, the Oneida General Tribal Council in the past has been denied information regarding all receipts and expenditures of the Tribe including receipts and expenditures of all and including, but not limited to, component units (tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) in the semi-annual and

( PAGE TO SEE THE FULL DISCLOSURE RESOLVE. ) Page 2

①

page 4 of 5

Page Two Resolution 11-15-08-C

annual reports provided to the Oneida General Tribal Council at regularly scheduled Oneida General Tribal Council meetings, and

**Now Therefore Be It Resolved**, that the Oneida General Tribal Council hereby directs that all Treasurer reports hereinafter include an independently audited annual statement that provides the status or conclusion of all the receipts and debits in possession of the Treasurer of the Tribe including, but not limited to, all corporations owned in full or in part by the Tribe, and

**Be It Further Resolved**, that the Oneida General Tribal Council hereby directs that all Treasurer's reports to the Oneida General Tribal Council at the semi- annual and annual Oneida General Tribal Council meetings hereinafter include an independently audited annual financial statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer of the Tribe and including, but not limited to component units (Tribally chartered corporations and autonomous entities, limited liability companies, state chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants) owned in full or in part by the Tribe, and

X

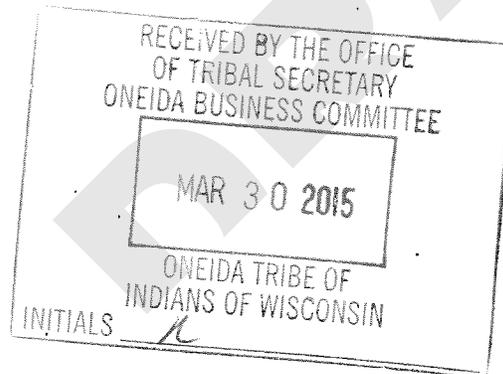
**Be It Further Resolved**, that no "agent" of the Tribe shall enter into any agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures and the nature of such funds) and that such an agreement is not binding to the Tribe, and

**Be It Finally Resolved**, that the Oneida General Tribal Council hereby directs implementation of this resolution at the next regular Oneida General Tribal Council meeting or at such special meeting of the Oneida General Tribal Council whereby a Treasurer's report is requested.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 1,254 members present at a meeting duly called, noticed and held on the 15<sup>th</sup> day of November 2008, 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.

Patricia Hoeft  
Patricia Hoeft, Tribal Secretary  
ONEIDA BUSINESS COMMITTEE



JO ANNE HOUSE, PHD  
CHIEF COUNSEL  
JAMES R. BITTORF  
DEPUTY CHIEF COUNSEL  
REBECCA M. WEBSTER, PHD  
SENIOR STAFF ATTORNEY

## ONEIDA LAW OFFICE

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ONEIDA, WISCONSIN 54155

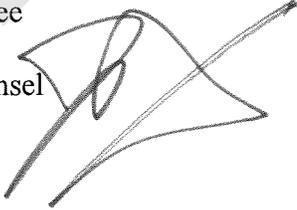
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### MEMORANDUM

**TO:** Oneida Business Committee

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

**DATE:** October 14, 2015

**SUBJECT:** Petition – Genskow – Repeal of Judiciary

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains three 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 13 Whereas sections.

- "...the Oneida General Tribal Council always has been and always shall be the Supreme power of the Oneida Tribe of Indians of Wisconsin."
- "...in 2008 there was a StrateGlobe contract signed by the officers of the Oneida Business Committee of \$575,000.00 without the knowledge of all the Business Committee[.]"
- "...the fact that the StrateGlobe contract for \$575,000.00 is documented in Business Committee minutes dated May 13, 2009 page 12, and there is more discussion regarding StrateGlobe contract on May 28, 2008 minutes page 8 and 9, and Business Committee minutes of June 11, 2008 page 6 document that Councilman Ed Delgado request the Oneida Business Committee have access to the StrateGlobe contract for information, and that a motion was made by a Business Committee member which was approved for the Business Committee to view the contract[.]"
- "...this documents that the Oneida Tribal Attorneys allowed a situation where even the Oneida Business Committee did not have access to see the document without a motion being made[.]"
- "...Business Committee minutes dated June 11, 2008 page 9 document that after the Business Committee came out of Executive Session, the StrateGlobe contract was terminated[.]"
- "...on November 15, 2008 the General Tribal Council approved a resolution submitted by Madelyn Genskow, Resolution 11-15-08-C, which read in part "no agent of the Tribe shall enter into any agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures, and the nature of such funds) and that such an agreement is not binding to the Tribe[.]"
- "...on January 7, 2013 the General Tribal Council adopted the Judiciary Act by Resolution 01-07-13-B[.]"
- "...on July 1, 2013 the Business Committee presented Resolution 07-01-13-A titled Adoption of Corrective Amendments to the Oneida Code of Laws and Oneida Tribal Policies Regarding References to the Oneida Appeals Commission and/or Oneida Judicial System, to the General Tribal Council, and the General Tribal Council adopted it[.]"
- "...the Oneida Business Committee used GTC Resolution 07-01-13-A as authority to pass Business Committee Resolution 06-25-14-B[.]"

- “...in Resolution 06-25-14-B, which included the following words: now therefore be it resolved that the attached amendments to the Garnishment Law, Oneida Nation Gaming Ordinance, Open Records and Open Meeting Law, Oneida Worker’s Compensation Law, and Zoning and Shoreland Protection law were adopted by the B.C. effective November 1, 2014[.]”
- “...the Open Records and Open Meetings Law under 7.4 titled “Limitations Upon Access and Exceptions” the following is stated: the following shall be exempt from inspection and copying, Item (b) states: Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties[.]”
- “...this law under 7.18 titled Enforcement states “The Judiciary shall have the power, in its discretion and upon good cause shown, to issue an appropriate order, injunction or prohibition to declare any action taken in violation of this law void in whole or in part[.]”
- “...the Business Committee has misled the Oneida General Tribal Council and now the contracts and how the Oneida tribal money is spent once again kept secret from the Oneida people[.]”

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.

- “...the General Tribal Council will regain its authority as the supreme power of the Tribe.
- “...the GTC Resolution 01-07-13B that approved the Judiciary Act is repealed effective immediately.”
- “...GTC Resolution 07-01-13A which the Business Committee used abusively is repealed effective immediately.”
- “...GTC Resolution 11-15-08C is restored, which will provide full disclosure to the Oneida people regarding how their money is spent.”
- “...this resolution will provide full disclosure to all contracts, not just corporate.”

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 – StrateGlobe contract, authority of the General Tribal Council, Judiciary transition, and Open Records and Open Meetings Law.

### **Contract - StrateGlobe**

The proposed resolution identifies as series of actions regarding a contract with StrateGlobe appearing in the Oneida Business Committee meeting minutes. The resolution alleges that a contract was signed by the officers of the Oneida Business Committee, that the Oneida Business Committee was not allowed to see the contract, and that legal counsel was prohibiting the Oneida Business Committee from seeing the contract. Please see the legal opinion dated August 3, 2015, *Genskow – Petition – Recording Subcommittees*, for a complete review of this matter.

In summary, a contract was entered into between StrateGlobe and the Human Resources Department. Some officers of the Oneida Business Committee signed on the purchase requisition form that authorizes payment within the Tribe’s accounting systems, no officers signed the contract. The contract was brought to the attention of the Oneida Business Committee by the Oneida Law Office under the contract reporting policy because it appeared to have been fully executed prior to legal review. The Oneida Business Committee requested a report and the contract was discussed at several meetings. Ultimately, the Oneida Business Committee accepted a report from the General Manager regarding the contract having been terminated. Councilman

Delgado had placed an item on the Oneida Business Committee agenda to request a copy of the contract as that was how requests were made during that period. The contract was presented to the Oneida Business Committee to review. The contract was terminated by the General Manager, not the Oneida Business Committee.

The proposed resolution alleges that the actions described in the resolution show that the “Oneida Tribal Attorneys” allowed a situation where even the Oneida Business Committee did not have access to see the document without a motion being made.” A review of the records identifies that the Oneida Law Office brought the contract to the attention of the Oneida Business Committee and that the Oneida Business Committee first asked for a report and then a copy of the contract. What the records show is that the process actually worked properly and the contract activity was reviewed and addressed by the appropriate parties.

### **Authority of General Tribal Council**

The General Tribal Council was created by the membership in the 1930s when the members adopted the Constitution of the Oneida Tribe of Indians of Wisconsin. The Constitution identifies delegated authority and restrictions on authority of the General Tribal Council. As such, the General Tribal Council has significant, but not unlimited authority.

Between the 1930s and the 1940s, the members were called into session to carry out the day-to-day activities of the Tribe. Examples of those actions include adoption of a Membership Ordinance, review of the finances of the Tribe, and authorizations to cut firewood. Many times during this period, the General Tribal Council was unable to obtain the necessary quorum to take action.

As a result of this difficulty in obtaining a quorum, the General Tribal Council adopted resolution # GTC-2-20-49. This resolution created an Executive Committee and “such powers as are enumerated in Article IV of the [1939] Constitution of the Oneida Tribe of Indians of Wisconsin are hereby delegated to the Executive Committee.” *Resolve #1*.

This Executive Committee, made up of an elected Chairperson, Vice-Chairperson, Secretary and Treasurer were responsible for carrying out the daily activities of the Tribe. This responsibility included applying for grants and loans, hiring and disciplining employees, creating a budget and managing the governmental relations at a local, state and federal level.

By the 1960s, the members and the Executive Committee had begun the process of review of the Constitution. There were four amendments presented. These amendments included amendments to the Constitution which replaced the Executive Committee with the Oneida Business Committee. The General Tribal Council accepted the amendments in August 1969. In addition, the General Tribal Council delegated the Article IV powers to the new Oneida Business Committee.

However, this did not disturb the previously delegated powers. Examples of those delegated powers are as follows.

- Credit Committee – recommendations on loans obtained by the Tribe. The committee existed prior to the adoption of the Constitution.<sup>1</sup>
- Membership Committee - membership decisions delegated in 1938 in the Membership Ordinance.<sup>2</sup>
- Election Committee(s) – created for each election of the Executive Committee since 1939.<sup>3</sup>
- Land Committee – approved land assignments under Ordinance #1, Land adopted February 28, 1941.<sup>4</sup>
- Oneida Housing Authority – created April 20, 1963.<sup>5</sup>
- Personnel Selection Committee – delegated authority within the Tribal Management System adopted on February 8, 1977.<sup>6</sup>

In 1982, the General Tribal Council adopted resolution # GTC-2-28-82. This resolution is generally referred to as the “day-to-day” resolution. This resolution clarifies the responsibilities of the Oneida Business Committee to “become actively involved in the legislative areas” and gave examples of legislative activities. In addition, the resolution directs that a General Manager be hired “to be directly responsible for the programs and enterprises of the Tribe along with the Personnel Office and the Accounting Office.

In 1990, the General Tribal Council adopted ‘job descriptions’ for the Oneida Business Committee which set forth the duties and responsibilities of members of the Oneida Business Committee. This compliments the delegated authority in the Constitution and in the 1969 actions of the General Tribal Council.

On March 4, 1991, the General Tribal Council adopted the Ten Day Notice Policy. The goal of the Ten Day Notice Policy was to require notice of meetings and information regarding the subject matters to be presented. Over the years, the procedures and expectations regarding this policy have evolved. This included sufficient time to schedule the room and make materials available.

The General Tribal Council adopted the Administrative Procedures Act and created the Oneida Appeals Commission by resolution # GTC-8-19-91-A. The Administrative Procedures Act identifies how legislation is developed and presented for adoption by the Oneida Business Committee. This delegated authority is now specifically identified in the Legislative Procedures Act.

In addition, the 1991 action delegated judicial authority to the Oneida Appeals Commission. This delegation has subsequently been transferred to the Judiciary. The Judiciary is delegated judicial authority through the Judiciary law.

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<sup>1</sup> The responsibilities of this entity have been transferred to the Treasurer and the supporting personnel in the Finance Department.

<sup>2</sup> This entity is now the Trust and Enrollment Committee delegated responsibility for enrollments and the trust funds.

<sup>3</sup> This entity is now the Election Board created under the Election Law.

<sup>4</sup> This entity is now the Land Commission delegated authority under the Real Property Law.

<sup>5</sup> This entity has been dissolved and is now a program of the Tribe.

<sup>6</sup> This entity is now the Personnel Commission which acts under the Tribe’s Personnel Policies and Procedures.

As identified above, there have been numerous delegations of authority since adoption of the Constitution which created the General Tribal Council. As a result, although the General Tribal Council does retain the authority given to it in the Constitution, it must also comply with the previous actions of that body, the laws adopted in accordance with delegated authority, and the recognized rules of procedure for its meetings. This is necessary to allow elected and appointed officials and employees to take action in their day-to-day activities.

The members are the “supreme power of the Oneida Tribe of Indians of Wisconsin” since it is those individuals which adopted the Constitution and delegated authority to the General Tribal Council. However, under that delegated authority by the members, the General Tribal Council is the governing body when a quorum exists at a duly called and noticed meeting. And, in accordance with the Constitution, By-laws and adopted job descriptions, the Oneida Business Committee acts under the delegated authority of the General Tribal Council when that body is not in session. Finally, employees of the Tribe take actions under the delegated authority given to them in their programming activities.

### **Transition from Oneida Appeals Commission to Judiciary**

In 1991, the Oneida Business Committee adopted a resolution creating the Oneida Appeals Commission. Several months later the General Tribal Council ratified that action by adopting resolution # GTC-8-19-91-A (Addendum). The Oneida Appeals Commission was not the first judicial entity of the Tribe. Prior to this body the General Tribal Council and Oneida Business Committee had created other specialty administrative courts, such as those for membership decisions. The Oneida Appeals Commission operated continuously until March of 2015. At that time, all cases of the Oneida Appeals Commission were either transferred to the Judiciary or dismissed.

In addition to the transition from the Oneida Appeals Commission to the Judiciary, the Oneida Business Committee also adopted the Family Court law. This law transferred all family law cases from the Oneida Appeals Commission to the Family Court. When the Judiciary law was adopted, this court was incorporated into the new tribal court system.

After much discussion by the General Tribal Council at meetings spanning a period of over two years, the General Tribal Council adopted two resolutions on January 7, 2013. The first resolution, # GTC-01-07-13-A, *Adoption of the Administrative Procedures Act Amendments and the Legislative Procedures Act*, deleted references to legislative processes in the Administrative Procedures Act and adopted the Legislative Procedures Act. This new law, identifies how laws may be adopted by the Oneida Business Committee or the General Tribal Council

The General Tribal Council also adopted resolution # GTC-01-07-13-B, *Adoption of the Judiciary Law*. This resolution was much more comprehensive in that it adopted a law, identified a transition process, repealed sections of other laws, and directed further action to adopt supporting laws for the Judiciary.

The Judiciary law creates the tribal court system and identifies delegated authority. In addition, the law identifies the number and qualifications for judicial officers, as well as how they are

selected. The Judiciary law is the primary law governing the tribal court system and is supported by other laws adopted independently.

- Judiciary Canons of Conduct, resolution # BC-06-11-14-B
- Judiciary Rules of Appellate Procedure, resolution # BC-3-25-15-C
- Judiciary Rules of Civil Procedure, resolution # BC-04-25-14-A
- Judiciary Rules of Evidence, resolution # BC-04-23-14-A

The transition period identified that individuals with cases before the Oneida Appeals Commission, whether as an original hearing body or an appeal, could choose to remain in the Oneida Appeals Commission or transfer to the Judiciary. If individuals chose to remain in the Oneida Appeals Commission, their cases had to be concluded by March 1, 2015. This gave plaintiffs, defendants, appellants and appellees approximately one and a half years to conclude cases already in the process. Cases could still be brought in the Oneida Appeals Commission up until its dissolution, however if they were not completed they were dismissed without prejudice and the case would need to be filed in the Judiciary from the beginning process, not as a transfer case.

The Judiciary is made up of a Trial court, a Family court and an Appellate court. The court's docket, from all three groups, is primarily made up of child support cases being heard in the Family court. However, the Trial Court does hear a significant number of garnishments under the Tribe's Per Capita law. Finally, there are appeals from the Trust Committee regarding appeals of General Tribal Council meeting stipend eligibility and trust fund disbursements, the Environmental Resources Board regarding appeals of hunting citations, Land Commission regarding foreclosures and evictions, Oneida Housing Authority regarding foreclosures and evictions, Personnel Commission regarding employment matters, as well as other areas of the Tribe from which an appeal is possible.

### **Open Records and Open Meetings Law**

The Oneida Business Committee adopted the Open Records and Open Meetings Law by resolution # BC-01-12-05-B. The law was last amended in 2014 by the Oneida Business Committee in accordance with resolution # GTC-07-01-13-A to change references to the Oneida Appeals Commission to the Judiciary. This resulted in amendment to section 7.2-1 by adding a definition of "Judiciary" and replacing "Oneida Appeals Commission" with "Judiciary" in sections 7.11-1, 7.11-3, 7.13-1(a) and 7.18-1. This was consistent with amendments made under that same resolution to the Garnishment Ordinance, Oneida Nation Gaming Ordinance, Worker's Compensation Law and Zoning and Shoreland Protection Law.

The Open Records and Open Meetings Law was adopted with the intent to provide access to information. The law allows members and employees to request copies of records held by the record "owner" in the normal course of business. It does not require that records, reports or other documents be created, and it does not authorize an employee of the Tribe to grant access to records for which the employee is not the owner or holds no responsibility for managing. For example, the Law Office maintains an electronic database of contracts reviewed, however only the owner of the contract has authority to release that document.

The law does contain exceptions to the release of records in section 7.4 which states the following.

While the law addresses records produced in the course of governmental business, it is recognized that Tribal governmental business often includes matters relating to Tribal business enterprises and other generally non-governmental duties. This section is intended to address records of a sensitive nature, where the public's right to a document is outweighed by the public interest in keeping such documents confidential.

The law identifies 16 groups of exceptions. These range from draft documents prior to public submission, personnel matters, trade secrets and financial information, criminal investigation records, medical information, attorney-client privileged, personal information, student records, and internal audit reports unless released for viewing. These exceptions have been identified since adoption of the law in 2005. The limited number of exceptions is intended to protect three types of information – personal information, the business processes of third parties generally kept confidential, and drafts of work product until such time as presented in a public manner.

The law also contains several sections regarding enforcement. For example, section 7.11-1 allows a requesting party to appeal a denial to an Area Manager. Ultimately, the requesting party may file with the Judiciary a request for an order releasing a record. *See sec. 7.11-3*. This process has been in the law since its adoption. It provides third party review of a request and the denial in order to determine whether a record is open or confidential.

### Analysis

If this proposed resolution is adopted, resolution # GTC-01-07-13-B and resolution # GTC-07-01-13-A are repealed. The former resolution created the Judiciary, repealed parts of the Administrative Procedures Act, and dissolved the Oneida Appeals Commission. The proposed resolution does not create another court system or identify what, if anything is done with existing cases within the Judiciary. Further, it is not clear if this action also dissolves the Family court. As a result, all cases before the Judiciary would also be immediately dismissed with no further action and all personnel would be laid off.

Financially, there are actions with the dissolution of the Judiciary which would need to be addressed. A review would need to be conducted to determine if any grant funds were involved and would need to be re-paid to the granting agency. All existing contracts would need to be terminated and paid out in accordance with their termination clauses. And, current personnel of the Judiciary would need to have existing personal/vacation time paid out and placed in layoff status.

Based on the above, "immediate" dissolution of the Judiciary is likely to result in harm to individuals with cases in the court system. Further, it is not possible to have an immediate dissolution given the need to address those cases and allow for transfer back to various courts from which they arrived unless the court simply sends notice of dismissal of all matters. In addition, where personnel are involved, immediate dissolution would be required to be delayed to address personnel issues. Finally, immediate dissolution would need to take into account existing grant and contract related issues.

In addition, since the Judiciary is inter-connected with other programs of the Tribe immediate dissolution of the Judiciary may have a much wider impact. For example, as identified above, the Judiciary hearings child support cases, foreclosures and evictions from the Division of Land Management and the Housing Authority, citations from the Environmental Resources Board, and various other entities. Alternative hearing bodies or processes would need to be developed to address the gap created by dissolution of the Judiciary.

### **Conclusion**

The proposed resolution erroneously describes a 2008 contracting activity as well as erroneously describes the process by which existing laws of the Tribe were amended to conform to the new Judiciary. These Whereas sections should either be corrected or deleted.

The proposed resolution contains five Resolves which repeal certain laws and proposes expansion of the application of an existing resolution. As stated, the proposed Resolves are problematic since immediate dissolution is not possible. Further, even if such an action were possible, it will more likely than not cause irreparable harm to those parties with cases in the Judiciary. It is recommended that if this resolution is considered, that the Resolves be deleted and the Oneida Business Committee be directed to adopt a dissolution transition plan for implementation. Any action regarding this resolution would require a two-thirds vote in accordance with the Ten Day Notice Policy affecting a prior action of the General Tribal Council.

If you have further questions, please contact me.

## Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Staff Attorney  
Taniquele 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 2: Repeal Judiciary*

#### *Summary*

On March 30, 2015, the Tribal Secretary's Office received a petition which states "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 these resolutions to the GTC intact." The petition further requests that the OBC coordinate with the petitioner on the time of the meeting.

The Petition was verified by the Enrollment Project Specialist on March 31, 2015, and on April 22, 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 2, pertaining to the repeal of GTC Resolution 01-07-13-B, which adopted the Judiciary Law; the repeal of GTC Resolution 01-07-13-B, which, according to the Resolution, has been used abusively by the OBC; restores Resolution GTC-11-15-08-C to provide full disclosure to the Oneida people regarding how their money is spent; and requires full disclosure to all contracts, not just corporate.

*Submitted by: Lynn A. Franzmeier, Staff Attorney; and Candice E. Skenandore, Legislative Analyst; Legislative Reference Office*

#### *Legislative Analysis*

The "Whereas" section of the Resolution states that after the General Tribal Council (GTC) adopted Resolution GTC-01-07-13-B: Adoption of the Judiciary Law, GTC then adopted Resolution GTC-07-01-13-A: Adoption of Corrective Amendments to the Oneida Code of Laws and Oneida Tribal Policies Regarding References to the Oneida Appeals Commission and/or Oneida Judicial System. According to the Resolution, GTC-07-01-13-A was used by the OBC as authority to pass Resolution BC-06-25-14-B which, in part, adopted amendments to the Open Records and Open Meetings Law.

The Resolution points out two sections of the Open Records and Open Meetings Law: 7.4(b) which states "Contracts or other agreements which specifically prohibit disclosure of the content of the contract or agreement to third parties"; and 7.18 which states "The Judiciary shall have the power, in its discretion and upon good cause shown, to issue an appropriate order, injunction or prohibition to declare any action taken in violation of this law void in whole or in part." The Resolution states the Business Committee has misled GTC and "now the contracts and how the Oneida tribal money is spent is once again kept secret from the Oneida people." According to the Resolution, GTC Resolution 11-15-08-C states "no agent of the Tribe shall enter into any

agreement with any corporation that prohibits full disclosure of all transactions (receipts and expenditures, and the nature of such funds) and that such an agreement is not binding to the Tribe...”

The Resolution declares GTC will regain its authority as the supreme power of the Oneida Tribe and also repeals GTC Resolution 01-07-13-B.

Repealing the Judiciary Law may have a legislative impact on additional Tribal laws that were adopted based, at least in part, on the Judiciary Law, including:

- Rules of Civil Procedure
- Rules of Evidence
- Rules of Appellate Procedure
- Family Court
- Family Court Rules
- Judicial Canons of Ethics

In addition, approximately 25 additional Tribal laws were amended to remove references to the Oneida Appeals Commission and add the Judiciary. If GTC-01-07-13-B is repealed, Tribal laws that reference the Judiciary based on that Resolution may need to be updated to reflect the proper judicial system of the Tribe, if any.

This Resolution also repeals GTC Resolution 07-01-13-A which allowed the OBC to make corrective amendments to the Oneida Code of Laws and Oneida Tribal Polices regarding references to the Oneida Appeals Commission and/or the Oneida Tribal Judicial System. There is no legislative impact associated with this portion of the Resolution.

This Resolution also “restores” GTC Resolution 11-15-08-C, implying that GTC Resolution 11-15-08-C is not being followed. GTC Resolution 11-15-08-C is still in effect and, among other things, requires that 1) all Treasurer reports include an independently audited annual statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer, including but not limited to all corporations owned in full or in part by the Tribe; 2) all Treasurer’s reports to the GTC at annual and semi-annual GTC meetings include independently audited annual financial statement that provides the status or conclusion of all receipts and debits in possession of the Treasurer including, but not limited to component units (Tribally chartered corporations, and autonomous entities, limited liability companies, states chartered corporations, any tribal economic development authority, boards, committees and commissions, vendors and consultants owned in full in party by the Tribe; and 3) no agent of the Tribe can enter into any agreement with any corporation that prohibits full disclosure of all transactions and that such agreement is not binding to the Tribe.

This Resolution states that restoring GTC Resolution 11-15-08-C will provide full disclosure to the Oneida people regarding how their money is spent. In addition, this Resolution claims to provide full disclosure to all contracts, not just corporate contracts; however, the Open Records Open Meetings Law exempts inspection and copying contracts which specifically prohibit disclosure of the content of the contract to third parties from inspection and copying [*See Open Records Open Meetings 7.4-1 (b)*].

Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts. A two-thirds vote by GTC is required in order to adopt this Resolution [*See Oneida Tribal Council Ten Day Notice Policy, III.1.a.3*].

***Conclusion***

Adoption of this Resolution would repeal the Judiciary Law and may result in a need to amend the Open Records and Open Meetings law and various laws that (1) were adopted to compliment the Judiciary Law; and (2) reference the Judiciary.



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

# ONEIDA TRIBE OF INDIANS OF WISCONSIN



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 η Toll Free: 1-800-236-2214

FAX # (920) 869-4024

## MEMORANDUM

DATE: January 22, 2016

FROM: Larry Barton, Chief Financial Officer

TO: Patricia King, Treasurer  
Oneida Business Committee

RE: **Financial Impact of Resolution– Repeal Judiciary Law**

### I. Background

Under consideration is a submitted petition which contains thirteen (13) “whereas” sections and five (5) “resolved” sections. As indicated by the Legal Analysis, the “whereas” sections may not be enforceable, so we will not assess. The main focus of the five (5) “resolved” sections is to seek the immediate repeal of GTC Resolution #01-07-13-B, which approved establishment of the Oneida Judiciary Law and the establishment of a Trial Court and a Court of Appeals. The proposed Resolution also seeks to repeal GTC Resolution #07-01-13-A, which allowed the Oneida Business Committee to make amendments to the Oneida Code of Laws and to Tribal Policies. Lastly, the proposed Resolution seeks to “restore” GTC Resolution #11-15-08-C, which implies it has not been followed.

### II. Executive Summary of Findings

GTC Resolution #01-07-13-B, if it were “immediately repealed,” would dissolve the Oneida Judiciary (Trial Court and Court of Appeals). What is not clear is what would happen with the Family Court. This Court was established as a distinct function of the Oneida Judiciary, via BC Resolution # 05-08-13-A.

The proposed Resolution is silent on what framework would be left behind or established to handle the legal processes and services provided by the Oneida Judiciary, if the Judiciary Law were to be repealed. According to the Legal Analysis, the bulk of cases being heard are child support cases in Family Court. However, there are also issues that arise pertaining to garnishments under the Tribe’s Per Capita Law, as well as appeals of items regarding GTC meeting stipend eligibility, Trust Fund disbursements, hunting citations and various foreclosure or eviction proceedings.

### **III. Financial Impact**

In the approved FY 2016 Budget, the total estimated cost of the Oneida Judiciary is \$1,046,506. Currently, there are no grant funds that were included in FY 2016. The budget is mainly Tribal Contribution, with a small amount listed as External Sales. In addition, the Family Court budget for FY 2016 is \$243,641. Again, a very small amount of this cost is External Sales. The bulk is Tribal Contribution, with no grant funds listed.

Theoretically, the financial impact of adopting the proposed Resolution would be an annual budgetary savings of at least \$1,046,506 – and possibly as much as \$1,290,147 if the Family Court were also dissolved. However, the proposed Resolution does not speak to how the services provided by the Oneida Judiciary would be addressed. At minimum some form of alternative hearing bodies would have to be established. As we cannot predict what format these bodies would take to handle hearing all the cases before the Court System, we cannot offer a definitive potential financial impact of the Resolution.

**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.

To: General Tribal Council  
From: Madelyn (Cornelius) Genskow

*Madelyn Genskow*

May 3rd, 2016

Re: Resolution to Repeal the Judiciary

I have submitted this resolution for the following reasons:

- 1) Judges are not recusing themselves when they have had adverse actions or opinions against Oneida People that have a case brought to the Judiciary.
- 2) Some of the judges have violated the law themselves and now are judging the Oneida people.
- 3) Under section 7.18 of the open records law – enforcement. The Judiciary shall have the power, in its discretion and upon good cause shown, to issue and appropriate order, injunction or prohibition and to declare any action taken in violation of this law void in whole or in part. This statement gives the Judiciary TOTAL POWER and the tribal member is left with no recourse.
- 4) According to the financial impact statement the Judiciary is currently costing the tribe \$1,046,506.00 and will cost an additional and possibly as much as \$1,290,147.00 if the family court carries on – All this for a court that has some judges who have violated laws themselves and who don't know enough to recuse (to remove themselves from the case) when they should. Some examples for a judge to recuse themselves are: friends, prior financial business, relatives (father, mother, brother, sister, cousins, aunts, uncles etc), prior disagreement/problems with the parties in the case before them.
- 5) The Oneida Business Committee has changed the administrative procedures act. Previously that law had been decided by the General Tribal Council and now the Business Committee is saying that because of the Judiciary law, the Business Committee now has the power to change these important laws without consent of the General Tribal Council.
- 6) *X* The resolution for full disclosure will now cover corporate contracts and **all contracts including the tribal attorneys and management. We have a right to know how much they are being paid. All cities and municipalities in the USA have a requirement that the residents have a right to know what is being paid to the city or municipality employees.**

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE

MAY 3 2016

ONEIDA TRIBE OF  
INDIANS OF WISCONSIN

INITIALS *R*

B.C. minutes regarding StrateGlobe Contract

IT has been reported The 2 members of The B.C. signed, with out the other B.C. Do Not be mislead by some of The B.C. who make The motions. The GTC members are not allowed to see The StrateGlobe Contract To document which 2 members of The B.C. if any signed The Contract. M obdym Henselkow

Action: Motion Patty Hoeft to accept the Seven Generations Corporation quarterly report as FYI, seconded by Ed Delgado. Motion carried unanimously.

d. Legislative Affairs Update

1. Tana Aguirre RE: Town of Oneida address/fire signs reconsideration

Action: Motion by Mercie Danforth to table the town of Oneida address/fire signs reconsideration, seconded by Ed Delgado. Motion carried unanimously.

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MAY 3 2016

ONEIDA TRIBE OF INDIANS OF WISCONSIN

e. Attorney Brief

a. Attorney Contract - Patricia M. Garvey

Action: Motion by Mercie Danforth to approve the Patricia M. Garvey attorney contract, seconded by Ed Delgado. Motion carried unanimously.

b. Attorney Contract - Brian T. Stevens

Action: Motion by Mercie Danforth to approve the Brian T. Stevens attorney contract, seconded by Ed Delgado. Motion carried unanimously.

Action: Motion by Mercie Danforth to extend the attorney contract report to the Executive Staff meeting, seconded by Patty Hoeft. Motion carried unanimously.

Action: Motion by Patty Hoeft to direct the General Manager to bring back an explanation of the StrateGlobe contract of \$575,500 to the May 28 Business Committee meeting and the explanation should include reasons for using sole source, seconded by Ed Delgado. Motion carried unanimously.

Action: Motion by Patty Hoeft to direct the Treasurer to explain to the Business Committee at the May 28 Business Committee meeting how the purchasing procedures work and to identify sign-off authority procedures and to identify the positions of management and Business Committee members and their sign-off authority.

→ May 14, 2008 B.C. DATE Page 12

B.C. meeting minutes regarding  
STRate Globe Contract

meeting agenda the Oneida Housing Authority rent calculations and that we add the draft ordinance to restructure the Oneida Housing Authority program starting May 30, seconded by Trish King. Motion carried unanimously.

Action: Motion by Patty Hoeft to direct the General Manager to give the Business Committee a status report on May 30, seconded by Melinda J. Danforth. Motion carried unanimously.

Action: Motion by Patty Hoeft to recess until 1:30 p.m., seconded by Mercie Danforth. Motion carried unanimously.

Back in Regular Session at 1:32 p.m.

3. Debbie Thundercloud RE: Food Distribution/Pantry Transfer from Development Division to GSD

Action: Motion by Ed Delgado to accept the Food Distribution/Pantry transfer from the Development Division to Governmental Service Division as FYI, seconded by Vince DelaRosa. Motion carried unanimously.

4. Debbie Thundercloud, Fred Muscavich RE: Duck Creek Trail (CIP #06-004) development - FYI

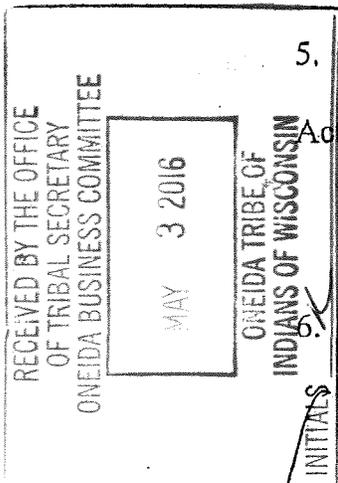
Action: Motion by Paul Ninham to accept the Duck Creek Trail (CIP #06-004) Development as FYI, seconded by Kathy Hughes. For: Patty Hoeft, Ed Delgado, Mercie Danforth, Kathy Hughes, Vince DelaRosa, Melinda J. Danforth, Paul Ninham. Abstained: Trish King. Motion carried.

5. Debbie Thundercloud RE: StrateGlobe Contract

Action: Motion by Patty Hoeft 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. Motion carried unanimously.

6. Mercie Danforth RE: Purchasing and Sign Off Authority Procedures

Excerpt from May 14, 2008: Motion by Patty Hoeft to direct the Treasurer to explain to the Business Committee at the May 28 Business Committee meeting how the purchasing procedures work and to identify sign off authority procedures and to identify the positions of management and Business Committee members and their sign off authority, seconded by Vince DelaRosa. For: Patty Hoeft, Ed Delgado, Kathy Hughes, Vince DelaRosa, Abstained: Mercie Danforth. Motion carried.



may 28, 2008  
B.C. Date  
page 8

Action: Motion by Patty Hoeft to defer the request to explain the purchasing and sign off authority procedures to the June 11 Business Committee meeting, seconded by Vince DelaRosa. Motion carried unanimously.

7. Patty Hoeft RE: Request to add Audit Committee final OHA report to the Special Business Committee agenda on May 30

Action: Motion by Vince DelaRosa to approve adding the Audit Committee final OHA report to the Special Business Committee agenda on May 30, seconded by Patty Hoeft. For: Patty Hoeft, Ed Delgado, Kathy Hughes, Melinda J. Danforth, Trish King, Paul Ninham, Vince DelaRosa. Abstained: Mercie Danforth. Motion carried.

8. Gerald Danforth RE: Environmental Resource Board Recommendations

Action: Motion by Kathy Hughes to approve the appointments of Richard Baird, Nicole Morrain, Tom Oudenhoven and Jennifer Jourdan to the Environmental Resource Board, seconded by Paul Ninham. Motion carried unanimously.

9. Gerald Danforth RE: Brown County Service Agreement

Action: Motion by Vince DelaRosa to approve the Brown County Service Agreement, seconded by Paul Ninham. Motion carried unanimously.

c. Travel Requests

1. Debbie Danforth RE: Request procedural exception for travel policy to allow 4 school system staff to attend BIE Summer Reading Institute in Bloomington, MN June 9-12, 2008

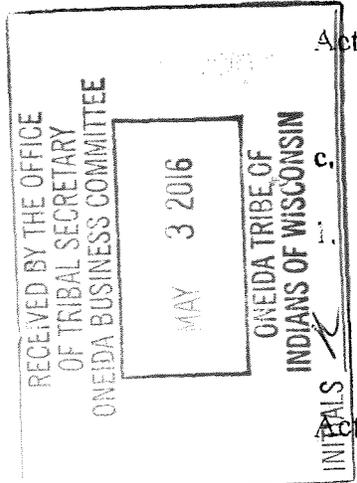
Action: Motion by Ed Delgado to approve the procedural exception to allow for four school system staff to attend the BIE summer reading institute in Bloomington, MN, June 9 through 12, 2008, seconded by Melinda J. Danforth. Motion carried unanimously.

10. Finance Committee - none

11. Legislative Operating Committee (LOC)

1. Vince DelaRosa RE: Approval of LOC meeting minutes of May 5, 2008

may 28, 2008  
B.C  
Date  
Page 9



B.C. meeting minutes regarding  
STRATE GLOBE Contract

Human Services' Indian Health Service, seconded by Melinda J. Danforth.  
Motion carried unanimously.

Documents that things were set up in such a way - that even the Business Committee could not see the STRATE GLOBE contract! A motion had to be made. Do not be misled into thinking that the person making the motion was not one who had signed the contract.

**b. Requests**

1 Debbie Thundercloud RE: Approval of the Indian Housing Plans (IHP) for the years 2003-2007

Action: Motion by Patty Hoeft to direct the General Manager to start reviewing the amendments of the Indian Housing Plans for the years 2003-2007 with the Business Committee starting on June 13, seconded by Vince DelaRosa. For: Patty Hoeft, Ed Delgado, Kathy Hughes, Vince DelaRosa, Melinda J. Danforth, Paul Ninham. Opposed: Trish King. Motion carried.

2. Debbie Thundercloud RE: Approval of the Indian Housing Plans (IHP) for the year 2008

Action: Motion by Patty Hoeft to direct the General Manager to start reviewing the new Indian Housing Plans for the year 2008 with the Business Committee starting on June 13, seconded by Vince DelaRosa. For: Patty Hoeft, Ed Delgado, Kathy Hughes, Vince DelaRosa, Melinda J. Danforth, Paul Ninham. Opposed: Trish King. Motion carried.

3. Eric Krawczyk RE: Approval of Pandemic Influenza and Community Containment Plan

Action: Motion by Kathy Hughes to defer the approval of pandemic influenza and community containment plan to the June 25 Business Committee meeting to bring back a cover page and to include all 38 pages of the document, seconded by Vince DelaRosa. Motion carried unanimously.

4. Melinda J. Danforth RE: Approval of Joint Oneida Business Committee and Oneida Gaming Commission Quarterly minutes

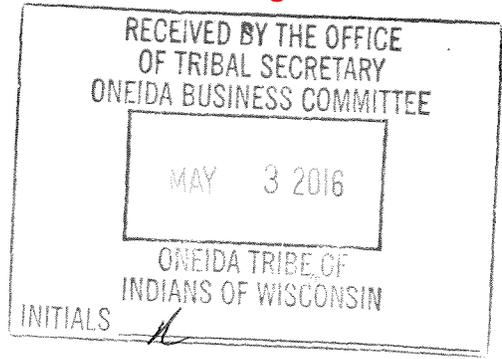
Action: Motion by Kathy Hughes to approve the joint Oneida Business Committee and Oneida Gaming Commission quarterly minutes, seconded by Vince DelaRosa. Motion carried unanimously.

5. Ed Delgado → RE: Request the Oneida Business Committee have access to the StateGlobe LLC contract for information

Action: Motion by Kathy Hughes to approve the request that the Oneida Business Committee have access to the StateGlobe LLC contract for information, seconded by Vince DelaRosa. Motion carried unanimously.

June 11, 2008 \*  
← B.C. Date  
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MAY 3 2016  
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INITIALS



15. Legislative Affairs Update

1. Seminary Road

- a. Land Commission position
- b. Letter from Environmental
- c. Letter of request from Town of Oneida

Action: Motion by Patty Hoeft to approve the recommendation of option 2 to use Oneida trust land for road construction for Seminary Road, seconded by Kathy Hughes Motion carried unanimously.

2. Farm Bill update

Action: Motion by Melinda J. Danforth to accept the Farm Bill as FYI, seconded by Paul Ninham. Motion carried unanimously.

16. Executive Session

Action: Motion by Vince DelaRosa to go back into regular session at 2:40 p.m., seconded by Ed Delgado. Motion carried unanimously.

a. Tabled Business - none

b. Old Business - none

c. New Business

1. Debbie Thundercloud

RE: Strateglobe Contract update \*

Action: Motion by Kathy Hughes to accept the StrateGlobe contract update as FYI with the contract terminated as of June 13, 2008, seconded Paul Ninham. Motion carried unanimously.

d. Legislative Affairs Update

1. Congressional Quarterly Contract

Action: Motion by Trish King to approve the Congressional Quarterly contract, seconded by Paul Ninham. Motion carried unanimously.

e. Attorney Brief

1. Subrogated claims, Cornelius v. K-Mart Corp., et al.

2. Subrogated claims, Gonzalez v. MSI Preferred Insurance Co., et al.

3. Subrogated claims, McClure, et al.

Do not be misled by the name of the person who made the motion. *Molly Demickow*

June 11, 2008  
B.C. Date  
Page 9 \*



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 and the colony of Pennsylvania, a new nation, the United States was made possible.

## MEMORANDUM

To: General Tribal Council  
From: Oneida Business Committee  
Date: May 11, 2016  
RE: Oneida Business Committee Recommended Action  
Genskow Resolution – Repeal Judiciary Law

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We have received and reviewed the petition, legislative analysis, legal analysis and financial analysis, and the petitioner's statements regarding the above resolution. We have also made note of the constitutional amendments and the requirements within the Constitution.

After reviewing the submitted materials, we agree that the information presented by the petitioner is inaccurate and for that reason, should not be acted upon by the General Tribal Council. While the petitioner has submitted accurate excerpts from documents, the information has incorrectly interpreted the actions in those documents.

For example:

- The Oneida Business Committee did not approve the Stratglobe contract and did not terminate the Stratglobe contract. The explanation provided in the legal analysis presents a clear picture of these events,
- The General Tribal Council adopted a resolution which authorized the Oneida Business Committee to change "Oneida Appeals Commission" to "Judiciary" to reflect the changes made when the Judiciary Act was adopted earlier that year. The Oneida Business Committee then changed "Oneida Appeals Commission" to "Judiciary" in several laws of the Tribe, one of which was the Open Records and Open Meetings law. The Oneida Business Committee did not make any other changes to any law without first going to a Public Meeting as required by the Legislative Procedures Act adopted by the General Tribal Council.

We also believe that taking the action in the proposed resolution may be unconstitutional. As a result of the amendments to the Constitution adopted by the members and approved by the Secretary of the Interior and the Interior Board of Indian Appeals, a Judiciary is a constitutional requirement. See Article V, section 1. Based on these amendments, the judicial powers are delegated to a “Judiciary” and any existing body continues to exist until such time as the General Tribal Council delegates that authority to another body.

**Recommended Action: Motion to reject the resolution.**

RE: REPEAL JUDICIARY LAW  
**BUSINESS COMMITTEE  
RECOMMENDATION**

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**(MULTIMEDIA PRESENTATION)**

**TOPIC:**  
**PETITIONER GINA D. POWLESS**

**To CREATE A SUPPORT SYSTEM  
FOR TRIBAL MEMBERS ENGAGED WITH  
THE ONEIDA JUDICIARY  
PETITIONER PRESENTATION**

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Melinda Danforth: Thank you for your comment, Sheena. I'm going to recognize the call for the question. The motion on the floor is to deny the petition and direct the Business Committee to address the transportation concerns and to continue monitoring access to health care in the event action is needed. Again, I need to make it clear that the petition is asking us to take immediate action to build a facility. The other motions, the amendments that were passed earlier about doing a study would still stand if this motion passes. I'm going to try a hand raising count first. All those in favor to deny the petition and direct the BC to address the transportation concerns and to continue monitoring access to health care, in the event action is needed, please raise your hand. All those opposed, please raise your hand. All those abstaining, please raise your hand. I'm going to call the motion as carried by majority. Lisa.

Lisa Summers: I'd like to make a follow up motion, Madam Chair. I'm going to make a motion to direct the Oneida Business Committee to bring back a recommendation on a concept for future dialysis program at the Oneida annual meeting 2016 for GTC consideration.

Melinda Danforth: Motion by Lisa Summers and seconded by Corinne Robelia-Zhuckkahosee to direct the Oneida Business Committee to bring back a recommendation on a concept for a future dialysis center and that recommendation be brought back to the General Tribal Council at the January 2016 annual meeting for future dialysis program. Joey, I'd ask you to be patient with us please. I understand your concerns and I appreciate them very much but we're in the voting process or actually, we are waiting for the motion to come up and if you don't agree, please vote no. There is a motion made by Lisa Summers seconded by Corinne Robelia-Zhuckkahosee to direct the Business Committee to bring back a recommendation on a concept for a future dialysis program and that the recommendation to be brought back for consideration by the General Tribal Council at the annual GTC meeting in January 2016. Comments on the motion made? Sherrole.

Sherrole Benton: Thank you, Madam Chair. I call for the question.

Melinda Danforth: There is a call for the question. All those in favor of the motion that is pending before you, again, I just read it, direct the BC to bring back a recommendation at the annual GTC meeting in January 2016, please raise your hand. Thank you. All those opposed, please raise your hand. Thank you. All those abstaining, please raise your hand. Thank you. Motion carries. Thank you, I appreciate the discussion on this issue as it is very important and thank you, John for bringing this issue forward.

**B. Petitioner Gina D. Powless** – to create a support system of paralegals, advocates and attorneys to assist and advocate for Oneida enrolled Tribal members that are engaged in any case with the Oneida Judiciary (Petition submitted September 8, 2014)

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### **1. Petitioner Presentation**

Melinda Danforth: The next item on the agenda is the petitioner, Gina Powless who requests to the General Tribal Council to create a support system of paralegals, advocates and attorneys to assist and advocate for Oneida enrolled Tribal members that are engaged in any case with the Oneida Judiciary. Gina, did you want to come forward and make a presentation?

Gina Powless: Thank you. Want to say good evening to each and every one of you here tonight. My name is Gina Powless, a tribal enrolled member. I do work for the tribe and I do live on the reservation. The reason I am here and the reason why I started the petition was due to the fact that with our new judiciary the new rules of procedures that they have adopted in their court system are extremely complex. They are difficult; they are very difficult. It is my understanding they adopted the Rules of Civil Procedure from federal court. So it was like a template and they took it and applied it to ours. I'll give you a little background. I have been an advocate in the past, back in 1995. I worked as an employee representative and I stopped that work in the year 2000. Since then, I have done advocacy on my own for employees in different matters, employment issues, housing issues and most recently family court issues. I do believe that our tribal membership, our tribal enrolled members are deserving of having someone represent them when they go into court. Most people that go into court don't know the rules and the protocols when you step into court. You have a very difficult time navigating through that system. Sometimes you might be waiving your own rights. If you have an attorney, a paralegal, or an advocate, that is not going to happen. They have to look out for your best interest. Again, I want to emphasize this is specifically for enrolled tribal members whether you are an employee, whether you live in housing and you have housing issues, if it is something that has to be litigated at the judiciary, I would really like to see personally that our tribal membership have that representation. We do have trained staff within our tribe that can provide that. We have the legal resource center, the paralegals, we have the employee relations representatives and they provide that service to employees. We have a gaming management representative. That is on the employee relations reps and the gaming management rep that is on the gaming side of the house. On the non-gaming side of the house you have one paralegal and no one for management that represents management. That is just from my experience. Some of the suggestions that I had when I was thinking about this was that we could combine those areas so we could minimize the cost of bringing on all new people. Since we already have the resources, let's take it to another level and instead of just litigating possibly employment issues, let's bump it up a little bit higher and maybe they could advocate. The area that I do find that just rises me really is the family court. We have tribal members that are going in there, fighting for either custody of their children or placement of their children. To me that is very high on the list of priorities. Just like our elders are high on the list, so are our children, so are our babies. I really think when we have moms and dads that have to go out there and spend money on attorneys, thousands of dollars while we're the ones who set up the court system--the tribe took that stand to set up this judiciary. So, let's take the stand to make sure that our people have representation when they walk into that court. I don't have a presentation, a power point, anything all big and fancy, I don't have all these numbers but I do know the need is out there. I also know that we have the staff within our tribe to do it. We have an

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office full of attorneys; we have one attorney that litigates for management when they have cases at the judiciary. She takes on all those cases. I don't know if they can share her or use her to actually supervise this area but we have the resources within our area already. I don't have a power point presentation. I don't have anything to hand out as this was my idea that we do this for our own people. I'm not trying to get up here and whine and cry around and say oh we need everything, but if we have it already, let's make the best use of it if we already have it and build on it. I do have a motion that I would like on the record and that motion is to establish a fully funded and staffed office of public defender by fiscal year 2016 to be composed of Oneida Tribal members, lay advocates, employee representation reps, paralegals, equal employment officer department and a staff attorney who have previously worked on cases before the Oneida Appeals Commission and Oneida Judiciary.

Melinda Danforth: Gina, can you bring the motion over to Lisa so she can get it up on the board, please. There is a motion by Gina Powless and there was a second by, who was the second by? Judy Cornelius. Thank you, Judy. While she's getting the motion on, the Business Committee did have a recommendation in the packet and it is my understanding that there was not a presentation that was going to be given but rather information. At the time the Business Committee received this petition in September of 2014, the Oneida Judiciary had not been up and running at that point. One of the goals of the Oneida Judiciary, once the Oneida Appeals Commission was disestablished for the allowance for lay persons to be able to represent themselves within the tribal court system rather than have to hire attorneys, or advocates. A person would be able to go and be able to advocate for themselves in front of the family court judge. Prior to the judiciary coming into effect, that is one of the discussions that we did have with the family court. When we hired the family court judge, we indicate to him that we wanted to be able to have people represent themselves in court. We also did tell the judiciary when they were elected into office that that was one of our goals. Even though the rules of civil procedure may be complex, that is one of the goals of the judiciary; to be able to put pamphlets together. Put simple handouts, simple rules into a pamphlet that were understandable for the lay person to be able to enter into the court system. The court has only been up and running for about 8 or 9 months or so, so far. We have no indication of how things are running at this point. Unfortunately or fortunately, the judges cannot attend General Tribal Council meetings so their opinion is not reflected in the documents you have before you. I just wanted to basically state that the Business Committee's recommendation was that at that time there was no indication coming out of the court system about how people could represent themselves and there was no indication the court wouldn't be issuing out documents that the lay person could read in order to comply with the rules of civil procedure. Again, we also told the court system that we wanted to be able to not have people go in there without having representation and feel comfortable in that atmosphere. Again, the court has only been open for 8 or 9 months. The recommended motion by the Business Committee was to direct the judiciary processes to ensure the processes and procedures are implemented in a manner that is understandable to unrepresented tribal members. Again, I'm sure there are individuals out there with stories about cases that they've been through the judiciary and the family court and so I guess we encourage you to share those at this time. The motion on the floor is to establish a fully funded and staffed office of public defender by

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fiscal year 2016 to be composed of Oneida tribal members, lay advocates, employee relations representatives, paralegals, equal employment opportunity officers and staff attorney who have previously worked on cases before the appeals and the Oneida judiciary. All comments at this time should be towards the motion. Mike Debraska.

Mike Debraska: Quick question, this goes for Gina as well as the Business Committee. On page of 112 of this, there is an estimated start-up cost for the support systems for the attorneys, advocates and paralegals. Do all of you agree with these numbers? I look at this and say the grand total for this what they are estimating for start-up cost would be almost a ½ million dollars. I want to know because I look at this and I say they have a managing attorney, staff attorney, 2 paralegals, grant writer, secretary and all the other things that go with it, fringe, indirect and professional liability insurance. I look at it and the reason why I ask that question is because I know, Gina, you had said it is better if we make better use of the resources that we currently do have. I'm wondering if the numbers are reflective of that.

Gina Powless: When I read that Mike, I thought that all fresh brand new people and my idea is that we just build on what we have already. That doesn't reflect what I'm talking about; the Business Committee could best answer if that reflects all new people to man that office.

Melinda Danforth: Mike, if you look at page 111. It did indicate that it would be about \$448,000 start-up cost. On page 111, under financial impact, it says Oneida to provide services in house estimated to be \$448,610 but it says it does not take into consideration that employee advocacy which we currently have in house may be incorporated so we wouldn't need an additional \$200,000 and then the finance area is indicating that start-up cost and inflation over 10 years the fiscal impact would be \$3.685 million. This is an estimate from the Finance department.

Mike Debraska: Thank you.

Melinda Danforth: Chrissy, you have to go to a mic, I cannot hear you.

Chris Cornelius: Madam Chair, my point of order is that I believe we need to have a second before we move into discussion.

Melinda Danforth: There is a second, I did recognize Judy Cornelius.

Chris Cornelius: I didn't see it on the board so that is why I asked.

Melinda Danforth: Thank you. There is a privileged question, Corinne.

Corinne Robelia-Zhuckkahosee: Thank you. It says that, wait now. It says to be composed of Oneida tribal members, lay advocates, employee relations and on and on. But are you specifying in this motion that all these people have to be Oneida tribal members or are you just including Oneida tribal members plus anybody else?

Gina Powless: I'm specifying all of them, whether they are employee relations, paralegal or the attorney, that they are all tribal members.

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Melinda Danforth: Madelyn and then Lisa.

Madelyn Genskow: Once again, no Treasurer's report. I'm going to make a motion and I want to give my reasons.

Melinda Danforth: Madelyn, there is already a motion on the floor so it would have to be an amendment.

Madelyn Genskow: I know, but there can be other motions, ok, amendments, and ok, whatever. There is an appeal challenge to the secretarial election to change our tribe's constitution. It will take time for the process to be decided. There is also resolution to repeal the judiciary act that has been petitioned and will come before the General Tribal Council as soon as the Business Committee allows it to come forward. The resolution details that on November 15, 2008, a special resolution read in part no entity of the tribe shall enter into a contract with a corporation that prohibits full disclosure. That means the Business Committee can't keep how our money is spent from the membership. The Business Committee did not carry that out. They passed a....

Melinda Danforth: Madelyn, I'm going to have to ask you to stay to the issue. Somebody did call a point of order; this is not relevant to the motion at hand which is to establish a fully funded and staffed office of public defender's office. I'm asking you to stay to the subject.

Madelyn Genskow: I feel that this issue should be tabled until those 2 things are decided; the decision by the Department of Interior and also the General Tribal Council has a right to decide that before we spend more money. The resolution that is going to be brought will give the General Tribal Council the right for full disclosure, take back the supreme power of the tribe and to carry out the General Tribal Council directive. I make a motion to table until those decisions have been made.

Melinda Danforth: There is a motion to table, that will take precedent over Gina's motion, as a matter of fact, but I need a second. Is there a second to table? Sharlene Kasee. Motion to table by Madelyn Genskow seconded by Sharlene Kasee. I'm just making sure, I keep hearing if it is in order. Yes, the motion is in order to table and there is a call for the question. The motion is to table this item. I'm going to call for a hand vote. All those in favor, no more discussion Madelyn. We're voting on the motion to table. We're voting on the motion to table, Madelyn, please. All those in favor of tabling this item, please raise your hand. Thank you. All those opposed, please raise your hand. Thank you. All those abstaining, please raise your hand. 1/2 of the room didn't vote and so it was close. We're going to try this again; otherwise I'm going to do a hand count which will take a little bit of time. All those in favor of tabling this item, please raise your hand. I apologize; I have to wait for the camera to go through the overflow room. Thank you. All those opposed to tabling this item, please raise your hand. Thank you. All those abstaining. I'm going to call this motion as carried. Motion to table this item has passed.



## Oneida Nation

### Certification of Petition Signatures

**TO:** General Tribal Council  
**FROM:** Lisa Summers, Tribal Secretary  
**DATE:** February 25, 2015  
**RE:** Petitioner Gina D. Powless re: Create an Advocate Support System

#### Certification of Sufficient Petition Signatures:

Petitioner Name:	Gina D. Powless
Date Submitted:	September 8, 2014
Total # of signatures submitted:	56
Total # of invalid signature <sup>i</sup> :	1
Total # of valid signatures:	55

Fifty-five signatures were verified by the Oneida Enrollment Department on September 9, 2014. The number of signatures submitted by the petitioner is sufficient.

**Petition:** A copy of the petition statement is provided here:

PETITION FORM	
<u>NAME OF PETITIONER: GINA D. POWLESS, Tribal enrollment #</u>	
<u>PURPOSE: TO CREATE A SUPPORT SYSTEM OF PARALEGALS, ADVOCATES AND ATTORNEYS TO ASSIST AND ADVOCATE FOR ONEIDA ENROLLED TRIBAL MEMBERS THAT ARE ENGAGED IN ANY CASE WITH THE ONEIDA JUDICIARY.</u>	

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.

<sup>i</sup> Reason(s) for invalidation: 1 – no match found

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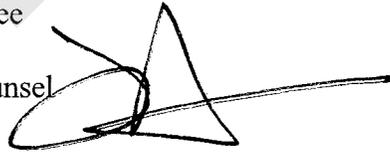
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### MEMORANDUM

**TO:** Oneida Business Committee

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

**DATE:** December 29, 2014

**SUBJECT:** Opinion – Petition – Powless – Advocates in Oneida Judiciary

You have requested a legal opinion regarding the above petition. The Enrollment Department has verified 55 of 56 signatures. The petition contains a request set forth in one sentence.

“To create a support system of paralegals, advocates and attorneys to assist and advocate for Oneida enrolled tribal members that are engaged in any case with the Oneida Judiciary.”

I have reviewed the Legislative Analysis, prior General Tribal Council action regarding employee advocates, the revenue and expenses related to the Legal Resource Center and Wisconsin Judicare, Inc., as well as Tribal laws in order to draft this legal opinion.

#### General Tribal Council Actions

In early 1994, the General Tribal Council convened to discuss employment complaints arising out of the gaming area. The General Tribal Council appointed a task force to investigate the issues and after a series of meetings, a resolution with several recommendations was proposed. The resolution was adopted by the General Tribal Council at the August 8, 1994, meeting and contained the following directive.

“Compliance Department to develop a department for employee advocacy for all entities of the Tribe to transfer existing employee advocate positions into the Compliance Department.”

There are no other General Tribal Council actions regarding advocacy or advocacy related services.

#### Employee Advocates

Resolution # GTC-8-8-94-A was implemented and employee advocates were consolidated and provided training within the Compliance Division.<sup>1</sup> This office focused on providing a review of

<sup>1</sup> There are employee advocates currently located in the gaming operations whose job title is “Employee Relations.” These are personnel that remained from the 1994 directive and whose job duty at that time was described in a report to the General Tribal Council as follows.

the employee’s disciplinary action and the related evidence, determining if there were options for an appeal of this discipline, and representing in the Personnel Commission if there were grounds for an appeal. An attorney was hired to assist the advocates and provide legal advice.

The Compliance Department has been re-organized on several occasions and the employee advocates and the attorney eventually became the Legal Resource Center. At some point, the attorney assigned to assist the paralegals advocating for employees began providing legal advice for other non-employment matters in the Oneida Appeals Commission and state courts. Although Tribal members were charged fees for these legal services, it was at a highly subsidized rate covered by significant Tribal contribution. The revenue generated by these services is included in the table below.

#### Legal Resource Center – Revenues and Tribal Contributions

	2010	2011	2012	2013
<b>Criminal Misdemeanor</b>	\$ 1,650.00	\$ 3,100.00	\$ 1,600.00	\$ 5,360.00
<b>Criminal Felony</b>	\$ 1,000.00	\$ 3,000.00	\$ 1,025.00	\$ 3,000.00
<b>Will</b>	\$ 25.00	\$ 50.00	\$ 240.00	\$ 180.00
<b>Family - Paralegal</b>	\$ 275.00	\$ 2,350.00	\$ 1,975.00	\$ 1,600.00
<b>Family - Attorney</b>	\$ 2,500.00	\$ 2,750.00	\$ 3,600.00	\$ 2,500.00
<b>Eviction/Foreclosure</b>	\$ 250.00	\$ 230.00		\$ 100.00
<b>Divorce - Attorney</b>	\$ 1,500.00			
<b>Pro se Divorce</b>	\$ 100.00			
<b>Miscellaneous</b>	\$ 360.00	\$ 789.00	\$ 847.00	\$ 2,630.00
<b>Total Revenue</b>	<b>\$ 7,660.00</b>	<b>\$ 12,269.00</b>	<b>\$ 9,287.00</b>	<b>\$ 15,370.00</b>

<b>Tribal Contribution</b>	\$ 369,456.00	\$ 374,602.00	\$ 379,484.00	\$ 369,320.00
<b>Total Budget</b>	\$ 377,116.00	\$ 386,871.00	\$ 388,771.00	\$ 384,690.00

<b>\$ Allocated to Personnel</b>	\$ 300,072.00	\$ 313,127.00	\$ 322,103.00	\$ 319,909.00
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<b>% = Revenue/Personnel</b>	3%	4%	3%	5%
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The attorney retired in 2014 and the position has not been filled. The paralegals continue to provide advice to employees in employment related matters. The office is renamed “Employee Advocacy” to reflect the narrower focus of the office, The November 2014 quarterly report for the Internal Services Division identified that there were 19 inquiries made regarding employment

“After discussion [with the Ad Hoc Task Force and the Oneida Business Committee] and listening to the intent of the recommendations it appears that the role of employee advocacy is the function that needs to be transferred to the Compliance Division and the Employee Relations position is a support function that should remain in the Gaming HRD scope of responsibility. ...Employee Relations staff are needed to facilitate mediation and resolution of issues as the first line of support function. At the point issues appear that they will require further follow up in order to protect the rights and integrity of all parties is the point that employee advocacy would be delegated the role to act in the best interests and on behalf of the employee.”

issues and one case went forward to the Personnel Commission. The remainder of the cases was either resolved prior to filing an appeal or no action was taken by the employee. In addition to the employment related calls, the office also received 26 calls related to non-employment legal issues involving name changes, bankruptcy, child support or custody, and probate questions. These were referred to local law offices and other resources.

### Similar Legal Services Resource

#### *Legal Services Corporation*

The Legal Services Corporation is a federal chartered corporation created by law in 1974. Its purpose is to provide legal aid to “those unable to afford adequate legal counsel,” 42 USC 2996(2). The corporation is funded by annual appropriations and utilizes these funds to provide grants to state chartered legal aid entities.<sup>2</sup> State chartered legal aid entities are required to agree to the same prohibitions that apply to the Legal Services Corporation in order to receive grant funding. In general, those legal aid entities are prohibited from –

- Participating in lobbying at the local, state or federal level.
- Making contributions to candidates, political parties or referendums.
- Participating in class action suits, appeals, or amicus curiae.
- Participating in criminal proceedings or civil proceedings arising out of matters related to criminal actions.
- Representing legal or illegal aliens.

The most recent annual report from the Legal Services Corporation contains the following facts.

60% of the cases are addressed through providing counsel or limited advice

16% of the cases are addressed through limited legal action

33% of the cases are family matters

12% of those are separation/divorce

9% of those are custody/visitation

27% of the cases are housing matters

15% of those are private landlord-tenant

5% of those are related to federally subsidized housing

12% of the cases are income maintenance matters

4% of those are related to SSI

3% are related to food stamps

2% are related to unemployment

11% of the cases are consumer matters

5% are collections

4% are bankruptcy

3% of all clients are Native American

83% of all clients are between the ages of 18 and 59

<sup>2</sup> In Wisconsin, there are two legal services corporations. Legal Action of Wisconsin, Inc. receives about 42% of its funding from federal grants, or about \$3.7 million in 2013. Wisconsin Judicare, Inc. receives about 62% of its funding from federal grants, or about \$1 million. The remainder of funding for these corporations is received through donors, state funding, and IOLTA (interest on lawyer trust accounts) funds.

71% of all clients are women  
5% of all clients are veterans

83% of cases in which attorneys were involved were provided pro bono

In addition to the above information, the Legal Services Corporation also reported on salary levels within all programs receiving federal funding. These are median and average salaries across all states.<sup>3</sup>

	Median – Avg Salary	Avg Years of Experience	1 Year of Experience	5 Years of Experience
Managing Attorney	\$75,000-\$75,453	23	\$50,005	\$55,792
Supervising Attorney	\$73,000-\$75,256	19	\$50,860	\$55,735
Staff Attorney	\$52,332-\$56,032	7	\$43,141	\$50,629
Paralegal	\$39,132-\$39,861	15	\$27,360	\$33,332

#### *Wisconsin Judicare, Inc. – In General*

Wisconsin Judicare, Inc. provides legal services to individuals who meet income guidelines and live within specified counties. The legal services provided include – bankruptcy, family law, health, housing, income maintenance, some Indian law issues, Social Security Disability and SSI, tax, and wills. There are limitations on the types of cases Wisconsin Judicare, Inc. may take. Although the legal services are provided with the fees paid by Wisconsin Judicare, Inc., there are some expenses that are covered by the individual.

The client/case load offered through Wisconsin Judicare, Inc., is significantly greater than the client/case load of the Oneida Tribe. However, for reference, a review of the 2012 tax filing for Wisconsin Judicare, Inc. shows the following levels of expenses during a calendar year.

- Compensation to employees related to program services \$139,911.00
- Fees paid for legal services related to program services \$251,679.00

Wisconsin Judicare, Inc. utilizes outside legal counsel to provide significant legal services. Attorneys charge a reduced rate and many charge off some of the time as pro bono.<sup>4</sup> Cases are authorized up to a specific amount of hours to be completed. In addition, attorneys are not compensated for any work other than the authorized service, even if other matters arise during the course of representation.

In addition, there are some types of cases in which Wisconsin Judicare, Inc. cannot provide representation for which some examples are – class action lawsuits; redistricting activities or litigation; representation in civil litigation or challenging the conditions of incarceration on behalf of an incarcerated person; representation in eviction cases where the client was charged with or convicted of sale, possession, and/or distributing a controlled substance; criminal cases; and juvenile matters.

<sup>3</sup> A review of the tax statements filed by Wisconsin Judicare, Inc. identifies that the salaries are consistent with these salary levels.

<sup>4</sup> There is no requirement that attorneys provide pro bono services. However, there are certain tax benefits to doing so that attorneys and law firms can take advantage of in filing state and federal business taxes. In some circumstances, the benefit may also include building networks and client bases.

*Wisconsin Judicare, Inc. – Agreement with Ho-Chunk Nation*

Wisconsin Judicare, Inc. and the Ho-Chunk Nation have entered into an agreement to provide services to Tribal members in state and tribal courts. The agreement identified a specific amount of funding provided to Wisconsin Judicare, Inc. which would be placed in a separate fund and utilized to provide legal services by attorneys employed by Wisconsin Judicare, Inc. and by retained law offices and attorneys.

Tribal members were required to meet income eligibility requirements. The agreement placed a maximum income at 200% of federal poverty guidelines. This amount was based on the effect of the per capita payments on the eligibility of Tribal members. The eligibility requirement of the standard program is 125% of federal poverty guidelines. The agreement also limits legal services primarily within the State of Wisconsin. The agreement also places a cap on the cost of any accepted case at \$1000.00. Finally, the agreement prohibits some cases from being taken up by Wisconsin Judicare, Inc. which involve primarily cases against or involving the Tribe and family law issues.

The agreement has covered a little over 100 cases in a three year period. Most of the cases are family law and wills. Of the individuals served under the agreement, most clients were single, males and females were equally represented, and all age groups were also equally represented.

**Oneida Appeals Commission**

While there is no way to identify compensation agreements, there are a number of individuals who have provided representation in the Oneida Appeals Commission and there is no indication that such individuals would not also consider providing representation in the Judiciary. These individuals, excluding an individual appointed as a guardian ad litem, have been both attorneys and lay advocates.

**Analysis**

There is no requirement for the government to provide legal services on matters which are not criminal matters likely to result in detention. However, the federal government has created a corporation for the purposes of providing legal services to those who cannot afford legal services, i.e., those whose income is below 125% of the federal poverty levels. Today, the Legal Services Corporation provides grants to state legal aid entities which in turn accept restrictions on the types of legal services they can provide.

The Tribe has provided limited services of this type in the past. As identified above, those services were highly subsidized and were limited to the availability or ability of the staff attorney. Unlike legal aid services, there were no pro bono services provided by outside counsel and no income eligibility requirements. For example, Wisconsin Judicare, Inc. provides much of its legal services through outside counsel who are paid a very small fee capped at a specific number of hours. Many attorneys providing services do this on a pro bono basis.

If the Tribe wishes to consider the development of a legal aid entity it would be easier to enter into a contract with Wisconsin Judicare, Inc., similar to that between Wisconsin Judicare, Inc. and the Ho Chunk Nation. This will create an independent entity to confirm eligibility, provide legal services, and reduce overall costs.

If a tribal program is desired, it is recommended that a separate corporate entity be created similar to the legal aid entities described above. Such an entity could be staffed with the following personnel and funding levels based on an employee with five years of experience.

Managing Attorney	\$55,792.00
Staff Attorney	\$50,629.00
2 Paralegals	\$66,664.00
Grant Writer	\$40,844.00
Secretary/Clerical	\$28,373.00
<b>Estimated Personnel Cost</b>	<b>\$242,302.00</b>

This staffing level presumes that no outsourcing will occur and that paralegals can also provide a significant level of assistance to clients representing themselves and representing clients in the Judiciary. It is possible that these costs can be reduced by removing a staff attorney position given the case level in the current Oneida Appeals Commission as well as the case level reported in the Wisconsin Judicare, Inc. – Ho Chunk Nation contract. The costs above are related only to staffing and do not include costs associated with employer related taxes and fringe benefits, office space, filing fees, or office supplies.

### **Conclusion**

There is no constitutional requirement for the Tribe to provide legal assistance to persons appearing in the Judiciary. However, if such an action is desired by the General Tribal Council, it is recommended that legal services be provided by an independent entity (such as a Tribal corporate entity set up similar to a legal aid entity) or via contract with existing legal aid services. If this is the direction taken by the General Tribal Council, the following action is recommended –

Motion to direct the Oneida Business Committee to develop either an independent legal aid entity or to contract with an existing legal aid entity to provide legal services to Tribal members whose income is at or below 125% of federal poverty level and who have cases appearing before the Judiciary.

Such an action would require a two-thirds vote as it will have an impact on the current fiscal year, unless the direction is to begin providing services in the next fiscal year.

If you have further questions, please contact me.

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

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**Memorandum**

**TO:** Oneida Business Committee  
**FROM:** Legislative Reference Office  
Taniquele J. Thurner, Legislative Analyst  
**DATE:** October 21, 2014  
**RE:** Petition: Judiciary Support System

On October 8, 2014, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on a verified General Tribal Council (GTC) petition submitted by Gina D Powless. The petition requests that the Tribe “Create a support system of paralegals, advocates, and attorneys to assist and advocate for Oneida Enrolled Tribal members that are engaged in any case with the Oneida Judiciary.”

**Overview**

This petition would very likely result in new legislation and/or amendments to existing legislation, however without a more clear understanding of what the petitioner is seeking, it would be difficult to identify exactly what new legislation would be needed or how existing legislation would be affected. This analysis identifies how such legislation could be adopted, and identifies various provisions that should be included.

This analysis also discusses existing Tribal services that provide assistance to Tribal members with legal matters, including a brief overview of the services provided through the Tribe prior to January of 2014. Attached to this analysis (Attachment A) is a list of additional, non-Tribal resources that may currently be available for Tribal members.

There are some concerns with the potential effects of establishing a system of legal professionals to assist Tribal members. Most notably, state courts may become reluctant to transfer cases to the Judiciary if Tribal members automatically receive free legal assistance while non-Tribal members do not; and there is a possible risk of increased costs/workloads and an increase in frivolous actions filed if legal representation is provided for free.

As part of this analysis, a review was conducted of other tribes to see what sort of legal services/assistance they provide for their membership. There is no general consensus, but there do appear to be a few generalized trends:

- Like the Judiciary, many tribal court systems require lawyers/advocates to be admitted to their tribal court Bar or otherwise authorized to practice before their court.
- Although the terminology differs, non-attorney advocates (also called spokespersons, lay advocates, representatives, non-law-trained attorneys, etc.) are generally permitted to represent/assist parties with cases. Almost always, these advocates must be members of that tribe, and must meet certain qualifications and/or fulfill certain requirements.
- Many tribal courts partner with outside organizations to provide limited legal assistance for their courts. Commonly, a tribal court works with a local law school to provide legal

services – enabling law students to gain experience and making legal assistance available for parties at a reduced cost for either the Tribal member or the tribe.

There are many different questions that should be answered before any sort of system of legal assistance is established, and there are various concerns which may need to be addressed, depending, ultimately, on what is implemented.

### Analysis

#### **Clarifying Intent of the Petition**

There are various ways this petition could be interpreted; therefore it may be beneficial to consider clarifying the following:

1. Whether the petitioner is asking the Tribe to:
  - Establish and regulate a system of legal professionals authorized to practice before the Judiciary (i.e. similar to a state bar), or
  - Provide legal services for every Tribal member appearing before the Judiciary.
2. If the intent is to provide legal services, it should be clarified whether the intent to provide these services for free for all members, or whether the client must pay all representation fees, and/or whether services would be provided for low-income members with fees set on a sliding scale based on income.
3. Whether providing legal services for members “engaged in any case” includes:
  - Tribal members in all actions, including when the Tribal member is the petitioner/plaintiff (such as when the Tribal member wants to sue another person or a Tribal entity) or only in particular situations (such as only when the Tribal member is a defendant/respondent, or is appealing a penalty or adverse decision).
  - Tribal members who are not named parties to a case, but who are involved in the case in other ways or who have an interest in the outcome of a case
  - Tribal members who are not the named party to a case, but the case is brought on their behalf (such as when a non-Tribal member is a guardian of a Tribal member and brings a case on the Tribal member’s behalf).
4. If the intent is to provide any reduced-cost or no-cost services to the membership, it may also be necessary to clarify who will pay all related costs that a party would normally be responsible for – *i.e.* any court fees, filing fees, witness fees, copying fees, transcript fees, mediation fees, guardian ad litem fees and/or discovery fees.

#### **Current Caseload**

The Tribe’s Judicial system has been steadily growing over the past several years, especially since the state courts began transferring child support and paternity cases over to the Tribal system in 2009. The following chart shows the number of cases filed in each of the three main Tribal Judicial System divisions over the past four years:

<b>Cases Filed</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014**</b>
Trial Court*	283	328	336	366
Family Court	606	577	649	494
Appellate Court	30	24	19	15
<b>Total</b>	<b>919</b>	<b>929</b>	<b>1004</b>	<b>875</b>

\*The Trial Court also includes Tribal debt and Garnishment cases.

\*\* *This information is not complete – it is current as of 11/1/14, but more cases are likely to be filed in the two months remaining in the year)*

The chart above shows the total number of cases filed in a given year; which can help with projecting how many cases would have to be assigned, on a yearly basis, by any system of attorneys and advocates. However, those numbers do not provide any information about active cases – a case is considered active from the time the court receives a filing until an order has been entered. On November 12, 2014, there were 104 active cases in the Tribe’s Judicial System - 84 in Family Court, 14 in the Trial court and 6 in the Appellate court. Although the number of active cases is just a snapshot in time and will fluctuate, this information can also be used to project the amount of legal professionals that would be needed to cover the demand.

### **Current and past legal assistance/advocacy services available to Tribal members**

#### *Current Tribal Services*

The primary Tribal resource for legal assistance is the Employee Advocacy Department (EAD), which provides services for all employees, not just Tribal members. Currently, the EAD does not charge fees. Consisting of two paralegals, the EAD only answers/advises employees on matters that fall under tribal jurisdiction (primarily employment matters) – but nothing related to state law and no actual involvement outside of employment actions in the Tribal system.

Because the services offered by the EAD were scaled back in January 2014, (see below) if a person needs more than a simple consultation, basic assistance with paperwork, or employee representation, the EAD is often only able to offer that person a listing of the attorneys and advocates who have been authorized to practice before the Judiciary/Family Court<sup>1</sup>. If that person wants to use one of those attorneys or advocates, that party is responsible for working out payment arrangements with the attorney or advocate – the Tribe does not cover these services.

Although specific records were unavailable, one of the two EAD paralegals had 162 “contacts” in FY14 and 192 in FY13. (Contacts are consultations with persons seeking legal assistance – sometimes these consultations led to representation or document drafting; other contacts just involved a conversation – discussing the client’s options, providing referrals, etc.) The other paralegal estimated that she had a similar amount of contacts, and when there was a staff attorney, she also had an unknown number of contacts. Very roughly speaking, this means that in a year, the EAD provides consultations for 300-500 persons seeking legal assistance.

#### *Tribal Services offered prior to 2014*

For approximately 20 years up until January 2014, the EAD had been called the Legal Resource Center. (The name was changed after the one staff attorney retired and that position was not re-filled, leaving only two paralegals to continue operations.) When the Center had an attorney on staff, it had offered a very broad range of legal services for enrolled Tribal members including criminal defense, family law, housing – evictions and foreclosures; guardianship actions, probate, civil forfeitures and small claims actions. In addition to frequent consultations and legal advice, the Center provided services including:

- Representing members in various civil, criminal and family law cases in not only the Tribal System, but also Brown and Outagamie circuit courts and local municipal courts.
- Drafting documents such as wills or pleadings for cases for persons who were not represented by an attorney.
- Assistance with filling out legal forms.

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<sup>1</sup> The Family Court is a division of the Judiciary; however the Family Court was established and became operational before the rest of the Judiciary. The Family Court will merge into the Judiciary once the Judiciary is up and running. Currently,

These services were not provided for free, but cost less than the rates usually charged by an attorney. For persons who were not seeking representation, the Center charged \$60 per page for the attorney to prepare forms and \$30-\$200 for a paralegal to draft various documents. Depending on the type of case, the Center charged between \$100-\$1000 per case for attorney representation, and \$50 to \$650 per case for paralegal assistance/representation. Represented clients were also required to pay a flat fee of \$50-\$120 for mileage and were responsible for paying all other costs/fees related to their case (court, filing, witness, copying, transcript, mediation, guardian ad litem and discovery fees; any ordered fines/forfeitures).

The Center represented 15 Tribal members in different cases in 2010, 31 in 2011, 22 in 2012 and 17 in 2013. The Center also drafted legal documents for 5 Tribal members in 2010, 4 in 2011, 8 in 2012 and 6 in 2013.

*Other Tribal programs commonly thought to provide assistance*

There are two Tribal resources which are commonly believed to provide legal assistance for Tribal members, however this is inaccurate:

- The Community Support Fund provides financial assistance for Tribal members in various emergency/hardship situations; but specifically states that funding will not be provided for legal fees/court costs/judgments<sup>2</sup>.
- The Oneida Law Office primarily provides legal support for the OBC, Tribal Government and tribal operations; and does not typically represent individual members.

**Is the Tribe required to provide any sort of legal representation for any parties?**

*Federal Law*

The only requirements under federal law pertain to criminal proceedings. Under the Indian Civil Rights Act tribes cannot “deny to any person in a criminal proceeding the right [...] at his own expense to have the assistance of counsel for his defense”, except that the tribe must provide an indigent defendant with a defense attorney if the crime could be punishable by more than one year.<sup>3</sup> The Oneida Tribe is not exercising criminal jurisdiction at this time, so this requirement is not currently applicable.

*State Law*

In addition to criminal proceedings, Wisconsin law also allows for a “public defender” to be provided for parties for a limited range of non-criminal proceedings, including for respondents in a paternity action when genetic testing fails to conclusively prove or disprove paternity<sup>4</sup>; and minor children and/or parents for various proceedings under Chapters 48 and 938 of the Wisconsin Statutes, primarily related to juvenile delinquency, removal or placement of a child outside of their home, children in need of protective services, termination of parental rights, minors seeking to waive the parental consent requirement for an abortion, and contested adoptions.

Regardless of whether it is a criminal action or not, under Wisconsin law, public defenders are not automatically provided to any party for free. Instead, a fee schedule identifies all of the various types of cases a public defender may be assigned to, and for each type of case, there is one flat fee. When a public defender is assigned, then the client (or their guardian/representative) is responsible for paying for the public defender unless they can show they cannot afford to pay,

<sup>2</sup> See the Community Support Fund Policy, 7-1(g)

<sup>3</sup> 25 USC 1302(a)(6) and (c)

<sup>4</sup> See Wis. Stat. 977.08(2)(h) and 767.83

in which case they may be allowed to pay a lesser amount (or nothing) based on a sliding fee scale.

When determining whether a person has the ability to pay, the court will not only consider income, but also any assets that the client has that could be available to pay the costs. Also, if a person is initially determined to be unable to pay for a public defender, but this later changes, they may then be required to pay for the services they received.<sup>5</sup>

**What sort of Tribal legislation would be required to implement this request, and who would create/adopt it?**

To ensure consistency, any legislation and/or supporting rules that create a support system of paralegals, advocates, and attorneys (hereinafter: “legal professionals”) should, at a minimum, address the following:

- **Establishment.** Establishing the system by law, identifying any authorities and responsibilities, licensing requirements, etc.
- **Regulation.** Identifying qualifications, standards and ethics requirements for attorneys, paralegals, and advocates. Ethics requirements should address attorney-client privilege, and any duties owed to the client and/or to the Tribe – i.e. what to do when the best interests of the Tribe are different from the best interests of the client<sup>6</sup>. Rules protecting confidentiality and establishing “screens” may be necessary if opposing parties are assisted or represented by persons from the same office.
- **Scope and Application.** Identifying whether a Tribal member is entitled to legal services; when services would be provided; the extent/scope of services to be provided (for example, under Wisconsin law a public defender assigned to a paternity action only represents the respondent in matters directly related to the paternity action - not ancillary actions like child support or visitation rights); when/how representation ends, and what happens if counsel or client wants to end their relationship before the case is complete.
- **Payment.** Identifying how legal professionals would be paid – i.e. through the Tribal budget or by clients; whether there would be reduced-cost or free assistance available; whether/how parties can appeal determinations about whether they qualify for assistance.
- **Enforcement and Due Process.**
  - If the legislation creates an absolute right/entitlement for Tribal members to receive legal assistance, then it should also identify what happens if a Tribal member does not receive the assistance they are entitled to.
  - Identifying acceptable standards for representation, and what happens if representation is provided that fails to meet those standards; and whether ineffective assistance of counsel could affect a decision/make it appealable.
  - An appeal process for attorneys/paralegals/advocates who are denied admission to practice before the Judiciary, or whose admission is suspended/revoked.

The legislation needed to create a system of legal professionals could be generated by the Judiciary, the OBC, or GTC; and adopted by either the OBC or GTC.

**Judiciary.** The Judiciary and Family Court laws set out a process by which the Court can create (and the OBC then adopts) “rules of pleading, practice and procedure to regulate all

<sup>5</sup> Wis. Stat. 977.075 and the correlating Public Defender Rules (Chapter PD 6).

<sup>6</sup> For comparison, see Wisconsin Supreme Court Rule 20 – the state’s ethical requirements for attorneys.

hearings conducted before” the Court.<sup>7</sup> Depending on what sort of system is sought by this petition, it may be possible to establish the system by creating such a rule.

**OBC.** The OBC could establish a system by adopting a law in accordance with the Tribal legislative process, as set out in the Legislative Procedures Act.

**GTC.** The Oneida Constitution<sup>8</sup> authorizes the government to promulgate and enforce ordinances establishing “proper agencies for law enforcement upon the Oneida Reservation;” and to adopt resolutions “regulating the procedure of [tribal agencies, officials or organizations ...].” A system of professionals providing legal assistance would appear to fall under either category. In short, GTC could establish a system in one of at least three ways:

- Adopt a complete law establishing such a system (this is the process used to adopt the Judiciary Law, the Legislative Procedures Act, the Notary Law, etc.)
- Establish general requirements by resolution, delegate authority to a specific entity, and allow the delegated entity to establish more specific rules (this is the process used to establish the Higher Education Scholarship Fund); or
- Direct the OBC to adopt a law creating the system, with or without any more detailed, specific requirements (this is the process used to adopt the Judicial Canons). This gives the OBC the liberty to establish a more detailed, comprehensive law, as long as it does not conflict with GTC direction.

#### **Would any existing Tribal legislation be affected?**

Depending on the type of system that is created, various laws and/or procedural rules may need to be revised to address the legal representation. This is most likely going to affect the Judiciary and Family Court laws, Rules of Civil Procedure, Rules of Appellate Procedure, Rules of Evidence, and possibly the Judicial Canons.

It may be necessary to review the Open Records and Open Meetings Law, at least to ensure there would be no problems with when/how legal representatives can obtain Tribal records on behalf of a client.

And finally, all other laws and policies that provide for hearings or an appeal process may need review, to ensure any provisions discussing a party’s right to representation, or discussing the availability of legal assistance, are correct and do not cause conflict (for example, if a law provides for persons to have a hearing but says that parties have the right to counsel at their own expense; this may conflict if a new system is created that is intended to provide counsel at no expense.)

#### **Potential Issue: “Enrolled Oneida Tribal Members”**

If a system is established that automatically provides free legal services for Tribal members only, the non-Tribal member will either have to pay for comparable services, or risk going into a case without legal representation while the other party is represented. This could appear to put the non-Tribal member party at a distinct disadvantage.

Under Wisconsin law, state courts can transfer various types of cases over to a Tribal court, when both court systems have jurisdiction over the case. However, if all parties do not agree to the transfer, the state court is required to consider “all relevant factors” before deciding whether to transfer the case, including:

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<sup>7</sup> See the Judiciary Law, 150.10-1 and the Family Court Law, 151.9-2

<sup>8</sup> See *Oneida Constitution, Article IV, Sections 1(f) and (i)*.

- The relative burdens on the parties, including cost, [...] and matters of process, practice, and procedure, [...] and
- Any other factors having substantial bearing upon the selection of a convenient, reasonable and fair place of trial<sup>9</sup>.

Both of those factors may be affected by a system that provides legal assistance for Tribal members only - transferring a matter to the Judiciary could impose a greater “relative burden” on a non-Tribal party, and providing legal assistance for one party but not the other could affect a determination of a “reasonable and fair place of trial.”

### **Potential Issue: Impact of Providing Free Legal Assistance**

Although a fiscal analysis will provide a detailed look at the financial effects of this petition, this analysis will discuss one potential issue that could arise.

When both parties must pay for their own legal counsel, the parties have substantial incentive to settle their dispute quickly and efficiently. Parties can be more willing to negotiate or be flexible in order to limit the costs of litigation. When a party is not responsible for attorney’s fees, there is no financial incentive to limit the proceedings.

When the Tribe’s Legal Resource Center initially began offering services, they were provided for free. However, as time passed, the Center began charging fees because they found that it meant clients were more apt to be involved and were more invested in their case. According to one paralegal from the Center, “[I]t made us get the more serious client, instead of those that take advantage because the service was free and would just drop everything in our laps and doing nothing to further their case.”

There are various ways that this issue could possibly be addressed – for example by limiting the scope/amount of free representation/assistance that is provided to each client; or by establishing that if a member cannot afford to pay for legal assistance when they need it, then they can still be provided with an attorney/advocate but will be required to sign a document authorizing the organization to collect their future per capita payments until the legal fees are paid in full.

### **Do other tribes provide legal assistance for their courts/tribal members?**

A review of other tribes’ laws shows that there are many common elements and themes, but that each tribal court system is somewhat different as to whether/how they provide legal representation/assistance.

- Research did not find any other tribal court system that provided legal assistance, free of cost, to all Tribal members for all matters before their tribal court.
- Many tribes do not provide legal representation for members, but include provisions in their laws that permit parties to be represented by counsel, at the party’s own cost<sup>10</sup>.
- Many tribal codes provide for counsel to be appointed for a party; but almost always only when the party cannot afford an attorney,<sup>11</sup> and usually only for criminal cases and/or very limited non-criminal proceedings.<sup>12</sup>

<sup>9</sup> Wis. Stat. 801.54(2)(j) and (k)

<sup>10</sup> See for example: Oglala Sioux Tribe Law and Order Code, Chapter 5 (Juvenile Code), Sault Ste Marie Tribal Code Ch. 87; Puyallup Tribal Code 4.04.440 Rule 44.

<sup>11</sup> See for example the Fort Peck Comprehensive Code of Justice, Title 2 Ch. 5, 2014.2, (the court may appoint an attorney) Stockbridge Munsee Tribal Code 1.33 (the court may provide an advocate), Tulalip Tribe.

- Like the Judiciary, many tribes only permit attorneys, advocates, etc. to practice in their courts if they are members of a tribal Bar or have formally been authorized/admitted to practice in the tribal court<sup>13</sup>.
  - Many tribes have a tribal Bar exam, usually testing legal knowledge and tribal history. Many other tribes only require an application and usually, a fee.<sup>14</sup> Most tribes check an applicant's criminal history.<sup>15</sup>
  - In order to be admitted to practice in tribal court, many tribal courts require attorneys to be a licensed member in good standing of the Bar in any state or federal jurisdiction<sup>16</sup>.
  - Many tribes permit some form of non-attorneys (advocates, spokespersons, etc) to represent/assist parties. Almost always, they must be members of that tribe<sup>17</sup>, although at least one court permits members of any tribe<sup>18</sup>. A few tribes require advocates to complete some sort of training, but many do not.
  - As a condition of being admitted to practice in their court, some tribes require legal representatives to provide a certain number of pro-bono hours to indigent tribal members.<sup>19</sup>
- Usually, attorneys and advocates are admitted to practice/regulated by the tribal court (i.e. the court establishes qualifications and administers any tribal bar exams). However, at least one tribe, the Standing Rock Sioux, has public defenders appointed by their Business Committee, which can also terminate them at any time with cause.
- Many Tribal Court systems partner with, or receive services from, an outside organization that provides legal assistance. For example:
  - The Tulalip Tribal Court has an Office of Civil Legal Aid which provides legal assistance to low-income members of federally-recognized tribes with civil matters such as consumer law, family law, housing, estate planning.
  - Non-Profit Columbia Legal Services, has attorneys admitted to the Muckleshoot Court Bar for serving low-income clients with civil matters.
- Many tribal court systems have programs or rules that permit law students to represent clients in their courts; generally under the direct supervision of a licensed attorney or a law clinic/law program supervisor who is fully responsible for the student<sup>20</sup>. At least one tribal court permits local community college students to represent parties in proceedings, as long as the student is "attending legal courses" and completed at least 6 credits of legal studies including tribal codes and federal Indian law<sup>21</sup>.

<sup>12</sup> See Oglala Sioux Juvenile Code - counsel provided for involuntary commitment hearings and various proceedings under the Children's Code.

<sup>13</sup> See Muckleshoot, Standing Rock.

<sup>14</sup> See Hualapai Tribe (application only) and Stockbridge-Munsee (advocates must pass a bar exam, but the Court also has discretion to admit advocates with experience/education and a necessary understanding of the law.

<sup>15</sup> Hualapai Tribe only asks if the applicant committed any felonies/misdemeanors within the past 12 months.

<sup>16</sup> See White Mountain Apache Tribe, Sault Ste Marie; San Manuel, Standing Rock.

<sup>17</sup> See Oglala Sioux Juvenile Code, Standing Rock, Leech Lake, Tulalip, San Manuel, White Mountain Apache.

<sup>18</sup> For example, Muckleshoot.

<sup>19</sup> For example, Leech Lake.

<sup>20</sup> See the White Mountain Apache, Spirit Lake and Ft. Peck tribal courts (permitting law students to practice under the supervision of an attorney) the Muckleshoot Tribal Court (University of Washington Native American Law Center provides Public Defender Services by law students for dependency actions), the Tulalip Tribal Court Public Defense Clinic (clinic supervisors assisted by second and third year University of Washington law students)

<sup>21</sup> Ft. Peck tribal court Student Practice Rule 1-16.

## Legislative Analysis

### ATTACHMENT A

#### Other Potential Legal Services Currently Available to the Membership

In addition to the Employee Assistance Department, Tribal members who need legal assistance have various options in addition to hiring an attorney on their own. Some of those options are listed below.

*Please note: this list is not exhaustive and is only being provided to demonstrate the availability of other resources – this is not intended to be read as an endorsement of any organization listed.*

- **Legal Action of Wisconsin - LAW** (<http://www.legalaction.org/>) is a civil legal aid provider for Brown and Outagamie Counties. Clients must have income below 125% of the federal poverty level. LAW provides services on a limited number of civil topics, including family law, landlord-tenant issues, and consumer law issues.
- **Community Justice, Incorporated** (<http://www.communityjusticeinc.org/>) is a non-profit law firm that provides people with access to justice by offering affordable legal services from qualified and dedicated attorneys.
- **The State Bar of Wisconsin Modest Means Program** (<http://www.wisbar.org/forPublic/INeedaLawyer/Pages/Modest-Means.aspx>) connects individuals with moderate incomes (over 200% of the poverty level) with attorneys that have agreed to take less than the prevailing rate.
- For those in the SEOTS area, the **Legal Aid Society of Milwaukee** (<http://lasmilwaukee.com>) provides free legal assistance to needy Milwaukee County residents with civil legal problems and **SeniorLAW** (part of LAW) provides free legal assistance to Milwaukee County residents aged 60+.
- A number of specialized statewide agencies provide free or low cost attorneys in specific fields (although sometimes representation is limited to “impact cases,” where a victory for one client affects many similarly-situated individuals.)
  - **Disability Rights Wisconsin** (<http://www.disabilityrightswi.org>) helps people gain access to services and opportunity through advocacy and legal expertise, and works on disability issues with state and local governments.
  - **ABC for Health** (<http://www.safetyweb.org/>) – a public interest law firm connecting Wisconsin families to health care.
  - **American Civil Liberties Union of Wisconsin** (<http://www.aclu-wi.org/get-legal-help>) accepts a limited number of cases relating to freedom of speech or religion, privacy, discrimination, police misconduct, censorship, fairness in application of school discipline, and other issues of fair treatment by government.
- There are also a number of semi-legal service providers, providing services similar to what a lawyer might provide – for example assistance with filling out forms, answering questions, offering guidance or advice. Examples include:
  - **Great Lakes Inter-Tribal Council (GLITC) Tribal Disability Benefit Specialist Program** (<http://www.glitc.org/programs/tlbs/>) provides assistance and advocacy for tribal members aged 18 – 59 with disabilities. A Specialist can help determine which benefits tribal members are entitled to, identify a process to apply for benefits, assist in the application process, and assist in an appeal process if necessary. Specialists are trained to help tribal members with Social Security

Disability Income, Supplemental Security Income, Medicare, Medical Assistance/Health Insurance, Food Share, Utility Assistance and Veterans Benefits.

- **Aging and Disability Resource Center of Brown County - Disability Specialists** (<http://www.co.brown.wi.us/departments/>) This is similar to the GLITC program, but only services Brown County and has less focus on Tribal benefits.
- **Greater Wisconsin Agency on Aging - Elder Benefit Specialist Program-** (<http://www.gwaar.org/for-professionals/elder-law-and-advocacy-center/elder-benefit-specialist-program.html>) - helping elderly people who are having problems with private or government benefits.
- **Wisconsin Fathers for Children and Families** (<http://www.wisconsinfathers.org>) offers resources and guidance tailored to fathers, primarily with family law and domestic violence issues.
- **Wisconsin Coalition Against Domestic Violence (WCADV)** – (<http://endabusewi.org>) helps persons in need of various types of assistance due to domestic violence. The website also has links to numerous other resources which may be useful.
- **The Indian Law Office of Wisconsin – Judicare** ([www. Judicare.org](http://www.Judicare.org)) has a broad host of services available to Tribal members, including:
  - Legal representation before the Judiciary (not state court) for low-income (less than 200% of the federal poverty level) Tribal members on most civil issues.
  - Public benefit advocacy, powers of attorney, and estate planning services to tribal elders who are below 200% of the federal poverty level.
  - Every 2-3 years, Judicare provides an Indian Wills Caravan – where attorneys and law students travel to the Tribe and provide estate planning services for all Tribal members regardless of income.
  - Judicare may also provide some state court representation on restraining orders, family law, or other issues related to domestic violence.

Currently, Judicare provides a broader range of services for members of the Ho-Chunk Nation, because the Ho-Chunk Nation has contracted directly with Judicare to provide this assistance for their membership. David Armstrong, director of Judicare, has indicated that it would be possible to establish a similar arrangement between Judicare and the Oneida Tribe. Under such an arrangement, Judicare would provide services on a broader range of topics and could raise clients' income eligibility threshold, meaning they would be able to provide assistance to a wider range of Oneida Tribal members.

The cost of contracting services to Judicare would depend on exactly what services were covered under any agreement with Judicare.

# 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.

## ONEIDA FINANCE OFFICE

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



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

DATE: February 3, 2015  
FROM: Larry Barton, Chief Financial Officer  
TO: Patricia King, Treasurer  
Oneida Business Committee  
RE: Fiscal Impact of the Powless Petition - Advocates in Oneida Judiciary

### **I. Background**

On September 8, 2014, Gina Powless submitted a petition to the Tribal Secretary's Office. The petition states, "To create a support system of paralegals, advocates and attorneys to assist and advocate for Oneida enrolled Tribal Members that are engaged in any case with Oneida Judiciary".

To define these positions, according to the American Bar Association, a paralegal is "A legal assistant or paralegal is a person qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity who performs specifically delegated substantive legal work for which a lawyer is responsible." Under this definition, the legal responsibility for a paralegal's work rests directly and solely upon the lawyer. An "Advocate", according to the rules of civil procedure shall mean "an Oneida non-attorney advocate as provided by law and other advocate who is admitted to practice law and is presented to the Court as the representative or advisor to a party". An "Attorney" shall mean "a person trained and licensed to represent another person in Court, to prepare documents and to give advice or counsel on matters of law".

In the past, the Legal Resource Center was available "to provide understanding, information and assistance with the Oneida Nation's laws, policies and procedures through communication and representation". Currently, without a practicing attorney, the area has been reorganized, with the remaining paralegals, into the Employee Advocacy Department with a FY '15 budget of \$249,876. Internal to the organization, no other area provides legal representation to individuals.

### ***Other Tribes***

According to the Legislative Reference Office, no tribes were found that provide free legal assistance to all their members. However, some tribes do contract services with local entities for low income clients. For example, The Department of Justice for the Ho-Chunk Nation states

“the Ho-Chunk Nation Tribal Attorneys do not provide representation to individual Tribal Members or persons with individual legal issues. The Tribal Attorneys are contracted and duty-bound to represent the legal interests of the Ho-Chunk Nation, its agencies and entities. Therefore, the Department cannot give legal advice or represent Tribal Members in any capacity”.

The Ho-Chunk Nation has an agreement with one of the two Legal Services Corporations in Wisconsin. They are Wisconsin Judicare and Legal Services of Wisconsin. Judicare, Inc. is paid \$50,000.00 annually for legal services to low-income Tribal members. The agreement stipulates that the income criteria for services shall be no more than 200% above the Federal poverty level and the cost is capped at \$1,000. According to Chief Counsel’s memo, the Ho-Chunk agreement with Judicare covered approximately 100 cases in a three year period. Their legal services are NOT limited to representation only in the Ho-Chunk’s Judiciary.

### ***Other Governments***

No government is required to provide legal services with some exceptions for criminal matters. The two Wisconsin Legal Services Corporations were created to assist individuals with low income. There are also some specialty legal services available for free or at a low cost to seniors or disabled individuals.

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

### **A. Oneida to provide services in-house.**

The estimated personnel costs are based on Chief Counsel’s assumptions and the Furniture & equipment costs were received from purchasing on another recent petition. Attached is an estimated start-up budget for operations.

It is unknown if the staff & budget from the Employee Advocacy Department would be absorbed by a new legal services department. Or if they would maintain their new focus strictly on employee matters. The approved FY ’15 budget for Employee Advocacy is \$249,876.

### **B. Contracted Service**

Approaching this as other Tribes have done, Oneida could contract for the service through an existing legal services corporation. The Ho-Chunk Nation gave Judicare \$50,000 in fy ’13-14 for legal aid to low income members in Wisconsin. The Ho-Chunk has approximately 6,500 members in Wisconsin according to the 1990 US Census records. However, only approximately 100 cases/members have utilized the Judicare Agreement for services in the last 3 years.

Due to the differences between the petition and the agreement the Ho-Chunk have in place, it’s difficult to estimate any cost comparison for negotiated services.

Oneida petition	Ho-Chunk Agreement
Restricted to Oneida Judiciary	No restrictions, i.e. Tribal, State, etc.
Approximately 11,000 members in WI	Approximately 6,500 members in WI
No income requirement	200% of Federal Poverty Guideline
No cap on costs	\$1,000 cap

### III. Financial Impact

**A. Oneida to provide services in-house—Estimated to be approximately \$448,610**  
This does not take into consideration that Employee Advocacy may be incorporated. Their FY '15 budget is \$249,876. Including start-up costs and factoring for inflation, **over 10 years the fiscal impact is \$3,685,611**

**B. Contracted Service**  
The circumstances between the Ho-Chunk-Judicare Agreement and the petition are too dissimilar to use it as a benchmark to gage what the cost would be to Oneida. However, if similar constraints were placed on the costs and services, one could reasonably assume that the expenses would be similar.

### 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 full information with which to render a decision.

## Estimated Start Up Costs Support System for Attorneys, Advocates, Paralegals

<b>Personnel</b>				
Managing Attorney	\$55,792			
Staff Attorney	\$50,629			
2 Paralegals	\$66,664			
Grant Writer	\$40,844			
Secretary/Clerical	\$28,373			
<b>Subtotal</b>	<b>\$242,302</b>			
Fringe	\$83,110			
Indirect	\$40,707			
Professional Liability Insurance	\$ 5,000			
<b>Total</b>	<b>\$366,118</b>			
<b>Business Office</b>				
	<b>Per item cost</b>	<b>Quantity</b>	<b>Total</b>	
copier machine (monthly)	\$ 200	1	\$ 2,400	lease payments
time clock	\$ 4,200	1	\$ 4,200	KRONOS system
answering machine - phone system	\$ 20,412	1	\$ 20,412	
desk	\$ 636	6	\$ 3,816	
chairs	\$ 371	6	\$ 2,226	
filing cabinets with locks	\$ 703	6	\$ 4,218	
computer system/printer/scanner	\$ 3,450	6	\$ 20,700	
<b>Subtotal</b>			<b>\$ 57,972</b>	
<b>Reception/Waiting Area</b>				
chairs	\$ 652	8	\$ 5,216	
side tables	\$ 275	4	\$ 1,100	
television	\$ 530	1	\$ 530	
lamps	\$ 260	2	\$ 520	
artwork/plants	\$ 104	4	\$ 416	
clock	\$ 26	1	\$ 26	
<b>Subtotal</b>			<b>\$ 7,808</b>	
<b>Signage</b>				
interior	\$ 88	4	\$ 352	
exterior	\$ 5,660	1	\$ 5,660	
<b>Subtotal</b>			<b>\$ 6,012</b>	
<b>Staff Lounge/conference room</b>				
refridgerator	\$ 990	1	\$ 990	
Misc. equipment	\$ 1,602	1	\$ 1,602	
table	\$ 332	1	\$ 332	
chair	\$ 292	6	\$ 1,752	
<b>Subtotal</b>			<b>\$ 4,676</b>	
Supplies			\$ 2,000	
Occupancy Charge			\$ 4,024	
P&C Insurance			\$ 5,000	
<b>Grand Total</b>			<b>\$ 448,610</b>	



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

## **Oneida Tribe of Indians of Wisconsin 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 and the colony of Pennsylvania, a new nation, the United States was made possible.

### MEMORANDUM

**TO:** General Tribal Council  
**FROM:** Oneida Business Committee  
**DATE:** February 25, 2015  
**SUBJECT:** Gina Powless Petition – Advocacy in Judiciary

Gina Powless submitted a petition requesting the General Tribal Council to consider approving a motion which would direct that advocates be provided for members appearing in cases in our Judiciary. Her reasoning for this request is that the new rules of procedure for the Judiciary are complex and difficult for the average person to understand. We have reviewed the petition and the analysis presented by our legislative and legal departments. Based on this information, we are recommending that the General Tribal Council not adopt the requested action in this petition.

The Judiciary, at the time this petition was submitted, had not yet opened its doors to acceptance of cases and judges were still proceeding through training on the new systems. As we were reviewing the materials and drafting our recommendations, the Judiciary had only just begun accepting cases. We agree that the new rules regarding the Judiciary are potentially confusing. However, there is no indication that the Judiciary will not make every effort to make sure the courts are open and understandable to the lay person.

Our experience with the Oneida Appeals Commission shows us that lay persons can successfully navigate a hearing process. Further, that there were members that were able to understand that process and become advocates for others. We even found that area attorneys became comfortable arguing within the Oneida Appeals Commission. There is nothing at this time that would indicate that the Judiciary will not also become a similar forum.

We believe that the concern is valid and that it does deserve our monitoring of the Judiciary to ensure that members have an open and understandable hearing process. If there are indicators

that this is not occurring, we have the ability to make legislative changes to the rules to encourage the creation of that environment. Simply put, it is too early to say that the Judiciary will not make the appropriate adjustments to accommodate Tribal members who represent themselves.

**Recommended Action: Motion to direct the Oneida Business Committee to monitor the Judiciary processes to ensure the processes and procedures are implemented in a manner that is understandable to unrepresented Tribal members.**



**TOPIC:  
PETITIONER  
NANCY BARTON**

**To OPEN AN EMERGENCY  
FOOD PANTRY**



# Oneida Nation

## Certification of Petition Signatures

**TO:** General Tribal Council  
**FROM:** Lisa Summers, Tribal Secretary  
**DATE:** June 22, 2016  
**RE:** Nancy Barton Petition re: Emergency Food Pantry

### Certification of Sufficient Petition Signatures:

Petitioner Name:	Nancy Barton
Date Submitted:	October 7, 2015
Total # of signatures submitted:	50
Total # of invalid signatures:	0
Total # of valid signatures:	50

Fifty signatures were verified by the Oneida Enrollment Department on October 7, 2015. The number of signatures submitted by the petitioner is sufficient.

**Petition:** A copy of the petition statement is provided here:

PURPOSE: <u>Emergency Food Pantry</u>
---------------------------------------

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.

I am submitting the following petition to General Tribal Council to approve opening an Emergency Food Pantry. I am requesting that this pantry be located in the now vacant former Tower Foods. This site is adjacent to the Food Distribution Program and newly developed garden. This pantry would serve those households where an enrolled Tribal Member resides.

The income guidelines would remain consistent with state and federal eligibility but discretionary measures will be put in place to review each case on a case by case basis. Circumstances of eligibility would include but not be limited to interruption of family income, job loss, change in family composition, homelessness.

I am requesting the following funding sources be transferred to the Emergency Food Pantry

\$50,000 from Center for Self Sufficiency (Festival Food Cards)

I am requesting the following Tribal entities supply to the Pantry

Oneida Nation Farm: Buffalo, Grass Fed Beef eggs chicken

Tsyunhekwa, Cannery White Corn Other products

Apple Orchard: Apples

I am requesting that the GTC approve suspending all food purchases at the Oneida Radisson for meetings, conferences and summits. This previously budgeted amount would be transferred to the Emergency Food Pantry.

Any and all other funding sources including current applicable grants that will benefit the most enrolled Tribal Members be transferred to the emergency food pantry.

I am requesting GTC to approve hiring a Manager and 2 warehouse workers all other positions would be volunteer. This manager would report quarterly to the Business Committee and directly to General Tribal council by report form at the Semi- Annual and Annual meetings. These reports shall include financial, and statistical data, trends, successes and problems. Manager must have three letters of recommendation of prior experience working in the social services.

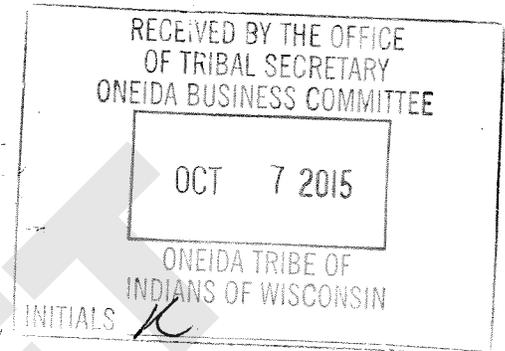
I am requesting to reinstate the 2008 budget for this food pantry when the program was terminated.

I am requesting that the Tower Foods Building be prepared to meet the needs of Oneida Tribal Members who are requesting food.

I am requesting the following supplies and equipment: A van for delivery and pick up. A Forklift, and 2 dollies. Computer software and office supplies, Freezer and refrigerators

I am requesting the doors of this Emergency Food Pantry be opened on Oct. 1 2016. Hours of pick up would be from 9:00 to noon Monday thru Friday.

Job Requirements: Must be Enrolled Tribal Members



RECEIVED

OCT 07 2015

Oneida Enrollment Dept.

JO ANNE HOUSE, PHD  
 CHIEF COUNSEL  
 JAMES R. BITTORF  
 DEPUTY CHIEF COUNSEL  
 REBECCA M. WEBSTER, PHD  
 SENIOR STAFF ATTORNEY

## ONEIDA LAW OFFICE

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(920) 869-4327

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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 Tribe of Indians of Wisconsin  
Legislative Reference Office**

Krystal L. John, Staff Attorney  
Douglass A. McIntyre, Staff Attorney  
Taniquele J. Thurner, Legislative Analyst  
Candice E. Skenandore, Legislative Analyst



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Oneida, WI 54155  
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<https://oneida-nsn.gov/Laws>

**Statement of Effect**  
*Petition: Food Pantry*

**Summary**

This Petition concerns the establishment and operation of an emergency food pantry containing specific requirements. Additionally, the Petition provides for specific supplies and funding from other Tribal entities.

*Submitted by Douglass A. McIntyre, Staff Attorney, Legislative Reference Office*

***Analysis by the Legislative Reference Office***

On October 7, 2015, a Petition was submitted to the Tribal Secretary's Office and verified by the Enrollment Department. At an Oneida Business Committee meeting on October 28, 2015, the verified petition was accepted and referred to the Legislative Reference Office for a Statement of Effect with a due date of January 13, 2016.

The Petition is a full page containing the specific requirements, but can be broken down into three separate sections:

- Establishing
- Funding and Supplying
- Operating

**1. Establishing the Food Pantry**

- a. The location of the food pantry be at the now vacant former Tower Foods.
- b. The food pantry be opened on October 1, 2016.
- c. That three (3) positions be filled: a manager and two (2) warehouse workers.
  1. These jobs are Enrolled Oneida members only.
  2. The additional workforce be made of volunteers.

The requirement in (1)(c)(1) that the two (2) warehouse workers be enrolled Oneida members is in conflict with Section III(a) of the Personnel Policies & Procedures. This section provides:

The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions. However, the Oneida Tribe exists to serve the needs of the Oneida people and therefore accords Oneida Preference to enrolled Oneida Tribal Members where such preference is

not otherwise prohibited. **All General Managers and top administrative positions, as defined by HRD, shall be held by enrolled Tribal members. In all other instances, the Tribe applies the following priorities** of Indian Preference in staffing decisions:

1. Enrolled Oneida Tribal member;
2. Oneida Indians eligible for enrollment in the Oneida Tribe;
3. Documented first generation Oneida descendant;
4. Other Native American Indian;
5. Other (non-Indian).

“Oneida-only” positions have been created through various resolutions and directives of the General Tribal Council and Oneida Business Committee, such as all retail employees or specific positions within gaming. The requested positions do not fall under any of these. Therefore, this portion of the Petition would be in conflict with the Personnel Policies & Procedures. The remaining portion of the Petition establishing a food pantry has no legislative impact on any other current Tribal laws.

## 2. Funding and Supplying the Food Pantry

- a. The emergency food pantry be funded by:
  1. transferring \$50,000 from Center for Self Sufficiently (Festival Food Cards) to the food pantry.
  2. suspending all food purchases at the Oneida Radisson for meetings, conferences, summits.
  3. transferring any and all other funding sources, including grants to the food pantry.
  4. a reinstatement of the 2008 budget for the food pantry.
- b. The food pantry would be supplied by:
  1. the Oneida Nation Farm providing buffalo, grass-fed beef, eggs, chicken, Tsyunhekwa, Cannery white corn and other products.
  2. the Apple Orchard providing apples.
- c. Additional supplies and equipment be supplied by the Tribe:
  1. A van.
  2. A forklift.
  3. Two (2) dollies.
  4. Freezer.
  5. Refrigerators.
  6. Computer software.
  7. Office supplies.

Without knowing the specific funding source that would be effected by (2)(a)(4) “transferring any and all other funding sources, including grants to the food pantry”, it is impossible to determine if this would have any effect on current law. The remaining portion of the Petition concerning the supplying and funding of the food pantry has no legislative impact on any current Tribal laws.

## 3. Operating the Food Pantry:

- a. Hours of pickup would be from 9:00 a.m. to 12:00 p.m. Monday through Friday.

- b. The food pantry would have the following restrictions:
  - 1. Will only serve households where an enrolled Tribal member resides.
  - 2. Will only serve those with income guidelines consistent with state and federal eligibility, but with the flexibility to review a case-by-case basis.
  - 3. Circumstances of eligibility include, but are not limited to, interruption of family income, job loss, change in family composition, homelessness.
- c. Reporting policy be implemented:
  - 1. The manager would be required to report quarterly to the Oneida Business Committee.
  - 2. The manager would be required to submit a report form to the General Tribal Council at the annual and semiannual meetings.

The portion of the Petition concerning the operation of the food pantry does not conflict with and has no legislative impact on any other current Tribal laws.

### **Conclusion**

The Petition does not have an impact on current legislation except in potentially two (2) areas. First, the language providing that the warehouse worker positions be Oneida-only is in conflict with the priority list found within the Personnel Policies & Procedures. However, this could be remedied by General Tribal Council clarifying that these positions are Oneida-only in the adopting resolution. Second, the vague language concerning the transfer of funding sources makes it impossible to determine what current laws, if any, might be affected.

# ONEIDA NATION



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

Post Office Box 365

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

DATE: May 9<sup>th</sup>, 2016  
 FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer  
 TO: Patricia King, Treasurer  
 Oneida Business Committee  
 RE: **Financial Impact of Petition Regarding Emergency Food Pantry**

### I. Background

Under consideration is a General Tribal Council Petition which would create an Emergency Food Pantry. Specifically, the Petition calls for the placement of the Food Pantry to be located in the former Tower Foods building, owned by the Oneida Seven Generations Corporation. The Petition suggests that the Food Pantry would only service those households where an enrolled Oneida Tribal member resides. Moreover, while the Petition does state the Food Pantry should follow income guidelines consistent with State and Federal eligibility, the Petition also calls for discretionary measures to be allowed so that eligibility may be reviewed on a case by case basis.

As for funding sources, the Petition calls for fifty thousand dollars (\$50,000) to be transferred from the Center for Self Sufficiency budget (funds used for Festival Foods cards) and that the Oneida Nation Farm be required to supply buffalo, grass fed beef, eggs and chicken. Further, Tsyunhehkwa would be required to supply white corn and other products, while the Apple Orchard would be required to supply apples. Lastly, the Petition calls for all food purchases for meetings at the Radisson Hotel and Conference Center to be suspended, with any budgeted dollars to be transferred to the Food Pantry and calls for "any and all other funding sources including current applicable grants that will benefit the most enrolled Tribal Members be transferred to the emergency food pantry."

The Petition further goes on to specify suggested staffing levels and equipment. It states the Food Pantry should have a paid Manager and two warehouse workers. These positions would be required to be filled by Oneida Tribal Members. All other positions are to be volunteers. The Manager is to report out to the Business Committee on a quarterly basis and to provide direct reports to the General Tribal Council at Annual and Semi-Annual meetings. The reports are to include financials, statistical data, trends, successes and problems faced. As for equipment, the

Petition calls for a van for delivery and pickup; a forklift and two dollies, a freezer and refrigerators, as well as computer software and office supplies.

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

The language in the Petition regarding the funding for the operation of an Emergency Food Pantry is very impactful. By stating that “any and all other funding sources...be transferred to the emergency food pantry” this has the effect of assigning this as the number one priority of the Oneida Nation. In essence, it would mandate that the operation of an Emergency Food Pantry would be provided for in the Fiscal Year 2017 budget, above any other service or operation of the Tribe. This includes the potential of requiring cuts to other services, such as education, health care, elder services, public safety, etc. in order to operate the Emergency Food Pantry, if this Petition is approved. It can be argued that this language requires the Emergency Food Pantry to be prioritized before existing General Tribal Council mandates, such as Per Capita payments and scholarship funds. If so, we will defer to a legal opinion as to whether this Petition would require a two-thirds majority vote to be approved.

From the Oneida Human Resources Department, we have learned that the two warehouse workers would be expected to be assigned a salary grade of NE05. The midpoint of this salary grade is \$11.48 per hour. This rate amounts to \$23,878.40 in salary per year before fringe benefits and indirect costs. So, two workers would have an estimated impact of \$47,756.80. The Manager would be expected to be assigned a salary grade of E4. The midpoint of this salary grade is \$24.98 per hour. This amounts to an annual salary of \$51,958.40 before fringe benefits and indirect costs. For Fiscal Year 2017, it is anticipated our fringe benefit rate will be 40.05% and our indirect cost rate will be 16.89%. Therefore, the two warehouse workers total cost would be estimated at \$74,949.52 and the total cost of the Manager would be estimated at \$81,543.51, equating to a total labor cost of \$156,493.03 (one hundred fifty-six thousand, four hundred ninety-three dollars and three cents.)

As noted, the space identified by the Petition– the former Tower Foods building – is owned and operated by the Oneida Seven Generations Corporation (OSGC). We have learned that there is currently ten thousand (10,000) square feet of space available at the facility. Warehousing space makes up three-fourths of this available space, while the remaining one-fourth of space is an office area and restrooms, etc. The Oneida Seven Generations Corporation states that a tribal entity would receive a discounted rate to rent the ten thousand (10,000) square feet available – \$5.10 per square foot per year, or fifty-one thousand dollars (\$51,000) per year. If this space was rented to an entity outside the Tribal organization, the cost would be \$9.00 per square foot per year, or ninety thousand dollars (\$90,000).

The legal review provided by the Oneida Law Office does contain some research of operational costs and equipment costs. This information has various dates of applicability from 2015 back to 2008. So as not to cause confusion, we will utilize the data provided by the Oneida Law Office. It should be noted, however, that the actual costs may vary due to potential cost increases over the years, due to inflation and/or changes in market pricing for the items. The legal review estimated that a forklift would cost \$5,000 to \$10,000, commercial refrigerators would cost \$3,000 to \$5,000, commercial freezers would cost \$2,000 to \$4,000 and a van would cost \$23,000 to \$50,000.

The normal operations of a food pantry consist of gathering excess foods from Food Banks, donations or purchases and storing the food for distribution to households. According to the Redwood Empire Food Bank, (established in 1987 to service Sonoma County, CA) a targeted minimum distribution would be 20 pounds of food per household per week. As for a financial budget, the legal review identified an expected budgetary cost of twenty five cents (\$.25) per pound of food. Therefore, the targeted minimum cost of acquiring the food would be \$260 per household per year. While it is noted that the Petition called for specific food donations from Tribal operations such as the Farm, Tsyunhehkwa and the Apple Orchard, there have been communications from these areas that there is no “excess food” to be stored for distribution in such a manner. These areas generate revenues for the Tribal operations and utilize all foods produced.

Another method of determining estimated costs of acquiring food is provided by the Second Harvest Gleaners Food Bank of Western Michigan, Inc. In the book, Charity Food Programs That Can End Hunger in America, author and Executive Director John M. Arnold provides a formula of multiplying the number of people at or below the poverty level times two hundred thirty-four (234) pounds. This figure will provide an estimated need of annual food assistance.

From the Statistician in the Oneida Planning Department, the 2014 Tribal Census provided this data:

<b>Oneida Population Below Poverty Level</b>			
	<b>Oneida Reservation</b>	<b>Brown/Outagamie Counties Off Reservation</b>	<b>Total in Brown/ Outagamie Counties</b>
<b>Children</b>	291	275	566
<b>18-54</b>	537	456	993
<b>55+</b>	128	55	183
<b>All</b>	956	787	1,743

Therefore, an estimate can be reached that the Food Pantry would need to acquire four hundred seven thousand, eight hundred sixty-two (407,862) pounds of food per year. If the cost estimate provided by the legal review of twenty-five cents (\$.25) per pound of food is accurate, an annual budget of one hundred one thousand, nine hundred sixty-five dollars and fifty cents (\$101,965.50) can be a minimum estimate to acquire the necessary food.

As for other funding sources, besides the tribal departments specified which have indicated no excess food exists, the Petition does call for \$50,000 to be transferred from the Center for Self Sufficiency annual budget, and for all food purchases from the Radisson Hotel and Conference Center to be ceased and those dollars to be transferred to the Emergency Food Pantry. According to communication from the Director of Sales and Catering at the Radisson Hotel and Conference Center, Food purchases from the Oneida Casino have averaged \$9,071.47 per month over the last nineteen months, or \$108,857.68 per year. Food purchases from all other Tribal departments have averaged \$3,059.00 per month over the last nineteen months, or \$36,708.00 per year. Therefore, when including food purchased by the Oneida Casino, there is potentially

\$145,565.68 of allocations available per year. However, as the food purchases by Oneida Casino is certain to include foods purchased for consumption by the Player Club members and other clients, it would be recommended to include only the thirty-six thousand, seven hundred eight dollars (\$36,708) in average annual purchases by the rest of the Tribal Departments for consideration of funding source.

### III. Financial Impact

Item	Annual Cost	5 Year Cost
Personnel	\$156,493	\$782,465
Space	\$51,000	\$255,000
Food Acquisition	\$101,966	\$509,830
Equipment	\$33,000-\$69,000	NA
Total	<u>\$342,459-\$378,405</u>	<u>\$1,547,295</u>
Reallocated funding	(\$86,708)	(\$433,540)
Fiscal Impact	\$255,751-\$291,697	\$1,113,755

**TOTAL MINIMUM ESTIMATED FINANCIAL IMPACT: \$255,750.03 TO \$291,750.53  
FIRST YEAR, FIVE YEAR IMPACT OF \$1,146,752.65 TO \$1,182,752.65.**

### 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.





DRAFT



Oneida Nation  
 Oneida Business Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 oneida-nsn.gov



## MEMORANDUM

To: General Tribal Council

From: Oneida Business Committee

Date: July 5, 2016

RE: Recommendation – Nancy Barton Petition – Open an Emergency Food Pantry

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Nancy Barton has submitted a petition which requests the Oneida Nation to re-open an emergency food pantry. The previous version of the food pantry was a volunteer pantry and operated on food donations collected from local stores and bakeries. The volunteers included members who gave time to operate the food pantry and employees who managed the food pantry administratively as well as collected donations and disbursed foods. The food pantry was closed down because it was unable to sustain a necessary level of volunteers and donated foods. In addition, it had insufficient controls to ensure food was properly maintained and distributed.

The food pantry was shifted to a gift card from Festival Foods. The card is now restricted for use for food purchases only and can be obtained once a month as a supplemental source of food. This is in addition to the state assistance programs and numerous area food pantries supported by state and federal funding as well as food distribution networks. It appears that the current gift card system is acceptable to clients as it allows them to obtain foods based on family preference.

The proposed food pantry is estimated by the Chief Financial Officer to cost between \$256,000 to \$297,000 per year. This is significantly greater than the \$50,000 currently budgeted for the food gift cards utilized by 313 families (1,145 individuals) utilizing the program. About a quarter of those individuals were enrolled in the Food Distribution program and about half were enrolled in the Wisconsin FoodShare program. The income level for the food gift card is set at 200% above federal poverty level.

We believe that providing the food gift cards provides greater opportunities for individuals and families to purchase foods that meet their needs. Further, that opening a food pantry will result in a large expenditure of funds for operations, a loss of revenue from tribal enterprises through redirecting food, and will not provide a greater amount of food available for distribution. The Tribe does not grow or process a wide variety of foods. As a result, we believe the current program better suits member's needs. However, it is possible that the program should be reviewed to determine if any changes are needed to the amount to address the gap from various existing food support programs.

**Recommendation: Motion to direct the Oneida Business Committee to implement a review of the food gift card program and its effectiveness to meet the gap in Tribal member needs.**

# tsiʔ niyukwalihó·tʌ

*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 Tsiʔ niyukwalihó·tʌ and a strong economy.

## *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.

## **Kahletsyalúsla**

*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

## **Kaʔnikuhlí·yo**

*gat knee goo lee' (yo)*

The openness of the good spirit and mind

## **Twahwahtsilayá**

*dwah wah jee lie (uh')*

All of us are Family

## **Kalihwi·yá**

*gally we' (yo)*

The use of good words about ourselves, our Nation and our future

## **Yukwatsístayʌ**

*yoon gwa jeesta' (yuh)*

Our fire, our spirit within each one of us

## **Kaʔtshatstásla**

*gat chot stews' la*

The strength of belief and vision as a people

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

Schedule the 2017 Annual 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: 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:

**\*\*\*BACKGROUND\*\*\***

Per the Constitution of the Oneida Nation, the annual General Tribal Council meeting must be held in the month of January.

My office has consulted with the Radisson Hotel and Conference Center and below are the following options, as of Friday August 12, 2016:

- Monday, Jan 2 at 10am (HOLIDAY)
- Tuesday, Jan 3 at 6pm
- Wednesday, Jan 4 at 6pm
- Thursday, Jan 5 at 6pm
- Friday, Jan 6 at 6pm
- Monday, Jan 16 at 6pm
- Tuesday, Jan 17 at 6pm

If the availability of these change prior to the Business Committee meeting on August 24, 2016, a handout will be provided with updated dates

Over the past two years, the Business Committee has been proactive in reserving an alternate date for potential inclement weather. The following date has been reserved for that purpose:

- Monday, Feb 13 at 6pm

**\*\*\*REQUESTED ACTION\*\*\***

This request is for the Business Committee to

- 1) Choose a date for the 2017 Annual General Tribal Council meeting
- 2) Confirm the scheduling of the "inclement weather date"

**\*\*\*SUGGESTED MOTION\*\*\***

"To schedule the 2017 Annual General Tribal Council meeting on <<insert date here>>; reserving February 13, 2017 as an alternate date in the event of inclement weather."

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 Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

**(1)** To accept the verified petition from M.Genskow and Y.Metivier; **(2)** Send verified petition to Law, Finance, Legislative Reference, and Direct Report Offices for legal, financial, legislative, and administrative analyses; **(3)** Direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within 60 days, and that a progress report be submitted in forty-five (45) days; **(4)** Direct the Direct Report Offices to submit their administrative analyses to Tribal Secretary's Office within 30 days.

## 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: Heather Heuer, Info. Mgmt. Specialist/BC Support Office  
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:

\*\*\*BACKGROUND\*\*\*

This serves as a request for the Oneida Business Committee (OBC) to formally acknowledge receipt of a verified petition by Madelyn Genskow and Yvonne Metivier: Special General Tribal Council (GTC) meeting regarding Incentive Stipends for Oneida Nation elections beginning in 2017; and to send this petition to the Law, Finance, Legislative Reference, and Direct Report Offices for analyses.

On Friday, August 12, 2016, the Business Committee Support Office (BCSO) received a petition which requests a special GTC meeting to consider adopting a resolution "that calls for special considerations for Oneida Nation Elections starting in 2017, incentive stipends".

To comply with Article III, section 6 of the Oneida Constitution, the petition was submitted to the Enrollments Department to verify the requirement of 50 qualified voters, by written notice, were met to call for a special GTC meeting. On Monday, August 15, 2016, the Enrollments Department received and verified the petition with 61 qualified enrolled Tribal Members' signatures. The BCSO received the results from the Enrollments Department on Tuesday, August 16, 2016.

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 the legal, financial, legislative, and administrative analyses to be completed.

Once the analyses are completed, 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 requests can be addressed.

\*\*\*REQUESTED ACTION\*\*\*

- (1) Accept the verified petition from Madelyn Genskow and Yvonne Metivier regarding Incentive Stipends for Oneida Nation elections starting in 2017;
- (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 their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days;
- (4) Direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (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



TO: Oneida Tribal Secretary  
FROM: Cheryl Skolaski, Enrollment Director  
DATE: August 16, 2016  
SUBJECT: GTC Petition Verification Results

On 8/15/2016 the Oneida Enrollment Department received a petition authored by Madelyn Genskow and Yvonne Metivier regarding Incentive Stipend for Elections starting in 2017.

Results:

- 61 Number of Printed Names on petition
- 61 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.
- 0 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	8/15/2016
Signature and Title		Date

If there are any questions please contact the Enrollment Department.

PETITION FORM

6/16/16 Verified  
 Ching Sholana  
 8/15/16  
 Oneida Enrollment Dept.  
 RECEIVED  
 AUG 15 2016  
 Page 309 of 461

NAME OF PETITIONER: Madelyn Genskow and Yvonne metivier  
 PURPOSE: For a General Tribal Council meeting For The Resolution that calls for special Considerations For Nation Elections Starting in 2017, incentive

RECEIVED BY THE OFFICE  
 OF TRIBAL SECRETARY  
 ONEIDA BUSINESS COMMITTEE  
 AUG 12 2016

DATE SUBMITTED TO THE ONEIDA TRIBAL SECRETARY:

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature	INITIALS
[Redacted]	[Redacted]	[Redacted]	8518 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	7265 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	2114 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	4756 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	3537 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	12225 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	289 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	10161 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	18675 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	10035 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	4630 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	12953 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	2787 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	10051 ✓	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	13358 ✓	[Redacted]	[Redacted]

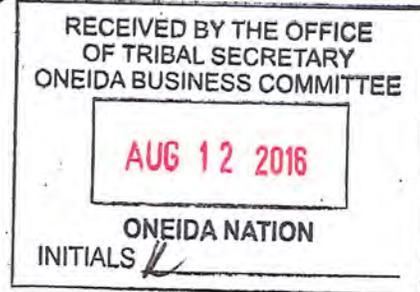
(15) Verified  
 op

Printed Name	Address	D.O.B.	Enrollment#	Signature
[Redacted]	[Redacted]	[Redacted]	9210 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	11552 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	5076 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	5819 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	12008 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	10248 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	11786 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	9020 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	5628 ✓	[Redacted]
[Redacted]	[Redacted]	[Redacted]	11399 ✓	[Redacted]

10 Verified  
Cjs

Enrollment Numbers Verified by: Cheryl Skolaski  
 Date: 8/15/16  
 Name of Petitioner: Madelyn Genskow and Yvonne Metivier  
 Address: [Redacted]  
 Phone #: [Redacted] Enrollment #: 949 (Madelyn)  
(YVONNE)

YVONNE METIVIER Roll # 10914



RECEIVED  
 AUG 15 2016  
 Oneida Enrollment Dept.

3

PETITION FORM

NAME OF PETITIONER: Madelyn Genskow and yvonne metivier  
 PURPOSE: For a General Tribe Council meeting For The Resolution That calls for special Considerations For Nation Elections Starting in 2017, incentive

RECEIVED BY THE OFFICE  
 OF TRIBAL SECRETARY  
 ONEIDA BUSINESS COMMITTEE  
 AUG 12 2016

DATE SUBMITTED TO THE ONEIDA TRIBAL SECRETARY:

Please Print Clearly - Use Full Given Name

Printed Name	Address	DOB	Enrollment #	Signature	INITIALS
			949 ✓		
			3322 ✓		
			20504 ✓		
			4345 ✓		
			17584 ✓		
			3323 ✓		
			2214 ✓		
			2213 ✓		
			4112 ✓		
			0726 ✓		
			5338 ✓		
			11946 ✓		
			12797 ✓		
			1902 ✓		
			4064 ✓		

RECEIVED

15 Verified  
op

Printed Name	Address	D.O.B.	Enrollment #	Signature
[REDACTED]			6108 ✓	[REDACTED]
[REDACTED]			6109 ✓	[REDACTED]
[REDACTED]			2037 ✓	[REDACTED]
[REDACTED]			1474 ✓	[REDACTED]
[REDACTED]			1381 ✓ <del>1308</del>	[REDACTED]
[REDACTED]			2036 ✓	[REDACTED]
[REDACTED]			10252 ✓	[REDACTED]
[REDACTED]			7803 ✓	[REDACTED]
[REDACTED]			309 ✓	[REDACTED]
[REDACTED]			1269 ✓	[REDACTED]

Enrollment Numbers Verified by: Cheryl Skolaski  
 Date: 8/15/14  
 Name of Petitioner: Madelyn Genskow and Yvonne Metivier  
 Address: [REDACTED]  
 Phone #: [REDACTED] Enrollment #: 0949 MADELYN

⑩ Verified CP

RECEIVED

AUG 15 2016

Oneida Enrollment Dept.

YVONNE METIVIER Enrollment # 10914

RECEIVED BY THE OFFICE  
 OF TRIBAL SECRETARY  
 ONEIDA BUSINESS COMMITTEE

AUG 12 2016

ONEIDA NATION  
 INITIALS [Signature]

PETITION FORM

5

NAME OF PETITIONER: Madelyn Genskow and Yvonne Metivier

PURPOSE: For a General Tribal Council Meeting For The Resolution That Calls for Special Consideration For Oneida Nation Elections Starting in 2017, incentive stipends!

DATE SUBMITTED TO THE ONEIDA TRIBAL SECRETARY:

RECEIVED

AUG 15 2016

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature	
[Redacted]					
					1826 ✓
					7647 ✓
					11199 ✓
					13955 ✓
					4580 ✓
					1616 ✓
					11727 ✓
15293 ✓					
9466 ✓					
10.					
11.					
12.					
13.					
14.					
15.					

Oneida Enrollment Dept.

Verified  
Sig

RECEIVED BY THE OFFICE  
OF TRIBAL SECRETARY  
ONEIDA BUSINESS COMMITTEE  
  
AUG 12 2016  
  
ONEIDA NATION  
INITIALS JK

OVER

6

Printed Name	Address	D.O.B.	Enrollment#	Signature
			1068 ✓	
			8024 ✓	
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

② Verified  
ago

Enrollment Numbers Verified by: Cheryl Skolaski  
 Date: 8/15/16  
 Name of Petitioner: Madelyn Genkew and Yvonne metivier  
 Address: [Redacted]  
 Phone #: [Redacted] ent #: 949 (madelyn)  
10914 (YVONNE)

YVONNE METIVIER  
 [Redacted]

RECEIVED  
 AUG 15 2016  
 Oneida Enrollment Dept.

RECEIVED BY THE OFFICE  
 OF TRIBAL SECRETARY  
 ONEIDA BUSINESS COMMITTEE  
 AUG 12 2016  
 ONEIDA NATION  
 INITIALS [Signature]



RECEIVED

AUG 15 2016

Oneida Enrollment Dept.

Whereas: The people who are elected to serve on the Oneida Business Committee and other elected officials of the Oneida Nation based in Oneida, WI. must be willing to work hard for the health and survival of the Nation and for the best interest of the membership.

And

Whereas: The engaged and informed electorate is necessary to accomplish the above.

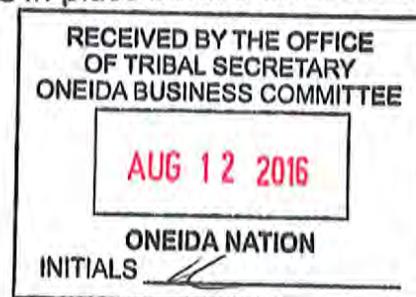
Now therefore be it resolved: voting age members will receive a \$100.00 incentive payment if they vote at the elections.

Be it further resolved: that there will be a special debate between the Candidates for the Business Committee where GTC meetings are held 1 month before the Election of The Business Committee. The Tribal members who attend the debate will receive a \$100.00 stipend. Use of phones will not be allowed by those in attendance.

Be it further resolved: That there will be a special edition of the Tribal newspaper 2 months before the election of the Business Committee where the candidates will be provided one half page each to answer the question. 1. What do you see as the 3 most important problems in the Oneida Nation based in WI? 2. What will you do specifically to address these problems? There will be no charge to the candidates to have their ad in the special edition Oneida newspaper.

Be it further resolved: That at the live debate each candidate for the Business Committee will answer the exact same question that has asked. The first question asked must be the same question that is asked in the special edition of the Tribal Newspaper.

Be it finally resolved: that this process must be in place before the 2017 election of the Oneida Business Committee.



# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 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 update of Work Plan for Cemetery Improvements project #14-002.

## 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: James Petitjean, Interim 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:

STANDING ITEM:

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@oneidation.org

**To:** Oneida Business Committee

**From:** Paul J. Witek, AIA, LEED-AP – Senior Tribal Architect

**CC:** Troy Parr – Assistant Development Division Director  
James Petitjean – Interim Assistant Development Division Director

**Date:** 8/16/2016

**Re:** Cemetery Improvements #14-002 – Work Plan Update

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.

Updates to the Cemetery Work Plan have been submitted monthly since that time. Highlights of status updates on this month's report are:

Item No.:	Item Title:	Status:
3.d	Hydrogeology Study	Draft Report presented 7/27/16. GEI finalizing report with budget estimates and analyzing monitoring wells on parcel to the east.
3.e	Present Final Report to OBC	As agreed at the 7/27/16 OBC meeting, Final report with recommendations will be submitted for the 9/28/16 OBC meeting.

# WORK PLAN

Cemetery Improvements Project  
#14-002

8/16/16

No.	Description	Notes	Tasks	Task Coordinator	Estimated Completion Date	Status
1	Continue data readings from monitoring wells.	Monthly data 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. Additional wells on property to east were installed on 7/26/16.
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.	3/14/16	GEI Consultants, Inc. approved, Notice to Proceed issued.
		Study duration is anticipated to be 6 months.	d. Conduct study.	GEI	Fall 2016	Draft Report presented 7/27/16. GEI finalizing report with budget estimates and analyzing monitoring wells on parcel to the east.
			e. Present Final Report to OBC	Engineering Dept. / GEI	Fall 2016	Draft Report presented 7/27/16. Final report with recommendations will be submitted for the 9/28/16 OBC meeting.
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.	6/16/16	Funding requested in FY2017 CIP Budget request. Request did not make final proposed CIP Budget. There is an unobligated balance remaining on current funding.
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.

**WORK PLAN**

Cemetery Improvements Project  
#14-002

8/16/16

No.	Description	Notes	Tasks	Task Coordinator	Estimated Completion Date	Status
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.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

Oneida Trust Enrollment Department is submitting two memos which provide an update on the status of the cemetery. The memo dated August 23, 2016 requests OBC support in identifying another area for maintaining the cemetery effective October 1, 2016 for FY17, continued economic support for new entity, and support in amending the Cemetery Law as recommended by the Trust Enrollment 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/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:

Oneida Trust Enrollment Department is submitting two memos which provide an update on the status of the cemetery. The memo dated August 23, 2016 requests OBC support in identifying another area for maintaining the cemetery effective October 1, 2016 for FY17, continued economic support for new entity, and support in amending the Cemetery Law as recommended by the Trust Enrollment Committee.

- 1) Save a copy of this form for your records.
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- 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:** Oneida Business Committee

**From:** Cheryl Skolaski, Enrollment Director  
Susan White, Trust Director

**Date:** August 23, 2016

**Subject:** Cemetery Update

*Cheryl Skolaski*  
*Susan White*

The Joint meeting between the Oneida Business Committee and the Oneida Trust Enrollment Committee did not occur on June 21, 2016 due to lack of quorum. We were not able to provide this update. Please accept this update on the Trust Enrollment Committee's recent actions concerning the Tribal Cemetery. This update also requests support concerning the Cemetery Working Group's recommendation for the Oneida Nation to continue with the maintenance vendor contract in FY2017. For your reference, we are attaching a reminder of our requests and notifications to the Business Committee concerning the transfer of the Cemetery maintenance responsibilities.

On April 26, 2016, the Trust Enrollment Committee took action to approve the recommendation of the Cemetery Working Group to request the Business Committee and LOC to proceed with the Cemetery Law amendments as the Trust Enrollment Department submitted. The amendments remove naming specific entities for recordkeeping and maintenance responsibilities. The responsible entity may be identified by the Business Committee, outside of the law by resolution or other action. This amendment would improve processes by avoiding the time and expense to amend a law to identify future entities. The Cemetery Working Group also felt that the amendments need not be delayed by the hydrogeology study because the study does not impact the recordkeeping or maintenance responsibilities.

On May 24, 2016, Trust Enrollment Committee took action "to keep the September (2016) deadline on (transferring) the maintenance and to clarify expectations for the Enrollment staff to not go out to the cemetery." The Trust Enrollment Committee also took action to "approve the Trust Enrollment Budget without the Cemetery funding." This action reduced the budget by \$24,000 for the maintenance vendor plus \$500 for the supplies & materials for cemetery needs. The current contract for the vendor performing the maintenance of the cemetery is less than \$18,000 and ends September 30, 2016. The contract provides for renewal options through Fiscal Year 2018. If the contract is to be terminated, the responsible party is required to provide at least ten (10) business days' notice to the vendor.

Since then, the Trust Enrollment Committee took action to reinsert the funding into the FY2017 Enrollment budget to continue the contract until it is transferred to the area responsible for the vendor. There may be very few Enrollment staff visits to the cemetery through the remainder of this Fiscal Year, but under no circumstances are the Enrollment staff to participate with manual work in the cemetery, such as clean-up of the grounds, shoveling, marking of plots, or other manual labor that should be performed by the appropriate vendors or a more appropriate department of the Nation.

Our objective has been consistent with the community's in keeping the cemetery's appearance as pleasant as possible for families of those buried there. The Enrollment Department accepted the Cemetery duties intending to care for the record keeping component, because that function is relevant to enrollment data. Since then, we've had to form the Cemetery Working Group which has diligently worked with the Trust Enrollment Department/Committee and the Oneida Business Committee to make appropriate improvements and reporting concerning the grounds in the cemetery, including keeping the families informed of the improvements. The Development Division, Wells & Septic, Environmental Health & Safety, and the Trust Enrollment Department have put in over 3,500 hours working on the Cemetery improvements. The Trust Enrollment Committee, the Business Committee, and the Legislative Reference Office have put in hundreds of hours, also. All of these entities within the Oneida Nation have gone to great length to assure our loved ones have a beautiful and well maintained final resting place. On June 7, 2016, we, the Burial Program Coordinator, and the Trust Research Assistant met with two departmental entities concerning the backup duties for the Maintenance vendor. They are both willing to assist with providing the manual backup duties. We will recommend the Trust Enrollment Committee support continuation of the Cemetery Working group for next fiscal year.

**REQUESTS:**

With the Trust Enrollment Committee's support, I recommend the following:

1. Business Committee **supports identifying** another area for maintaining the cemetery effective October 1, 2016 for FY 2017. This includes providing continual economic support for the new entity. The Trust Enrollment Committee's original request is attached.
2. Business Committee supports the OBC sponsor of the Cemetery Law amendments to pursue amending the law as recommended by the Trust Enrollment Committee, Trust Enrollment Department, and the Cemetery Working Group.

Thank you for your attention to this matter. Please let us know if you have questions or comments concerning this memorandum.

# ONEIDA TRUST DEPARTMENT

## COMMITTEE

Carole Liggins, Chairperson  
Debra Danforth, Vice Chair  
Elaine Skenandore-Cornelius, Secretary  
Norbert Hill, Jr, Member  
Loretta V. Metoxen, Member  
Tracy Metoxen, Member  
Debra Powless, Member  
Brandon Stevens, Liaison/Member  
Lois Strong, Member

## onayote'a·ka latiwista'nunha

909 Packerland Dr, Green Bay WI 54304  
P O Box 365, Oneida WI 54155  
Ph: (920) 490-3935 • Fax: (920) 496-7491

## DEPARTMENT

Susan White, Director  
James Bittorf, Attorney  
Michelle Mays, Attorney  
Jeff House, Financial Analyst  
Misty Cannon, Research Asst.  
Carol Silva, Administrative Assistant

## MEMORANDUM

**To:** Oneida Trust/Enrollment and Business Committees  
**From:** Susan White - Trust Director  
**Date:** September 15, 2015  
**Subject:** Oneida Tribal Cemetery Update

**Background** - The Oneida Enrollment Department entered into a memorandum of agreement with the Dept of Public Works (DPW). The MOA is for the upkeep of the Cemetery grounds and is effective from November 2010 to November 2015. The MOA has not been followed and the Enrollment Department is submitting a request for a meeting with DPW, in accordance with the MOA's Therefore, No. 7. Enrollments will be discussing the issues surrounding the interpretation of the obligations and requesting a resolve to the issues. The Enrollment Department has no intention to renew this MOA, but is interested in establishing one limiting Enrollments' obligations to the administration of the cemetery plot records. There are over 22 duties the Enrollment office will maintain in its administrative role.

**Update** – The most recent OBC motion from August 17, 2015 reads, “ Motion by David Jordan to defer this issue to the September 23, 2015, regular Business Committee meeting and direct the Tribal Secretary to schedule the special Business Committee work meeting and that an invitation be extended to all interested parties, including departments and families impacted, seconded by Jennifer Webster. Motion carried unanimously.”

We are hopeful, Brandon Stevens will have an outcome to report to you and us on the Working meeting held on September 2, 2015. This meeting was motioned during two OBC meetings, but the issues were discussed during 3 Joint meetings between the OBC and Trust Committee. This motion is NOT in alignment with our discussions nor with the Trust Committee's repeated requests for the OBC to determine the area to be responsible for the maintenance issues at the Tribal Cemetery. In this case, the area would have the supervisory and invoice payment role over the current contract in place with 1st Choice Landscaping, LLC.

**Recommendation** – Determine the area over the Tribal Cemetery maintenance responsibilities. The Enrollment Department will be leaving the maintenance role, where feasible in a few short weeks.  
**Yawá'kó.**

JUL 28 2016

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~08~~/~~10~~/~~16~~

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

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 of the updated Head Start/Early Head Start Selection Criteria

3. Supporting Materials

Report  Resolution  Contract

Other:

1. Selection Criteria

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:

Joan Christnot, Director Oneida Head Start/Early Head Start

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Debra Powless, Area Mgr, SS ADM

Debra Powless  
2016.07.28 13:15:13 -05'00'

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 Oneida Head Start/Early Head Start program is required to utilize a "Selection Criteria" for enrollment purposes into the program. This allows the Enrollment staff to generate points on each application and then prioritize applications based on the most points.

During this past year a conversation regarding the prioritization of Oneida Enrolled and Descendant children. The "Selection Criteria" was updated to reflect that priority and points were added to the criteria.

This document was approved by the Policy Council on June 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@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)

Oneida Head Start/Early Head Start  
SELECTION CRITERIA  
Part 1305-ERSEA

Policy Council Approval: \_\_\_\_\_

Oneida Business Committee Approval: \_\_\_\_\_

CRITERIA	POINTS
<b>Age</b>	
4.0-4.11 years of age	95
3.0- 3.11 years of age	85
<b>INCOME</b>	
75-100% Below Poverty Level	95
50-74% Below Poverty Level	85
25-49% Below Poverty Level	75
At or up to 24% Below Poverty Level	65
101-130% Above Poverty Level	55
131-150% Above Poverty Level	45
151-175% Above Poverty Level	35
176-200% Above Poverty Level	25
200%+ Above Poverty Level	0
<b>CATEGORICAL ELIGIBILITY</b>	
Foster Care	95
Homeless	95
Public Assistance (SSI/TANF//W-2/SSI	95
<b>PARENTAL STATUS</b>	
Teen Parent	85
Disabled Parent	75
Single Parent	65
Foster Parent (includes relative/guardians providing kinship care)	55
<b>DISABILITIES</b>	
Certified I.E.P.	65
Suspected Disability-Developmental Delay	55
<b>SPECIAL NEEDS-FAMILY</b>	
Child Protection/Substance Abuse/D.V.	85
Incarcerated Parent	75
Death of Immediate Family Member	65
Child Behavior/Management Concerns	55
MH Concerns (Child or Parent)	45
<b>TRIBAL ENROLLMENT</b>	
Oneida Enrolled or Eligible for Enrollment-*Verified	95
Oneida Descendant-*Verified	85
Other Tribally Enrolled or Eligible for Enrollment-*Verified	75
Other Tribe Descendant-*Verified	65
<b>OTHER</b>	
Child Previously/Currently Enrolled in Oneida EHS	35

Revised: June, 2016

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~08~~/~~7~~/~~10~~/~~16~~

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

2. General Information:

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

[Empty text box]

Agenda Header:

- Accept as Information only
 Action - please describe:

In regard to Environmental Health & Safety's 3rd Quarter Report. (Note was defer from 7/13/16 BC Meeting a representative from the division was present and could not answer questions.)
1.)Public land use 18 (Where The Water Birds Nest) vehicles going around the barricades to access the site
2.) Request written detail chronological land acquisition of our sacred burial grounds
3.) Reports regarding NHC Pond, Quarry Park, Oneida Lake, Where the Water Birds Nest and Central Oneida
4.) Clarification of our data base of our quality of air, water and soil. Where is this data? continue below.....

3. Supporting Materials

- Report  Resolution  Contract
 Other:

1. Environmental Health & Safety 3rd Quarterly
2. [Empty text box]
3. [Empty text box]
4. [Empty text box]

Business Committee signature required

BC Resolution # 08-14-91-A included as reference material as needed

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 *Nancy Barton*

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:

5.) Bring back different options for alternative burial sites

See all above and want time lines set, clarifications and accountability for all of the above

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: 07 / 27 / 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:

Environmental Health & Safety's 3rd Quarter Report for information only.

## 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:

Submitted by: Brenda Skenandore, EHS Office Manager

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

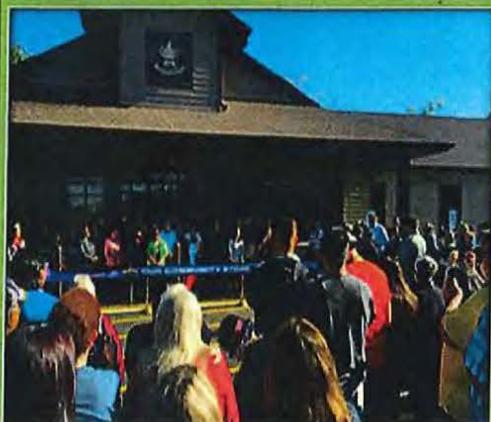


A good mind. A good heart. A strong fire.

## FY2016 Third Quarter Report

Oneida Environmental, Health, and Safety Division

June 30, 2016



June

Hwy 54 One Stop

Grand Opening



### Overall Impressions of the Third Quarter

The Third quarter of FY16 has been successful for us with working and providing outreach to the Community. We had a good number of community members who participated in the Youth and Elder Fishing

and our Tree Give-Away (Earth Day) Events. We also worked with a group of volunteers to include youth and staff from other department to help clean-up along Highway 54 (Adopt the Highway Section).

In the fourth quarter, we anticipate a good number of Community Members at our Clean Sweep Event. We had over 140 elders signed up for our Elder pre-pick-up during the first week of July.

### Moving Toward the Practical Vision: How EHSD contributes...

Practical Vision Element	EHSD Third Quarter Activities
<b>An engaged community</b>	Outreach activities directly engaged community members and others in activities highlighting the importance of water resources on the Oneida Reservation.
<b>Accountable &amp; effective government</b>	Presenting what the Tribe does for recycling and trash pick-up for our Community to the Town of Oneida.
<b>Leaders who promote positive social change</b>	Implementing the plans for many of the Best Management Practices (BMPs) within the Pilot Program with NEW Waters.
<b>Living a good mind, Ka?nikuh·liyo</b>	
<b>Volunteerism</b>	Worked with many departments within the Tribe to bring the Clean Sweep Event to the Tribal Members: EH&SD, DOLM, DPW, Housing Authority, Development Division, GSD, Elder Services & more.
<b>Long term sustainability plans</b>	Working with the Oneida Nation Farm in buying a new machine to plant cover crops in-between corn plantings to improve Plant health, soil health & improve water quality.
<b>Create economic systems</b>	Construction oversight was provided for the "Farm to School" aquaponics system. Once completed this project will enable the Veterans Service Department to sell fresh produce and fish to the School System and potentially other entities.



April  
EH&SD and  
OBC hosted  
the NRDA  
Social Event at  
Thornberry  
Creek at  
Oneida



## Personnel

FTE's	Youth Workers	WTCAC Volunteers	Total
30	5	2	37

## Quarter EHSD Workforce Demographics

67% of EHSD staff is Oneida



## Time-Off Accrual Management

We have 9 employees over the 200 hours for vacation and personal time accruals. Each of these employees is encouraged to take time off monthly by their supervisor and to review their hours on the Employee Self Services computer site.

## Travel &amp; Training

## EH&amp;S Division Travel for 3rd Quarter

Travel Costs were either reimbursed back to the tribe or funded with 100% grant dollars

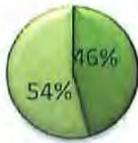
Staff	Event	Location	Cost
EH&S Area Manager	EPA Tribal Env Program Mgmt Conf	Chicago, IL	\$856.59
Program Evaluation Analyst	EPA Tribal Env Program Mgmt Conf	Chicago, IL	\$817.72
Environmental Specialist	EPA Tribal Env Program Mgmt Conf	Chicago, IL	\$817.72
Water Resource Supervisor	EPA Tribal Env Program Mgmt Conf	Chicago, IL	\$817.72
Electrician	Midwest Renewable Energy Association Courses	Custer, WI	\$544.44
Electrician	Midwest Renewable Energy Association Courses	Custer, WI	\$553.62
Electrician	Midwest Renewable Energy Association Courses	Custer, WI	\$559.23
Water Resource Supervisor	Society for Freshwater Science 2016 Annual Meeting	Sacramento CA	\$2,052.11
EH&S Division Director	WTCAC Meeting	Black River Falls	Reimbursed
Natural Resources Tech Trainee	WTCAC Meeting	Black River Falls	Reimbursed
Project Manager	Midwest Solar Expo	Minneapolis MN	\$659.51
Natural Resources Tech Trainee	UST Boot Camp	Saukville WI	\$228.51
Water Resource Supervisor	Aquatic Plant Identification Workshop	Woodruff, WI	\$114.50
Water Resource Specialist	Aquatic Plant Identification Workshop	Woodruff, WI	\$114.50

## Grants Applied for or Received in the Third Quarter

Agency	Activities	Amount
Dept. of Energy	This grant is intended to support the development and services of the Midwest Tribal Energy Resources Association of which Oneida and other Tribes are spearheading. These funds will NOT be managed internally	\$1,000,000

## Budget Update

### EH&SD 3rd Quarter Funding for Period Ending



■ TC  
■ Grants

### EH&SD Has a Positive Variance for Period Ending June 30, 2016

\$910,246



Budgeted

\$845,076



Actual

## Public Outreach, Conference &amp; Events Attended

- April:** Youth and Elder Fishing Day; Silver Creek Project outreach; Bugs and Wetlands presentation for Summer Recreation program; tour of South Branch of Suamico River restoration site for US Fish and Wildlife Service interns. Presented on Silver Creek Pilot Project at Tribal Environmental Program Managers (TEPM) conference, Annual "Tree Giveaway", Oneida UST Compliance Assistance Training, Wisconsin Petroleum Marketers Conference .
- May:** Native American Fish & Wildlife Society Conference, UST Training/Bootcamp, 17<sup>th</sup> Annual Youth and Elder Day.
- June:** Food Handler's Certification for Pow Wow Vendors, Food Handler's Safety Class for the Cannery's Student Initiative Class, Community Food License Certification Classes and Recertification Classes, Home Resource Fair, Active Shooter Training, Summer Art program-drone demonstration.



April  
Underground  
Storage Tank  
Boot Camp  
Training at  
the Radisson  
Hotel and  
Packerland  
One Stop



April Earth  
Day Tree  
Giveaway

**Notable Accomplishments for Third Quarter:** Our events had community members visit the natural areas and interact with Department staff, along with other Department representatives from the Environmental Resources Board, Environmental, Health, & Safety Division, Oneida Business Committee, and Oneida Police Department. We removed over 1,500 pounds of Curly Leaf Pond Weed (CLPW) to make the fishery more enjoyable for visitors and anglers. Staff completed a fish shocking survey to get a species ID, population estimate, and age classes of the fish species in the lake. Staff had maintained the grounds of Oneida Lake, cleaned the area, and responded to numerous violation complaints.

MTERA grant: In cooperation with Forest County Potawatomi Community, Ho Chunk Nation, Fond du Lac Band of Chippewa, and others MTERA submitted a grant application on April 14 for \$1 million to assist with organizational development and to establish a technical assistance network for Midwest Tribes.

Solar deployment planning: Reissued RFP to certified public accountant firms to evaluate details of solar project; present to school board to discuss solar on elementary school; communication with SunVest (solar investor) to modify work plan to 2017 construction season; work with Legal on project agreements. Invasive species crew received pesticide applicator training and we have treated approximately 20 acres of invasive species in the first five weeks.

UST-DITCA: Received Federal Credentials (UST Inspector) from U.S EPA (Region 5).

#### Plans for FY16 Fourth Quarter

- The Department will be monitoring the whitetail deer herd through the established "Trail Cam" program. Staff will be reviewing the data collected from the numerous site locations within the Oneida Reservation limited to any hunting. The data will be used to monitor the overall deer herd's health, assisting staff in verifying the condition of the deer in the area. Staff will also be able to get a general consensus of the fawn birthing rate, which will assist in determining the fawn crop and peak rutting activity for the future harvest considerations.
- We will be working on our database and webpage link where we can post the most recent water quality results of the lake, so community members have access to the data. There will also be education concerning what water quality means, what are the varying factors that affect it, and what we can do to keep our waters clean.
- Silver Creek: Complete design for Silver Creek project @ Cty U and Silver Cr. intersection.
- Solar Project: CPA on contract; project document development; final building selection; power purchase agreement review; initiate system design and review; preparation for summer, 2017 install.
- Treat additional 60 acres of Invasive Species



June  
EH&S Field Staff  
learn what  
Hazardous plants  
look like at  
training.

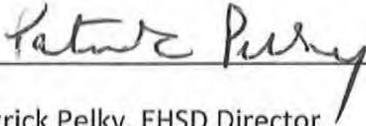


- UST / Invasive Species outreach at Oneida Farmers Market
- Host UST Training/Bootcamp at Radisson
- Attend BIA Partners in Action Conference
- Perform UST Inspections with EPA
- Conservation workshop: Complete final upgrades to pellet boiler project; initiate energy efficiency planning.
- Website updates
- Plan 2 harvest classes for Oneida community in August for wild bergamot (aka #6) and sweet grass.
- Assist with clean sweep planning for event on July 13. .

#### Current local or regional collaborations

UWGB, Glacierland Resource Conservation & Development, Midwest Tribal Energy Resources Assoc. (MTERA), Heating the Midwest, NEW Water, Green Bay Metropolitan Sewerage District, Fox/Wolf Watershed Alliance, Outagamie County Social Services, WDNR, TWRAP National Steering Committee, National Tribal UST calls, Regional Tribal Mining Calls, Oneida High School and Bayport High School, Oneida Summer Recreation; US Fish and Wildlife Service, Menominee Tribe, USDA, and GLFWC, Wi State Department of Hygiene, Outagamie County Health Department, Environmental Protection Agency, University of Wisconsin- Green Bay, Green Bay Phragmites Advisory Council, Menominee Tribe, and Wisconsin Tribal Conservation Advisory Council.

#### Report Prepared By:

 July 18, 2016

Patrick Pelky, EHSD Director

 July 18, 2016

Brenda Skenandore, EHSD Office Manager



May  
Youth &  
Elder  
Fishing  
Day



# Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



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.

## RESOLUTION # 8-14-91-A

- WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and
- WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and
- WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and
- WHEREAS, the Oneida Constitution provides an Oneida bill of Rights equally protecting all Tribal members and employees in the exercise of their civil rights, and
- WHEREAS, the Indian Civil rights Act of 1968, (P.L. 90-284) 25USC1301, et.seq., provides that all Indian governments equally protect all persons within their jurisdiction in the exercise of their civil rights by due process of law, and
- WHEREAS, there is a need for frank and honest discussions in all open meetings of the Business Committee and other Tribal entities and that such discussions often include personnel observations, evaluations and judgments of other personnel and that promiscuous discussion undermines the morale of Tribal members and employees, and
- WHEREAS, the Business Committee may close a meeting by invoking executive session where sensitive, confidential or privileged information may be disclosed and discussed, and which requires that all persons present maintain such confidence or privilege, and
- WHEREAS, personnel complaints and grievances may be addressed by the Oneida Personnel Policies and Procedures which protects the rights of all persons involved and provides sanctions if any, and

8-14-91-A

Page 2

WHEREAS, all persons whose performance or activities will be discussed or evaluated related to the agenda of the meeting of any Tribal entity, including the Oneida Business Committee, should be present so that a thorough and orderly discussion may be had unless the business at hand is determined to be personally or professionally confidential or privileged or a personnel complaint or grievance.

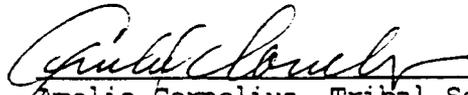
NOW, THEREFORE, BE IT RESOLVED, that it is the policy of the Oneida Tribe that discussion in open and public meetings of the business Committee and all other entities of the Tribe be strictly conducted in an orderly, civil manner avoiding acrimony and hominum remarks, and

BE IT FURTHER RESOLVED, that all Tribal members or employees whose performance, responsibilities or activities will be discussed at open meetings of the Business Committee or other Tribal entities will be given adequate notice to appear at the meeting or that matter must be reserved for Executive Session, and

BE IT FINALLY RESOLVED, that should any information be received at any meeting of the Tribal entity, including the Business Committee, that implicated the integrity, honesty or moral turpitude of a Tribal member or employee, or which complains or grieves the actions of a Tribal employee such information shall be immediately referred to Executive Session without action or further discussion or to the Oneida Human Resources Department for processing.

#### C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 6 members were present at a meeting duly called, noticed and held on the 14th day of August, 1991; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Amelia Cornelius, Tribal Secretary  
Oneida Business Committee

### Oneida Business Committee Agenda Request

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

1. Meeting Date Requested: ~~07~~ / ~~13~~ / ~~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 titled Implementing Per Capita Plan Adopted by General Tribal Council on June 13, 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: Submitted by Heather Heuer, Info. Mgmt Specialist/BC Support Office  
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:

\*\*\*BACKGROUND\*\*\*

During the June 13, 2016, special General Tribal Council meeting, the governing body via hand count, took action to direct the OBC to pay \$1,300 per capita beginning Fiscal Year 2017 through 2021.

EXCERPTS:

Motion by Yvonne Metivier to direct the OBC to pay \$2,000 Per Capita beginning Fiscal Year 2017 through 2021. Seconded by Scharlene Kasee. Motion carried by hand count: 1068 support; 200 opposed; 35 abstained

Amendment to the main motion by Nancy Skenandore to revise the Per Capita payment amount to \$1,300 instead of \$2,000. Seconded by Don Charnon. Motion carried by hand count: 791 support; 702 opposed; 32 abstained

Amendment to the main motion by Debra Schnell to revise the Per Capita payment plan to be in effect for the next three (3) fiscal years instead of the next five (5) fiscal years. Seconded by Linn Cornelius. Motion failed by hand count: 642 support; 829 opposed; 52 abstained

Amendment to the main motion by David P. Jordan to go with the OBC's plan to pay off the debt. Seconded by Chris Cornelius. Motion carried by hand count: 697 support; 612 opposed; 87 abstained

According to section 9.4-3 of the Per Capita Law, "per capita payments shall be issued only at the direction of the General Tribal Council through adoption of a resolution".

\*\*\*REQUESTED ACTION\*\*\*

Adopt resolution titled Implementing Per Capita Plan Adopted by General Tribal Council on June 13, 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

# Oneida Nation

Post Office Box 365

Phone: 920-869-2214

Oneida, WI 54155



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 # \_ - \_ - \_

### Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021 Adopted by General Tribal Council on June 13, 2016

- 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 Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the General Tribal Council met on June 13, 2016, to discuss and take action regarding proposed per capita plans by Petitioner Metivier and the Oneida Business Committee; and
- WHEREAS,** the General Tribal Council, after presentations and discussion, adopted a per capita payment plan by way of motions that "...\$1,300 instead of \$2,000..." is to be paid "...beginning Fiscal Year 2017 through 2021"; and
- WHEREAS,** section 9.4-3 of the Per Capita Law identifies that "per capita payments shall be issued only at the direction of the General Tribal Council through adoption of a resolution"; and

**NOW THEREFORE BE IT RESOLVED,** in accordance with the duly adopted Per Capita Law, the Oneida Business Committee implements the action of the General Tribal Council and directs the per capita payment of \$1,300 to every member be included in the budgets for Fiscal Years 2017, 2018, 2019, 2020, and 2021.

**Oneida Nation  
Legislative Reference Office**

Jennifer Falck, Director  
Douglass A. McIntyre, Staff Attorney  
Taniquele J. Thurner, Legislative Analyst  
Maureen Perkins, Legislative Analyst



P.O. Box 365  
Oneida, WI 54155  
(920) 869-4375  
(800) 236-2214  
<https://oneida-nsn.gov/Laws>

**Statement of Effect**

*Implementing Per Capita Plan for Fiscal Year 2017 to Fiscal Year 2021  
Adopted by General Tribal Council on June 13, 2016*

**Summary**

This resolution implements the General Tribal Council's adopted per capita plan for a one thousand and three hundred dollar (\$1,300) payment beginning Fiscal Year 2017 through 2021.

*Submitted by Douglass A. McIntyre, Staff Attorney, Legislative Reference Office*

***Analysis by the Legislative Reference Office***

On June 13, 2016, the General Tribal Council met to discuss a petition regarding a proposed per capita plan and a separate plan proposed by the Oneida Business Committee. The Per Capita law specifies that per capita payments may only be issued through adoption of a resolution:

*9.4-3. Budgetary Limitations.* This law shall not be construed as mandating a per capita payment. Per capita payments shall be issued only at the direction of the General Tribal Council through adoption of a resolution.

It is intended that the adoption of this resolution will fulfill the above requirement and the June 13, 2016 direction of the General Tribal Council will be implemented and therefore directs that the per capita payment of one thousand and three hundred dollar (\$1,300) to every member be included in budgets for Fiscal Years 2017, 2018, 2019, 2020, and 2021.

The establishment of per capita payments for future years can be viewed as a valid action for the General Tribal Council to approve. However, it is debatable whether one General Tribal Council can bind another, and therefore the dollar amounts for fiscal years 2018, 2019, 2020, and 2021 should be viewed as subject to alteration by future General Tribal Councils.

**Conclusion**

There are no legal bars to adopting the resolution. Passage of this resolution is intended to satisfy section 9.4-3 of the Per Capita law requiring per capita payments be established by adoption of a resolution.

This statement of effect is limited to an analysis of the resolution itself and does not constitute a review of the Per Capita law which was discussed herein.

JO ANNE HOUSE, PHD  
CHIEF COUNSEL  
JAMES R. BITTORF  
DEPUTY CHIEF COUNSEL

**ONEIDA LAW OFFICE**  
N7210 SEMINARY ROAD  
P.O. BOX 109  
ONEIDA, WISCONSIN 54155

PATRICIA M. STEVENS GARVEY  
KELLY M. MCANDREWS  
MICHELLE L. MAYS  
ROBERT W. ORCUTT  
KRYSTAL L. JOHN

(920) 869-4327 FAX (920) 869-4065

**MEMORANDUM**

**TO:** Melinda J. Danforth, Vice-Chairwoman  
cc: Oneida Business Committee

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

**DATE:** July 14, 2016

**SUBJECT:** Opinion – June 13, 2016 Meeting – Motions Regarding Per Capita

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You have requested a legal opinion regarding the motions regarding per capita made at the June 13, 2016, Special General Tribal Council meeting. The motions are as follows.<sup>1</sup>

Motion by Yvonne Metivier to direct the OBC to pay \$2,000 Per Capita beginning Fiscal Year 2017 through 2021. Seconded by Scharlene Kasee. Motion carried by hand count: 1068 support, 200 opposed, 36 abstained.

Amendment to the main motion by Nancy Skenandore to revise the Per Capita payment amount to \$1,300 instead of \$2,000. Seconded by Don Charnon. Motion carried by hand count: 791 support, 702 opposed, 32 abstained.

Amendment to the main motion by Debra Schnell to revise the Per Capita payment plan to be in effect for the next three (3) fiscal years instead of the next five (5) fiscal years. Seconded by Linn Cornelius. Motion failed by hand count: 642 support, 829 opposed, 52 abstained.

Amendment to the main motion by David P. Jordan to go with the OBC’s plan to pay off the debt. Seconded by Chris Cornelius. Motion carried by hand count: 697 support, 612 opposed, 87 abstained.

To provide you with a legal opinion I have reviewed the Action Report for that meeting, the audio for that meeting, General Tribal Council meeting minutes from 2010 forward, Robert’s Rules of Order parliamentary rulings made during General Tribal Council meetings, and tribal law.

You have requested a review of the motions made at the June 13<sup>th</sup> meeting in light of an allegation that the motions were not made in accordance with Robert’s Rules of Order or tribal law. This opinion reviews only those motions made regarding the per capita item.

**Background**

Robert's Rules of Order defines a main motion as an action that brings business before the body. Under laws adopted by the General Tribal Council governing their meetings, the Ten Day Notice Policy identifies that only business that has received prior notice and related information can be

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<sup>1</sup> These motions are taken from the Action Report sent by the Tribal Secretary’s Office.

brought to the floor of the meeting for action. *See generally section 10 of Robert's Rules of Order, 11<sup>th</sup> ed.*

A main motion must be clear and consistent with the Constitution, laws and rules of the Oneida Nation. A main motion may be amended prior to adoption. Under Robert's Rules of Order, there may be any number of amendments to a main motion; however any amendment can only be amended once. In addition, the first amendment amends the main motion; the second amendment amends the first amendment.<sup>2</sup> On the other hand, the General Tribal Council has applied this rule such that a main motion may only have two amendments in total, and that the first and second amendments go to the main motion.<sup>3</sup>

An amendment must be “germane” to the main motion and cannot result in a main motion that is unclear regarding its application.<sup>4</sup> For example, in a rather exaggerated manner the following motions explain germaneness and clarity.

Motion to adopt the budget.

Amendment to the main motion to buy a car and to delete the word "adopt" from the main motion.

The amendment is germane in that it talks about a budget related item and amends the main motion. However, it also results in the main motion being unclear by deleting the word "adopt."<sup>5</sup> As a result, the amendment would not be in order.

Further, an amendment can change the entire meaning of the main motion. Under Robert's Rules of Order, once an item has been acted upon, it cannot be taken up again within the same meeting. As a result, an amendment that changes the meaning of the main motion is important in order to allow alternative voices and opinions to be heard. For example, as taken from Robert's Rules of Order, section 12, page 137.

Motion to commend Member Smith.

Amendment to the main motion to delete "commend" and insert "censure."

The General Tribal Council has presented a main motion to adopt every budget, and has presented amendments to amend the budget almost every time. In addition, the adoption of the agenda for each meeting frequently includes a main motion and amendments. Each of these amendments must be germane to the main motion of adopting the budget. Examples of other main motions and amendments are set forth below.

- July 5, 2015
  - Motion...to support the acquisition of the purchase of the five-acre airport property from Austin Straubel International Airport, Brown County, Wisconsin. The five-acre property

<sup>2</sup> Robert's Rules of Order, section 12, page 135, lines 27-30.

<sup>3</sup> This rule was primarily in place to avoid confusion resulting from complex motions and amendments in regards to a body that meets only infrequently. The methods of “displaying” motions have moved from verbally repeating a motion or amendment, to displaying it by hand writing the motion on an overhead projector, to projecting it onto a larger screen, to the large screens in the corners of the main room and the center of the satellite rooms. *See discussion on pages 39-41 of the November 28, 2011, General Tribal Council meeting minutes.*

<sup>4</sup> *See generally, Robert's Rules of Order, section 12.*

<sup>5</sup> Robert's Rules of Order manages amendments by requiring an amendment to use specific terms – insert a word or paragraph, strike-out a word or paragraph, to substitute an entire paragraph, or a combination of the three terms. *See generally, Robert's Rules of Order, section 12.* The General Tribal Council does not require such specificity.

- purchase shall be budgeted into the fiscal year 2011 budget, and that the five-acre final purchase price shall not exceed fair market value[.]
- Amendment to the main motion...to provide up to \$2 million as a GTC mandated budgeted cost for FY2011 budget cycle and all fees and expenses be included in the acquisition (i.e. appraisal, taxes, closing costs, etc.)[.]
- September 18, 2010
    - Motion...to approve the petition (50-cent wage increase for employees earning \$90,000 or less)[.]
      - First amendment to the main motion...that the 50-cent per hour wage increase shall be granted to all employees making \$65,000 or less annually and that the wage increase become effective Jan. 1, 2011 and further the 2 percent employer match for the employee 401k also become effective Jan. 1, 2011, and the annual wage of employees affected by the action shall not exceed \$65,000 for FY2011, and the cost of this amendment as provided by the Tribal Budget Office is \$2,432,967 that shall be budgeted in the following manner by starting the 401k employee match on Jan. 1, savings are \$285,000, bonuses budgeted in 2010 but not paid \$689,000; and from the newly created Tribal Reserve fund established Aug. 5 by BC action \$1,458,967[.]
      - Second amendment to the main motion...that the electronic vote on the 50-cent petition be held in 45 days[.]
  - January 3, 2011, Summary of motions.
    - Motion to adopt resolution amending Indian preference in employment.
      - Amend resolution to include individuals of documented descent (amendment withdrawn).
      - Amend resolution to change preference order and direct above a certain level of employees be Tribal members only.
      - Amend resolution to include descendants, other Native Americans and change order.
  - November 9, 2012
    - Motion that we don't consider this (petition regarding a combined stipend and per capita into participating per capita) because you have to be fair to everybody[.]
      - Amendment motion directing the Business Committee to bring back, within 120 days, a plan to direct and that all that is is a draft, a draft plan to direct per capita monies towards General Tribal Council members' salaries and benefits and that's it[.]

Typically, a single motion or amendment is placed on the big screens at the General Tribal Council meetings. There is insufficient room to have the main motion and each amendment on the screen and have the print large enough to be read by the entire body in either the main room or the satellite room(s). In addition, although the main motion may be amended by one or two amendments, it is not modified to reflect the amendments on the screen. This is the same set up as identified in the minutes. These 'screen shots' are utilized by the Tribal Secretary's office to

create the Action Report in order to speed up the implementation of directives of the General Tribal Council.<sup>6</sup>

The audio from the June 13, 2016, General Tribal Council meeting identifies the following series of events after the conclusion of presentations and during discussion. The times from the audio are general locations for reference and are placed in parenthesis.

(0:52:05) Motion by Yvonne Metivier to direct the OBC to pay \$2,000 Per Capita beginning Fiscal Year 2017 through 2021. Seconded by Scharlene Kasee.

- General discussion occurs.

(1:28:00) Amendment to the main motion by Nancy Skenandore to revise the Per Capita payment amount to \$1,300 instead of \$2,000. Seconded by Don Charnon.

- Privileged question raised about the motion being in order. The determination was made that if the amendment were adopted then the per capita to be paid would be \$1300 and not \$2000 and was within the scope of the notice presented for this meeting.
- General discussion occurs.

(1:38:56) Amendment to the main motion by Debra Schnell to revise the Per Capita payment plan to be in effect for the next three (3) fiscal years instead of the next five (5) fiscal years. Seconded by Linn Cornelius.

- General discussion occurs.

(2:09:46) Vote on amendment reducing the number of years from 5 to 3

- Vice-Chairwoman explains motion and what is being voted on
- Comment made
- Vice-Chairwoman explains motion and what is being voted on again
- LouAnn Green commented she did not hear Yvonne Metivier's presentation
- Vice-Chairwoman explains motion and what is being voted on again and that the presentation had already been made
- "MaryAnn" asked what would the amount be - \$2000 or \$1300?
- Vice-Chairwoman explains motion and what is being voted on again
- Question about how the change from 5 to 3 years happened
- Vice-Chairwoman explained that the amendment would amend that portion of the main motion if it were adopted
- Amendment failed
- General discussion occurs

(2:20:33) Vote on amendment reducing the per capita payment from \$2000 to \$1300

- Brought motion up onto the screen
- Privileged question about still being in discussion

(2:22:00) Amendment to the main motion by David P. Jordan to go with the OBC's plan to pay off the debt. Seconded by Chris Cornelius. Motion carried by hand count: 697 support, 612 opposed, 87 abstained.

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<sup>6</sup> Action Reports were begun by Secretary Hoeft in January of 2010 and were initially simple memos outlining what happened at General Tribal Council meetings. In June of 2014, these Action Reports began to be drafted to more closely resemble an abbreviated set of minutes rather than in memo form.

- Privileged question regarding pay-off of debt
- Vice-Chairwoman explains debt reduction and per capita payment

(2:35:00) Vote on amendment regarding debt payment plan

- Amendment passes

(2:47:00) Vice-Chairwoman explains \$1300 amendment and its effect on the main motion.

- Call for the question

(2:47:48) Vote on amendment reducing per capita payment from \$2000 to \$1300

- Vice-Chairwoman explains main motion, amendment regarding debt payment and the effect of this amendment reducing the payment from \$2000 to \$1300
- Vice-Chairwoman called for hands to be raised and counted if the member was in favor of changing the amount to \$1300 from \$2000
- Amendment passes

(2:55:07) Vice-Chairwoman explains main motion and that it is now changed to \$1300 and the application of the debt payment process.

- Vice-Chairwoman explains main motion and effect of two amendments on that motion and that no other amendments can be made

(2:58:40) Vote on main motion as amended begun

(2:59:00) LouAnn Green asks what are we voting on?

- Vice-Chairwoman called off the voting and explained the main motion and the effect of the amendments as a \$1300 payment for a 5 year period supported by the Business Committee debt reduction plan
- Vice-Chairwoman explains \$1300 again and agrees that the motion on the screen does not reflect that, but it is affected by the amendments previously made and adopted
- Question about what happens if the motion doesn't pass
- Vice-Chairwoman explained the main motion and the amendments and that if it doesn't pass that the discussion starts at the beginning
- Privileged question on whether it is \$1300 payment or \$1000 payment with \$300 used to pay off debt
- Vice-Chairwoman explains that the main motion is amended by the two amendments which were passed which means a \$1300 per capita payment for five years and a debt reduction plan
- Voting commences again

(3:03:00) LouAnn Green states we don't know what we are voting on

(3:07:00) Vote on main motion as amended passes

(3:08:00) Vice-Chairwoman explains that the members will receive one final \$1000 per capita payment in September 2016 and the \$1300 per capita payment will begin in September 2017 until 2021

- Meeting moves to next item on the agenda.

Robert's Rules of Order presumes that motions made at a meeting are valid actions and that persons with responsibility can carry out the action.<sup>7</sup> As a result, the time to challenge the validity of an action occurs at two time periods. The first is when the motion is presented and at General Tribal Council this is generally a Privileged Question. The second time occurs regarding the choice of vote – i.e., voice vote, raising hand, hand counts, or ballot. However, once these opportunities have passed, the motion is considered to be in order and properly acted upon.

### Analysis

An allegation has been presented that the motions and amendments made at the June 13, 2016, General Tribal Council meeting were procedurally incorrect. At the Semi-Annual Meeting in July, 2016, the allegations suggested that a motion could not be amended by an amendment that changed the dollar amount of the main motion. At the Oneida Business Committee meeting of July 13, 2016, there was an additional allegation that there were two per capita payments adopted because the main motion was not amended on the screen.

Robert's Rules of Order and the Ten Day Notice Policy allow a motion to be presented at a duly called meeting for which notice has been provided and a quorum exists. Robert's Rules of Order allows any number of amendments to a main motion, but only one amendment of an amendment. However, past actions of the General Tribal Council identify that only two amendments to a main motion are allowed; both amendments must relate to the main motion, and both amendments amend the main motion independently. Some amendments are narrowing the main motion (such as placing restrictions or further direction) and some amendments change the intent of the main motion (such as reducing the eligible salary level to receive a wage increase).

The actions at the June 13<sup>th</sup> meeting showing the motions on the large screen were consistent with prior General Tribal Council meetings. The motion or amendment being voted on was the item shown on the large screens when they were developed and accepted as in order and during the voting process.

When the first amendment to the main motion was made, privileged questions were asked to challenge the validity of the amendment. General Tribal Council members are aware of how to ask whether a motion or amendment is properly placed before the body. A parliamentary ruling regarding the motion was presented and accepted by the Vice-Chairwoman. The body knows that it may challenge the decision of the chair. This was not done after the amendment was ruled in order.

During the vote on the motion and the amendments each was identified and placed on the large screen. The vote was a hand count by the Election Board in each circumstance. There were no challenges made to the type of vote being taken or the results from these hand counts.

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<sup>7</sup> For example, a motion can be amended at a later date only if action has not been taken as a result of that motion. An example would be a motion to enter into a contract. The adoption of the motion and conclusion of the meeting authorizes the employee to take that action. Once the contract has been entered into, the motion cannot be reconsidered or amended. *See Robert's Rules of Order, p. 308, lines 20-24 regarding motion to amend a previous action.*

There were three occasions where individuals identified they did not understand what was being voted on. On two of those occasions an explanation was made. The first occasion of a request for clarification was made following the amendment to reduce the number of years of the per capita payment. The question involved the amount of the per capita based on the first amendment. This was explained and discussion continued.

The second occasion occurred during the vote count on the main motion. The Vice-Chairwoman stopped the vote count because it appeared the body was unclear about the action being voted on at that time. The main motion and the effect of the amendments was explained several times, including the motion as identified on the large screens as having been amended. The vote count was restarted.

The last occasion was a statement that a member did not understand what was being voted on. This occurred near the beginning of the second vote count on the main motion. There were no other sounds on the audio which would tend to express a broad or pervasive level of confusion after the explanation was made within the previous five minutes. The audio suggested that a single member expressed confusion after the voting had begun.<sup>8</sup> The vote continued and the main motion as amended passed.

There is nothing in the recording of the meeting that suggests that the procedures used deviated from other meetings of the General Tribal Council. Further, there is nothing in the recording of the meeting that suggests that a widespread confusion existed regarding the actions being taken that was not addressed when such confusion arose. The recording of the meeting suggests a similar pattern of guiding the meeting as used in all other meetings – presentation, discussion, making a motion, the chair restating and confirming the motion, discussion, calling for the question, restating the motion, conducting the vote, and stating the results of the vote and the motion adopted.

### **Conclusion**

The actions taken regarding the per capita payment at the June 13, 2016, General Tribal Council meeting are consistent with Robert's Rules of Order, the Ten Day Notice Policy and prior actions and procedures of the General Tribal Council.

If you have further questions, please contact me.

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<sup>8</sup> As is typical in General Tribal Council meetings, once the voting has begun no further discussion is required, Chairs, however, have stopped and restarted voting when it appears that a significant lack of understanding of the motion being voted on exists within the body. *See September 18, 2010, General Tribal Council meeting minutes, page 24; November 21, 2011, General Tribal Council meeting minutes page 8; October 26, 2014, General Tribal Council meeting minutes page 16.*

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

Request to post for One (1) vacancy on the SEOTS board due to a resignation and finish the term until 11/12/17.

## 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:

On July 28, 2016 the SEOTS board accepted the resignation of Renee Zakhar.

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: 08 / 24 / 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 request to direct the O.B.C. Officers to complete restructuring process of the Utilities/Wastewater Dept. to Dept. of Public Works, in accordance with the "Reorganizing Positions S.O.P."

## 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: Brian A. Doxtator, Executive Assistant to Tribal Treasurer

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:

Since December 10, 2014, the Utilities/Wastewater Department has been reporting to the Oneida Business Committee on an interim basis.

At an August 16, 2016, BC Work Meeting, a quorum of the Oneida Business Committee provided support to approve the restructuring of the Utilities Department to the Department of Public Works.

Requested Action: Direct the O.B.C. Officers to complete restructuring process of the Utilities/Wastewater Department to the Department of Public Works, in accordance with the "Reorganizing Positions S.O.P.".

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)

**BC Monthly Work Session Report**  
**Tuesday, Aug. 16, 2016 1:30 p.m.**  
**BC Executive Conference Room**

Present: Vice-Chair Melinda Danforth, Treasurer Trish King, Secretary Lisa Summers, Councilmembers Tehassi Hill, David Jordan

Not present: Chair Tina Danforth, Councilmembers Fawn Billie, Brandon Stevens, Jennifer Webster

Others present: Danelle Wilson, Lisa Liggins, Cathy Bachhuber

**Report**

1. **Management of Oneida Lake maintenance and safety.** Discussion to support having the team continue to maintain the lake. Vice Chair Melinda Danforth will request the team to provide an update for the December BC Monthly Work Session.
2. **Years of Service presentations.** Discussion to support having quarterly years of service presentations split between two different BC meetings, if needed.
3. **E-Poll voting procedures.** Secretary Lisa Summers will add the Conducting Electronic Voting (E-Polls) SOP to the next BC agenda with the addition of 24 hours to respond to requests under 3.3.
4. **Elder Expo FYI.** BC members and staff encouraged to contact Marlene Summers to participate in the meet and greet and assist with the event.
5. **Request to move Utilities to DPW.** Treasurer Trish King will work on submitting this request for approval.
6. **June 13, 2016 GTC Per Capita Motion Legal Opinion.** Add opinion as back up to the tabled resolution item that will be considered on next week's agenda.
7. **Organization Development Specialist Interview.** Secretary Lisa Summers provided a verbal update on the interviews.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~08~~ / ~~10~~ / ~~16~~

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

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 accept travel report as FYI.

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 Lora Skenandore, Assistant to Chairwoman
Your Name, Title / Dept. or Tribal Member

Additional Requestor:
Name, Title / Dept.

Additional Requestor:
Name, Title / Dept.

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Cristina Danforth  
 Enter name(s) of other Travelers OR [SPACE BAR] to delete

Enter name(s) of other Travelers OR [SPACE BAR] to delete

Enter name(s) of other Travelers OR [SPACE BAR] to delete

**Travel Event:** American Indian Sovereignty in Action

**Travel Location:** Havana, Cuba

**Departure Date:** 07/18/2016      **Return Date:** 07/22/2016

**Projected Cost:** \$0.00      **Actual Cost:** \$0.00

**Date Travel was Approved by OBC:** 06/30/2016

**Narrative/Background:**  
Please see the attached travel report

**Item(s) Requiring Attention:**  
None

**Requested Action:**  
BC to accept travel report as FYI.

TRAVEL REPORT

AMERICAN INDIAN SOVEREIGNTY IN ACTION  
Tribal Nations Delegation to Havana, Cuba  
July 18-22, 2016

A delegation of Tribal Nations from Seneca Nation of Indians (NY), Oneida Nation of Wisconsin, Cahil Dehe Band of Wintun Indians of the Colusa Indian Community (CA) and Swinomish Indian Tribal Community (WA) were represented in addition to the Native American Officers Association (NAFOA) and National Congress of American Indians (NCAI). The delegation was assisted and accompanied by advisors from Akin, Gump, Strauss, Hauer and Feld, LLP. The purpose was to begin a conversation and introduce our nations to the delegation of Ministries in Cuba. The newly lifted U.S. embargo in restricted areas and classifications has allowed these meetings to occur. Meetings were requested with the Ministries of Foreign Relations, Foreign Trade and Investment, Tourism, Fisheries and Agriculture, Alimport (Cuba's main food importer), the Center for Biotechnology and Genetic Engineering (which has a successful treatment for diabetic foot ulcers) and with ELAM, the Latin America School of Medicine (which trains students from around the world to be doctors as long as they return to their respective communities).

The following individuals were involved in the meetings with the Cuban Government:

Brian Cladoosby, Chairman of the Swinomish Indian Tribal Community (WA) and President of the National Congress of American Indians,

Cristina Danforth, President of the Native American Finance Officers Association and Chairwoman of the Oneida Nation (WI),

Maurice A. John Sr., President of the Seneca Nation of Indians (NY),

Todd Gates, Treasurer of the Seneca Nation of Indians,

Richard Jamison, Representative of Seneca Nation of Indians,

Wayne R. Mitchum, Jr., Long Standing Economic Development Corporation ("EDC") Board Member and Tribal Representative, and Compact Tribes Steering Committee Vice-Chair for the Cahil Dehe Band of Wintun Indians of the Colusa Indian Community,

Melissa Mitchum, Long Standing Economic Development Corporation ("EDC") Board Member and Tribal Representative for the Cahil Dehe Band of Wintun Indians of the Colusa Indian Community,

VaRene Martin, First Vice President & Director of Tribal Relations, Native American Finance Officers Association,

Dante Desiderio, Executive Director of the Native American Finance Officers Association,

Anya Landau French, Senior Policy Advisor at Akin Gump Strauss Hauer & Feld, LLP,

Allison Binney, Partner at Akin Gump Strauss Hauer & Feld, LLP

#### Biotechnology Center Meeting

We were greeted with much enthusiasm and optimism to discuss the Cuban medical advancements in treatments for diabetes, heart disease and certain cancers treatments. We were given an overview of the extensive Cuban Health Programs covered by BioCubaFarma. Their primary initiatives include; prevention of infectious diseases with prophylactic vaccines, early diagnosis and treatment of different cancer pathologies, diagnosis and rehabilitation of cardiovascular diseases, care for hearing impairments, early detection of neurological development in infants, massive pre and neonatal screening, epidemiological surveillance and the monitoring and treatment for diabetes and its complications. Given the limited time for their presentation the focus of the presentation surrounded certain treatments and medications for diabetes. While many tribal communities have high incidences of diabetes, it is reported that 29.1 million people of the U.S. population has diabetes. A presentation of the treatment of foot ulcers using Heberprot-T using an infiltration method was explained. This treatment option is not available in the U.S. but is widely used in Cuba. There is a clinical conference held in December an open invitation was extended. The primary concern with this treatment is there are no clinical trials conducted in the U.S. to promote and produce the treatment from a commercial medical standpoint. It is hopeful that there will eventually be enough political support and authorization to conduct these Phase 3 clinical trials. More information and follow up is necessary to lobby for this treatment in the U.S. and a white paper has been developed to further this effort.

#### Foreign Trade and Cultural Exchange Meetings

We met with the Ministry of Foreign Affairs, Mr. Warnel Lores Mora who heads the United States General Division and the Ministry of Foreign Trade and Investment of the Trade Policy Division with North America, MS Maria De La Luz B'Hamel Ramirez and their staff. The meetings gave of a general sense of the priorities that are of interest to the Cuban government. There three main industries are agriculture, biotechnology and tourism. They are currently working on a development model for economic development and partnerships. They are also reviewing and advancing their licenses for imports and exports for trade. Permits are granted by the Treasury and have most recently granted licenses to Starwood Enterprises and General Electric. There are also negotiations being discussed for potential businesses to exchange with the U.S. and to promote investments of business opportunities. Another area of interest is tourism and hotel development. In 2014 they entered into an agreement with Club Melia and this proposes to be a model as well for joint venture. They continue to rely on imports for to feed their communities. They import 300,000 tons of rice annually and it comes from Vietnam

which takes 35 days to ship. If they could get rice from Mississippi, it would only take 3 days. The current embargo prohibits this type of opportunity for trade. The Calousa Indian Community produces rice, almonds and walnuts and exports their products. This is a new and mutual interest for both Cuba and Calousa. We here in Oneida have an opportunity to invest in their hospitality industry if the occasion arises. They are interested in furthering this conversation. While I made no commitments there is still a lot to consider.

There were many other interesting conversations that took place and at this time this is a snapshot of the potential to continue the dialogue.

The Cuban people and government are in a 10 year post Fidel Castro era and are in the process of governmental policy changes. The general sense is that people are happy there and optimistic in their future while there is much to catch up on from an external view point.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 travel report from Lisa Summers for NCAI MidYear in Spokane, WA, June 27-30, 2016.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. <input type="text" value="travel report"/>	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: Lisa Liggins, Executive Assistant II  
Your Name, Title / Dept. or Tribal Member

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

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

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Lisa Summers

<b>Travel Event:</b>	NCAI MidYear Conference		
<b>Travel Location:</b>	Spokane, WA		
<b>Departure Date:</b>	06/27/2016	<b>Return Date:</b>	06/30/2016
<b>Projected Cost:</b>	\$1971.80	<b>Actual Cost:</b>	\$1718.71
<b>Date Travel was Approved by OBC:</b>	01/27/2016		

## Narrative/Background:

In January, the Business Committee assigned various Business Committee members to attend upcoming conferences for 2016. Following this approval, Invergovernmental Affairs and Communications made arrangement for a meeting on PL280 retrocession with Yakima.

During this trip, we were able to gain more insight to on the ground challenges that we need to be mindful of as we continue to pursue this endeavor. Yakima has offered to complete a follow up with Oneida. We will make arrangements for this follow up to take place late this fall, and will include a tour and other key highlights during their visit.

A few highlights of the NCAI Conference include:  
Derek Kilver speaking about sequestration and the need for a Carcieri fix to fulfill trust responsibility.

Brian Cladoosby reviewing the three (3) supreme court cases in favor of tribes including the recent Dollar General decision.

Raina Thele, Associate Director of Invergovernmental Affairs at the White House, talking about the Gen-I events, how the administration has worked with the tribes.

**Item(s) Requiring Attention:**

The PL280 Restrocession discussion will be brought to the a Business Committee work meeting for further discussion in September, with a request to host 3-5 Yakima representatives.

The backup materials provided at NCAI will be forwarded to Records Management and will be available for review by the Business Committee.

**Requested Action:**

Accept the travel report.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

1. Accept travel report from Lisa Summers for MAST Summer Meeting in New Buffalo, MI, July 20-21, 2016.  
2. Direct the Secretary to forward the items requiring attention listed above to the appropriate Direct Report for follow up

## 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.

# BUSINESS COMMITTEE TRAVEL REPORT



**Travel Report for:** Lisa Summers

<b>Travel Event:</b>	MAST Summer Meeting		
<b>Travel Location:</b>	New Buffalo, MI		
<b>Departure Date:</b>	07/20/2016	<b>Return Date:</b>	07/21/2016
<b>Projected Cost:</b>	\$322.00	<b>Actual Cost:</b>	\$203.07
<b>Date Travel was Approved by OBC:</b>	07/13/2016		

## Narrative/Background:

There was a note made at the start of the meeting to provide support to Bad River if able. Scott Vele assisted in coordinating any support/donations to the Bad River if assistance is needed.

Resolution 00619 relating to supporting the St. Croix Chippewa on WI CBD law & exercise of Civil Regulatory Sovereign Rights. This was supported by the tribes.

Rodger Raider (MI) & Midwest VP for NCAI. Provided the NCAI resolution regarding Line 5 and Frank Ettewigeshick and submitted through NCAI and went smoothly

Top Priorities from IHS's Keith Longie are:

1. Assessing care
2. Delivery services
3. Strengthening management
4. Healthcare expertise to HIS

Also from IHS, a draft policy regarding Community Health Aides. Comments on draft policy to expand program due July 29, 2016. New draft policy statement on community health aide program which could pave the way for future midlevel provided in IHS and tribal sites Community Health Aides include workers in (through 638 contracts): Health education, Communicable disease control, Maternal and child

health, Community health representatives, Behavioral health, Family planning, Environmental health, and Dental health aide therapists.

**Item(s) Requiring Attention:**

- Oneida consider adopting a resolution to concur with the Line 5 (pipeline) opposition. Should be deferred to Environmental Health and Safety to begin working toward strategies to oppose.
- Brian Pierson's presentation on renewable energy funding strategies could be useful in upcoming community development projects. Should be forwarded to Development for follow up.

**Requested Action:**

Accept the travel report and direct the Secretary to forward the items requiring attention listed above to the appropriate Direct Report for follow up.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

Enter E-Poll results into the record for approval of Oneida Arts Board travel request in accordance with the Travel & Expense Policy - Three (3) Music from Our Culture (MOC) teachers and six (6) Kids Learning their Culture/Ways (KLU) students - National Indian Tourism Conference - Seattle, WA - September 13-15, 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: Submitted by: Heather Heuer, Info. Mgmt. Specialist/BC Support Office  
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:

\*\*\*BACKGROUND\*\*\*

On August 11, 2016, at 2:54 p.m., the following E-Poll was conducted:

#### SUMMARY:

The Music from Our Culture (MOC) children have been invited to perform at the National Indian Tourism Conference in Washington state this September as part of the "Oneida" event dinner as next year's host. MOC was asked to sing the hymns following the dinner. The KLU students have been selected to go on this trip. KLU (abbreviation of Oneida words meaning 'kids learning their culture/ways') is for students 12 and older who receive weekly private and semiprivate lessons in music and language. Funding for this trip is made possible by a sponsorship from Tourism (\$5,000). The remaining funding is tribal contributions (approximately \$4,074). In order to secure the best rates on flights and to comply with the Travel and Expense Policy, an epoll of the BC is necessary. Attached is the documentation provided to you in the August 10, 2016, regular Business Committee meeting packet.

#### REQUESTED ACTION:

Approve travel request for Music from Our Culture teachers (3) and KLU students (6) to travel to Seattle, WA to perform at the National Indian Tourism Conference, September 13- 15, 2016, in accordance with Section 16-1 of the Travel and Expense Policy.

#### DEADLINE FOR RESPONSE:

Responses are due no later than 12:00 p.m. (NOON) on Friday, August 12, 2016.

As of the deadline on Friday, August 12, 2016, at 12:00 p.m., the following are the E-Poll results:

Support: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster

\*\*\*REQUESTED ACTION\*\*\*

Enter E-Poll results into the record for approval of Oneida Arts Board travel request in accordance with the Travel & Expense Policy – Three (3) Music from Our Culture (MOC) teachers and six (6) Kids Learning their Culture/Ways (KLU) students – National Indian Tourism Conference – Seattle, WA – September 13-15, 2016

#### Section 16-1 of the Travel and Expense Policy:

Departments will limit themselves to three (3) people from the same department to travel to the same conference, workshop, or seminar and are recommended to share pertinent information they have with others from their department. Special occasions may develop that need additional personnel from the same department to attend, provided that written approval from the General Manager, Gaming General Manager or Oneida Business Committee is needed, with an explanation for the additional personnel. This will exclude departments that need training hours for specific certifications.

- 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

**Heather M. Heuer**

---

**From:** TribalSecretary  
**Sent:** Friday, August 12, 2016 3:14 PM  
**To:** TribalSecretary; 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; Cathy L. Bachhuber; Danelle A. Wilson; Dawn M. Moon-Kopetsky; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Rhiannon R. Metoxen  
**Subject:** E-POLL RESULTS: Approve travel request 3 MOC teachers and 6 KLU students - NITC - Seattle WA - Sep 13-15  
**Attachments:** 2016 08 11 E-poll request -- Approve travel request – 3 MOC teachers and....pdf

**E-POLL RESULTS**

The E-Poll request to approve the travel request for the Music from Our Culture teachers (3) and KLU students (6) to travel to Seattle, WA to perform at the National Indian Tourism Conference, September 13- 15, 2016, in accordance with Section 16-1 of the Travel and Expense Policy is approved. Below are the results:

Support: Melinda J. Danforth, Trish King, Lisa Summers, Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster

**Heather Heuer**

Information Management Specialist  
Business Committee Support Office (BCSO)



office 920.869.4421  
cell 920.471.5002  
fax 920.869.4040

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---

**From:** TribalSecretary  
**Sent:** Thursday, August 11, 2016 2:54 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 ; Cathy L. Bachhuber ; Danelle A. Wilson ; Dawn M. Moon-Kopetsky ; Jessica L. Wallenfang ; Leyne C. Orosco ; Lisa A. Liggins ; Lora L. Skenandore ; Rhiannon R. Metoxen  
**Subject:** E-poll Request: Approve travel request 3 MOC teachers and 6 KLU students - NITC - Seattle WA - Sep 13-

15

**Importance:** High

**E-POLL REQUEST**

**Summary:**

The Music from Our Culture (MOC) children have been Invited to perform at the National Indian Tourism Conference in Washington state this September as part of the "Oneida" event/dinner as next year's host. MOC was asked to sing the hymns following the dinner. The KLU students have been selected to go on this trip. KLU (abbreviation of Oneida words meaning 'kids learning their culture/ways') is for students 12 and older who receive weekly private and semi-private lessons in music and language.

Funding for this trip is made possible by a sponsorship from Tourism (\$5,000). The remaining funding is tribal contributions (approximately \$4,074).

In order to secure the best rates on flights and to comply with the Travel and Expense Policy, an e-poll of the BC is necessary.

Attached is the documentation provided to you in the August 10, 2016, regular Business Committee meeting packet.

**Requested Actions being voted on via this e-poll:**

1. Approve travel request for Music from Our Culture teachers (3) and KLU students (6) to travel to Seattle, WA to perform at the National Indian Tourism Conference, September 13- 15, 2016, in accordance with Section 16-1 of the Travel and Expense Policy.

**Deadline for response:**

Responses are due no later than **12:00 p.m. (NOON) on Friday, August 12, 2016.**

**Voting:**

1. Use the voting button above, if available; OR
2. Reply with "support" or "oppose"

Lisa Liggins  
Assistant to Secretary Summers  
Oneida Business Committee



A good mind. A good heart. A strong fire.

office 920.869.4434  
cell 920.819.7344  
fax 920.869.4040

PO Box 365  
Oneida, WI 54155-0365  
Oneida-nsn.gov

### Oneida Business Committee Agenda Request

e-poll request date: 08/11/2016

~~10~~

Excerpt from the 8/10/2016 regular Business Committee meeting minutes:  
Motion by Trish King to defer the remaining agenda items to the August 24, 2016, regular Business Committee meeting ..., seconded by Lisa Summers. Motion carried unanimously.

1. Meeting Date Requested: 08 / ~~03~~ / 16

#### 2. General Information:

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

Other - type reason

Agenda Header: Travel Request

Accept as Information only

Action - please describe:

Approval for Music from Our Culture teachers (3) and KLU students (6) to travel to Washington state to perform at the National Indian Tourism Conference, September 13 - 15, 2016.

#### 3. Supporting Materials

Report  Resolution  Contract

Other:

1. Travel Authorization for D Santiago

3. Travel Authorization for R Menomin

2. Travel Authorizations for Y Mclester

4. I/T from Tourism

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: Beth Bashara, Arts Program Director  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: *[Signature]*  
Name, Title / Dept.

Additional Requestor: *[Signature]* 7/22/16  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

The Music from Our Culture children have been invited to perform at the National Indian Tourism Conference in Washington state this September as part of the "Oneida" event/dinner as next year's host. We were asked to take our children to sing the hymns following the dinner.

Funding for this trip is made possible by a sponsorship from Tourism (5,000). The remaining funding is tribal contributions (approximately 4,074).

We have selected our KLU students to go on this trip. KLU (abbreviation of Oneida words meaning 'kids learning their culture/ways') is for our 12 and older students to receive weekly private and semi private lessons in music and language. To mark their completion of the program, they are presented at a celebration social where they introduce themselves, their families, do the opening, introduce the songs in the language and lead a song and dance. We have 4 students who have completed the program in the first year and 1 student who is getting ready to present.

We are excited to offer this perk for KLU students because they have earned it. They have worked very hard and have demonstrated their abilities. In addition to being a perk, it is marketing for the MOC and KLU programs. Performing is a big part of why we learn music (to share!). Going to new places to perform is extra exciting.

Accompanying the students is our MOC/KLU teachers, Debbie Santiago and Yuntle McLester, and one of the MOC volunteer members, Rachael Menomin. In addition, Debbie will be traveling with her son. Debbie and Yuntle perform with the children and Rachael will be administering the trip on behalf the MOC volunteers.

An exciting development in the MOC program is an emerging volunteer board comprised of MOC's past and current interns. A group of 5 previous MOC interns have been meeting monthly to advise and support the MOC program. They are establishing themselves to be fund raising and program advisors of the MOC and KLU program. These young people are really stepping up to ensure the continued growth of the program!

#### Section 16-1 of the Travel and Expense Policy:

Departments will limit themselves to three (3) people from the same department to travel to the same conference, workshop, or seminar and are recommended to share pertinent information they have with others from their department. Special occasions may develop that need additional personnel from the same department to attend, provided that written approval from the General Manager, Gaming General Manager or Oneida Business Committee is needed, with an explanation for the additional personnel. This will exclude departments that need training hours for specific certifications.

- 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  
INTRA-TRIBAL PURCHASE DOCUMENT**

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (22) \_\_\_\_\_  
 Today's Date Completion Date P.O. Number (Accounting Use Only)

**Supplying Business Unit's Information**

(3) \_\_\_\_\_ (4) \_\_\_\_\_  
 Business Unit Vendor ID # Name of Business Unit  
 (5) \_\_\_\_\_ (6) \_\_\_\_\_  
 Intra-Tribal Sales Account Code Phone #  
 (7) \_\_\_\_\_ (8) \_\_\_\_\_  
 Supplying Business Unit's Signature Date Job # (optional)

**Purchasing Business Unit's Information**

(9) 4272035 (10) Tanase  
 Business Unit Dept ID# Name of Business Unit  
 (11) 7/15/16 (12) Rub F  
 Date Needed Contact Person/Deliver To  
 (13) 001 - 4272035 - 000 - 755705 - 000 (14) 5644  
 Intra-Tribal Expense Account Code Phone # Ext. #  
 (15) \_\_\_\_\_ (16) 406  
 Authorized Signature (Up to \$500.00) Date Ship to Location (Warehouse #)  
 (15A) \_\_\_\_\_ (17) \_\_\_\_\_  
 Authorized Signature (Up to \$3,000.00) Date Project ID (optional)  
 (15B) [Signature] 7/14/16  
 Authorized Signature (Up to \$10,000.00) Date  
 (15C) \_\_\_\_\_  
 Authorized Signature (Up to \$50,000.00) Date  
 (15D) \_\_\_\_\_  
 Authorized Signature (Up to \$200,000.00) Date

(18) Brief explanation of purchase  
 \_\_\_\_\_  
 \_\_\_\_\_

(19) Item Code or Item Description	Commodity Code	Qty	UOM	Cost per Unit	Total Amt
<u>ATANTA - Kids Travel etc to conference</u>					<u>5,000.-</u>
					<u>5,000</u>

(20) Y / N Blanket PO \$ \_\_\_\_\_ Dollar Limit (21) Total 5,000

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Debra Santiago		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Seattle Washington		
Departure date	September 13, 2016	Return date	September 15, 2016
Purpose of travel	Perform at American Indian Tourism Conference		
Charged GL Account			

**GSA Rate Information for the destination**

Per Diem rate per day	\$ 74.00	Lodging rate per day	\$
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total	
Per Diem Initial travel date	\$ 74	75 %	.75	\$ 55.50	
Per Diem full day at destination	\$ 74	100 %	1	\$ 74.00	
Per Diem return travel date	\$ 74	75 %	.75	\$ 55.50	
Subtract Included meals 1 Lunch 1 Dinner				\$ (52.00)	\$133.00
Lodging including room rate plus taxes	\$ 149.00		2	\$ 298.00	Visa
Airfare	\$ 670.00			\$ 670.00	Visa
Private Car Mileage Children Airfare	\$ 581.20			\$ 3487.20	Visa
Taxi or car rental	\$ 300.00			\$ 300.00	300.00
Luggage Fees X 7	\$ 241.00			\$ 241.00	50.00
Luggage Fees X 7	\$ 50.00			\$ 50.00	50.00
Registration - accept VISA? Yes / No	\$			\$ 350.00	350.00
Allowable price adjustment				1400.00	
If travel arrangements exceed the <b>Total Cost Estimate</b> re-approval is required				\$ 200.00	
<b>Total Cost Estimate</b>				<del>\$ 1,409.00</del>	
				<u>6549.40</u>	

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>Debra Santiago</i>	6-1-16	
Program Director	<i>B. P.</i>	6/1/16	Not needed
General Manager			Not needed

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Yuntlekalau McLester		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Seattle, WA		
Departure date	09-13-16	Return date	09-15-16
Purpose of travel	Perform at American Indian Tourism Conference		
Charged GL Account			

**GSA Rate Information for the destination**

Per Diem rate per day	\$ 74	Lodging rate per day	\$
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem Initial travel date	\$ 55.50	75 %	1	\$ 55.50
Per Diem full day at destination	\$ 74	100 %	1	\$ 74.00
Per Diem return travel date	\$ 55.50	75 %	1	\$ 55.50
Subtract included meals				\$ (52.00)
Lodging including room rate plus taxes	\$ 149.00		2	\$ 298.00
Airfare	\$ 670.00			\$ 670.00
Private Car Mileage	\$			\$
Taxi or car rental	\$ 241.00			\$ 241.00
Luggage Fees	\$			\$ 50.00
Registration – accept VISA? Yes / No	\$			\$
Allowable price adjustment If travel arrangements exceed the <b>Total Cost Estimate</b> re-approval is required				\$ 200.00
<b>Total Cost Estimate</b>				<del>\$ 1,400.00</del> 1262.20

133.00

Visa

Visa

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>Yuntlekalau McLester</i>	5-20-16	
Program Director	<i>[Signature]</i>	6/1/16	Not needed
General Manager			Not needed

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Racheal Nihnam Menomini		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Seattle Washington		
Departure date	September 13, 2016	Return date	September 15, 2016
Purpose of travel	Perform at American Indian Tourism Conference		
Charged GL Account			

**GSA Rate Information for the destination**

Per Diem rate per day	\$ 74.00	Lodging rate per day	\$
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem Initial travel date	\$ 74	75 %		\$ 55.50
Per Diem full day at destination	\$ 74	100 %		\$ 74.00
Per Diem return travel date	\$ 74	75 %		\$ 55.50
Subtract Included meals				\$ (52.00)
Lodging including room rate plus taxes	\$ 149.00		2	\$ 298.00
Airfare	\$ 670.00			\$ 581.20 <del>\$ 670.00</del>
Private Car Mileage	\$			\$
Taxi or car rental	\$			\$
Luggage Fees	\$			\$ 50.00
Registration – accept VISA? Yes / No	\$			\$
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required				\$ 200.00
<b>Total Cost Estimate</b>				<del>\$ 1,168.00</del> 1262.20

133.00

Visa

Visa

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	Racheal Menomini	6/1/16	
Program Director	[Signature]	6/1/16	Not needed
General Manager			Not needed

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 16

2. General Information:

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

[Empty box for session details]

Agenda Header: TRAVEL REQUEST

Accept as Information only

Action - please describe:

Approval is needed for four (4) staff from the Oneida Language Dept. to travel to Kaliniyo Ceremonies in Corfu, NY (Tonawanda Seneca Longhouse)

3. Supporting Materials

Report  Resolution  Contract

Other:

- 1. Travel forms
- 2. Travel Memo
- 3. Travel ASSURANCES
- 4. [Empty box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Don White, Div. Dir., GSD

Primary Requestor/Submitter: Tracy Williams, Director, Language  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: RITA LARA, Museum Dir for Anita Barber  
Name, Title / Dept.

Additional Requestor: [Signature]  
Name, Title / Dept.  
Page 1 of 2



## Oneida Language Department

### MEMO

Aug 15, 2016

To: Anita Barber, Area Manager, OCHD

Don White, Division Director, GSD

Fr: Tracy Williams, Director, Language *jm*

Re: Kaliwiyo Travel

This year our Kaliwiyo ceremonies will be in Tonawanda (Corfu, NY Sep 11-15); Ahkwesasne (Hogansburg, NY Sep 25-29); NewTown (Irving, NY Oct 2-6); Ohsweken, Ontario, Canada (Oct 9-13); and, in our community (Oct 16-21). The dates here are not official but are estimation; the official dates will be made during ceremony at Tonawanda. On the forms it will show only per diem for the days not at ceremony because meals are provided during the week. Four (4) staff are requesting to attend at Tonawanda: Myself, Leander, Jessica and Curt. Leander's travel **only** to Tonawanda is covered by the Longhouse (approx. \$950); Myself, Jessica and Curt are requesting funding to attend Kaliwiyo at Tonawanda totaling (\$1964.50). Three (3) of us are requesting to travel to Ahkwesasne, NewTown & Ohsweken: Myself, Jessica and Leander for the total of \$5668.50. We have a surplus of travel budget for this FY16 of \$6,422.00. For FY17 we have budgeted \$14,000.00 for travel. To meet the recent tribal travel regulations: travel to cultural events is on our job descriptions and we have a surplus in our travel line for this FY16; for FY17 the amount requested will fall below the 75% of the budgeted line. Attached you will find forms & travel assurances. We intend to create a full written report to share with OCHD on the One Drive as well as an oral reporting when Kaliwiyo ceremonies conclude (date TBD). Also, while we are traveling the staff that is not traveling will be in charge of the day-to-day operations and keep their regular teaching schedules with their community classes and we are adding new classes in collaboration with the CEC also. Yaw^ko in advance for your support.

#### Section 16-1 of the Travel and Expense Policy:

Departments will limit themselves to three (3) people from the same department to travel to the same conference, workshop, or seminar and are recommended to share pertinent information they have with others from their department. Special occasions may develop that need additional personnel from the same department to attend, provided that written approval from the General Manager, Gaming General Manager or Oneida Business Committee is needed, with an explanation for the additional personnel. This will exclude departments that need training hours for specific certifications.

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Leander Danforth		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Corfu, NY(Tonawanda Seneca Longhouse)		
Departure date	9-10-16	Return date	9-16-16
Purpose of travel	Kaliwiyo Ceremonies		
Charged GL Account	NO FUNDING REQUESTED		

**GSA Rate Information for the destination**

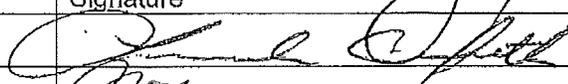
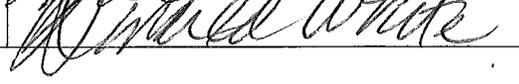
Per Diem rate per day	\$	Lodging rate per day	\$
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$	75 %		\$
Per Diem full day at destination	\$	100 %		\$
Per Diem return travel date	\$	75 %		\$
Subtract included meals				\$
Lodging including room rate plus taxes	\$			\$
Airfare	\$			\$
Private Car Mileage	\$			\$
Taxi or car rental	\$			\$
Luggage Fees	\$			\$
Registration -- accept VISA?      Yes / No	\$			\$
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required				\$ 200.00
<b>Total Cost Estimate</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		8/15/16	
Program Director		8/15/16	Not needed
Div. Director General Manager		8/16/16	Not needed

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Curt Summers		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Corfu, NY (Tonawanda Seneca Longhouse)		
Departure date	9-9-16	Return date	9-16-16
Purpose of travel	Kaliwiyo Ceremonies		
Charged GL Account	001.4225012.000.701000.000		

**GSA Rate Information for the destination**

Per Diem rate per day	\$ 51.00	Lodging rate per day	\$ 89.00
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$ 51.00	75 %	1	\$ 38.25
Per Diem full day at destination	\$	100 %	6	\$
Per Diem return travel date	\$ 51.00	75 %	1	\$ 38.25
Subtract included meals				\$
Lodging including room rate plus taxes	\$ 89.00		5	\$ 445.00
Airfare	\$			\$
Private Car Mileage	\$			\$
Taxi or car rental	\$			\$
Luggage Fees	\$			\$
Registration – accept VISA?      Yes / No	\$			\$
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required				\$ 200.00
<b>Total Cost Estimate</b>				<b>\$ 521.50</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		8.15.16	
Program Director		8.15.16	Not needed
Div. Director General Manager		8/16/16	Not needed

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Tracy Williams		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Corfu, NY(Tonawanda Seneca Longhouse)		
Departure date	9-9-16	Return date	9-16-16
Purpose of travel	Kaliwiyo Ceremonies		
Charged GL Account	001.4225012.000.701000.000		

**GSA Rate Information for the destination**

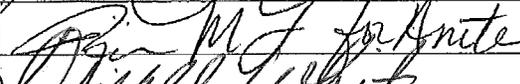
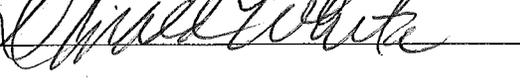
Per Diem rate per day	\$ 51.00	Lodging rate per day	\$ 89.00
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$ 51.00	75 %	1	\$ 38.25
Per Diem full day at destination	\$	100 %	6	\$
Per Diem return travel date	\$ 51.00	75 %	1	\$ 38.25
Subtract included meals				\$
Lodging including room rate plus taxes	\$ 89.00		5	\$ 445.00
Airfare	\$			\$
Private Car Mileage	\$			\$ 400.00
Taxi or car rental	\$			\$
Luggage Fees	\$			\$
Registration – accept VISA?      Yes / No	\$			\$
Allowable price adjustment If travel arrangements exceed the <u>Total Cost Estimate</u> re-approval is required				\$ 200.00
<b>Total Cost Estimate</b>				<b>\$ 921.50</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		8.15.16	
Program Director			Not needed
Div. Director General Manager		8/16/16	Not needed

**ONEIDA TRIBE OF INDIANS OF WISCONSIN  
TRAVEL AUTHORIZATION REQUEST**

**General Travel Information**

Name of Traveler	Jessica Powless		
Please list name as it appears on Travelers Driver's License or WI State ID			
	Employee #		Date of Birth
Destination	Corfu, NY(Tonawanda Seneca Longhouse)		
Departure date	9-9-16	Return date	9-16-16
Purpose of travel	Kaliwiyo Ceremonies		
Charged GL Account	001.4225012.000.701000.000		

**GSA Rate Information for the destination**

Per Diem rate per day	\$ 51.00	Lodging rate per day	\$ 89.00
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**Cost Estimate Information**

Description	Rate	Factor	Days/ Miles	Total
Per Diem initial travel date	\$ 51.00	75 %	1	\$ 38.25
Per Diem full day at destination	\$	100 %	6	\$
Per Diem return travel date	\$ 51.00	75 %	1	\$ 38.25
Subtract included meals				\$
Lodging including room rate plus taxes	\$ 89.00		5	\$ 445.00
Airfare	\$			\$
Private Car Mileage	\$			\$
Taxi or car rental	\$			\$
Luggage Fees	\$			\$
Registration – accept VISA?      Yes / No	\$			\$
Allowable price adjustment If travel arrangements exceed the <b>Total Cost Estimate</b> re-approval is required				\$ 200.00
<b>Total Cost Estimate</b>				<b>\$ 521.50</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>J. Powless</i>	8.15.16	
Program Director	<i>[Signature]</i>	8.15.16	Not needed
Div. Director General Manager	<i>[Signature]</i>	8/16/16	Not needed

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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:

*Joanie 8/16/16*

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 3rd quarter (April-June 2016) Internal Services Divisional report, deferred to the 8/24 meeting from the 8/10/16 BC meeting per my request.

- 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)

## INTERNAL SERVICES DIVISION

3<sup>rd</sup> Quarter FY16  
April, May, June,



The third quarter produced many activities for the Division, ending winter, and finally seeing spring.

The focus continues to be on aligning to the four directions, to continue to work collaboratively on outcomes, to develop new models that can produce efficiencies and utilization of manpower, and to explore new initiatives that enhance our community.



One aspect that we have been discussing in various departments and as a Division, collectively, are the principles of a learning organization. This does not relate to an organization that merely articulates clearly its vision, or seeks to provide training; but rather becomes a learning organization unto itself – where the organization is made up of employees skilled at crafting, acquiring, and transferring knowledge. An organization where their employees are cultivating tolerance, fostering open discussions, and thinking *holistically and systematically*.

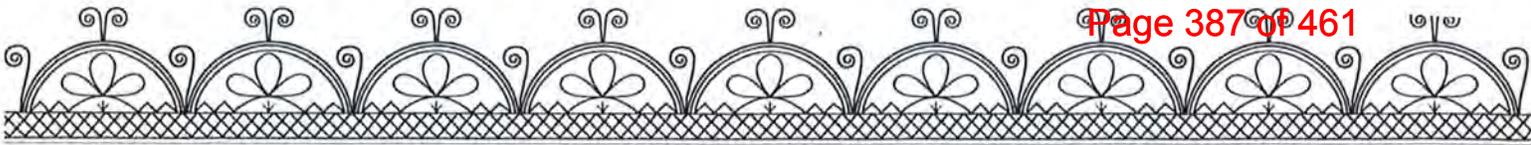
We are working through some of this thinking in MIS, and at the print and mail center – redefining models to address the changing environment, and looking toward new approaches that can develop systems for integrated activities. We are looking toward developing a work-study program for MIS to foster a pipeline for our youth into technology, as a career. This is a project explored with NWTC. We hope to be able to materialize this initiative for a pilot program in 2017.

Another area of support for learning and development is the summer internship. We have been blessed to have such a great turnout of youth, both at the college level and high school. The integration of the youth into the organization has given them another perspective of the good work of the Nation, and the complexity of the organization. It gives some youth who do not live in this area, yet are Oneida, such as the intern for MIS, an opportunity to connect with their roots and their tribe.

On another front, we need to mention the work of grants in developing new initiatives. The grants have become very competitive, and the agencies are looking for partnerships. With this in mind, we continue to explore this funding vehicle to jump start some programs in Agriculture, in Social Services, and in Environmental. We have had a few successes, and a few grants that were not awarded, such as the BIA grant request for a feasibility study for the Foreign Trade Zone. While we understand from the agency that it was well written, they had requests for over \$5 million for feasibility studies from tribes, and only \$1 million in funding. Additionally we were not awarded the KeepsEagle grant – another grant that would have supported the training in agriculture that we are developing.

On a positive side, we continue to move the aquaponics project forward, slowly, but steady. This is a collective effort with Environmental, Internal Services, and





the Veterans. We reached out through a contact to Home Depot, and invited them to the Veterans' office to see the shell of the aquaponics. They are setting a date towards the end of September for volunteers to help on the next phase of the aquaponics system (see Grants report for photo).

As we continue to change models to reflect our changing times and improve our operation, we invite all to be a part of our activities by volunteering at the many events that we host – the Farmers Market in August, Apple Fest in September, the Husking Bee in October, the Harvest in October, and/or to be a volunteer for the many other activities or cleanups in the community.

<b>Goals #1</b>	<b>Enhance Oneida Brand as a Strong Nation</b>
Advancing Onoyote?aka Principles	<i>Seek new avenues to visibly expand the Oneida Brand by creating the story within our reservation boundaries, and promoting the brand throughout the region, state, and nationally.</i>
Engaging the Community	<ul style="list-style-type: none"> <li>➤ Various events throughout the community</li> </ul>
<b>Goal #2</b>	<b>Engage the community toward a mindset of healthy foods; increase production</b>
Committing to building a responsible Nation	<ul style="list-style-type: none"> <li>➤ The aquaponics project, which is anchored at the Veterans, is another effort to increase production so that we can provide healthy food options to our youth in school. We should start to see the framework materialize in April and May.</li> </ul>
Create Economic systems	<ul style="list-style-type: none"> <li>➤ Business in Agriculture Train-the-Trainer in June, as a part of an OAO grant and initiative to develop our agriculture capabilities.</li> </ul>
<b>Goal #3</b>	<b>Strengthen operational performance through technology</b>
Implementing Good Governance Processes	<ul style="list-style-type: none"> <li>➤ Technology partnership with NWTC is in dialogue.</li> </ul>
Long Term Sustainability	<ul style="list-style-type: none"> <li>➤ Technology as a driver and as a communicator in various aspects of the organization.</li> </ul>

**Aldo Leopold School**



## MIS Quarterly Report – April - June 2016

### Strategy #1 Deliver Business Technology Solutions

- Partnering with the Oneida Police Department, MIS is nearing completion of a project to gain compliance with Wisconsin law enforcement reporting. The system, TraCS which stands for Traffic and Criminal Software, is designed to provide a national model for reporting crash, citation, OWI, commercial motor vehicle inspection and incident forms.
- Implementation of Windows Login Self Service password reset. This project was two years in the making and involved multiple resources within and outside of MIS. The objective of the project was to provide MIS customers the ability to manage their passwords independent of the Customer Service Center (CSC).
- Implementation of BitLocker to encrypt removable storage devices such as flash drives and external hard drives for the Health Division. This was a coordinated effort involving desktop services, system services, health center administration, and infosec. The purpose is to protect confidential and sensitive information such as protected health information and personally identifiable information (PHI & PII).



BitLocker Drive Encryption

### Strategy #2 Promote Information Sharing & Collaboration

- OnBase use continues to expand. This past quarter saw Gaming Accounting update their Exception Reporting system. Through the use of OnBase, improvements to paper handling, information retention and retrieval, and an improvement in department workflows was achieved.
- Development and implementation of the Marriage License System for the Oneida Licensing Department. The system provides the ability to record, issue and print marriage licenses to Oneida Tribal members and is compliant with State of WI requirements.



### Strategy #3 Optimize Use of Resources

- Continuation of the Wireless Project which is designed to extend & expand the Nation's wireless infrastructure. Project activities this past quarter included the completion of all Casino locations such as Main Casino, IMAC, Mason

## Yenvákta? Oneida Nation Marriage Licenses

Effective June 16, 2016, the Oneida Licensing Department will begin accepting applications for marriage licenses.

Street, Gaming Warehouse, Oneida Travel Center, Packerland Travel Center, Employee Services building and Radisson (Marketing & GTC meeting locations).

- Budgetary Performance – Through the first nine months the MIS budget has a positive variance of 9.98%. The variance is due to a number of open positions that are currently posted. The variance is expected to be reduced over the next three months.



## MIS Goals for FY'16

### **Strategy #1 Deliver Business Technology Solutions**

Develop and implement the mobile patron registration system for Gaming. The system will be used by the Fun Club to provide an added service to our customers while expanding customer enrollment in the Casino rewards program. Oneida MIS in collaboration with Scientific Games (Ballys) has improved the product correcting items including a flaw in the data encryption.

### **Strategy #2 Promote Information Sharing & Collaboration**

Expand the use of Bally Kiosks (Marketing) within the main Casino, Mason Street and IMAC. It is anticipated that the number of customer Kiosks will grow by six creating greater customer access to a wide variety of Oneida Gaming services and information. Project RFP will be released during Q4.

### **Strategy #3 Optimize Use of Resources**

A transition plan that is intended to provide structure and standardization for the Nation's Surveillance environment has been submitted and accepted by the OBC. The project will include a cross functional team consisting of representatives from OGC, Gaming Security, OPD, Retail and MIS. The scope of the project will include inventory of all current surveillance solutions, selection of a common system, and organization of a system support structure.

## FOUR STRATEGIC DIRECTIONS



## Grants Office Quarterly Report - July 2016

- **Strategy 1: Enhance tribal services with external funding(both new and continuation)**
  - ❖ The Grants Office has currently \$7.2 million in funded grants so far this year meeting our total of \$7.3 for the entire fiscal year of 2015-2016!
  - ❖ For the month of June we have a total of \$2, 397, 872 in grants submitted and on the Pending list, and only 1 grant denied in the amount of \$50,000 (Cultural Resource Fund), and \$61,080 in funded grants for the month of June (4 grants).
  
- **Strategy 2: Become a resource for a 1-stop shop for funding/grant data and services.**
  - ❖ Provide on-going training for program requests to enhance their ability to obtain external funding.
  - ❖ Continue to maintain tribe-to-tribe, grantor-to-grantee relationships to increase our opportunities.
  - ❖ Maintain a database that includes all funded, denied, and pending grants.
  
- **Strategy 3: Enhance tribal and community efforts in fundraising thru the development of a 7871 fund unit.**
  - ❖ DonorPerfect webinar complete for online donation set up. Our website is being developed and once DonorPerfect can be linked, we can launch and start taking donations online.
  - ❖ The Youth Leadership Institute is close to reality. Charter, by-laws and resolution will be on the August agenda for approval, thanks to Krystal John. The rack card is in final draft form, as well as the brochure. Scott Elm assisted with the rack card and letterhead.



**Grant Example:** The picture is the Aquaponics project funded by the USDA Farm to School grant program. This system will equip the Veterans building with an aquaponics system that will produce vegetables and fruit for the Turtle School and High School. It will help provide fresh produce for the school, and engage community members in its production on a year-round basis.

## **OCIFS Quarterly Achievements: April - June, 2016**

### **Strategy #1 Educate the Oneida community about food, agricultural opportunities, nutrition and health risks**

We held 4 experiential hands on learning workshops during this time period. The workshops were designed to teach Oneida youth and the community about healthy local foods, opportunities in agriculture and how to grow their own food.



- **Youth Day on the Farm**, had 37 youth from the Oneida Turtle School go to the Apple Orchard, buffalo overlook, and then do hands on activities at the Oneida Nation Farm.
- **Growing Gardeners Workshop**, where we had 22 community members attend and learn gardening techniques including starting, maintaining and harvesting.
- **Composting and Worm bin** workshops where we taught community and youth how to create healthy soils while decreasing waste going into the dump.
- Worked w/ Melinda Pollen, UW-Extension, Chaz Wheelock and Larry Cornelius and **presented the concept of 4-H projects to 90 youth** at the Oneida Turtle School.
- **Promote education through Agri-Tourism efforts** - assisted with Breakfast on the Farm in Oneida where we took a group from UWGB (a total of 16 people) called Current Young Professionals and toured them around on Sunday, April 24.

### **Strategy #2 Integrate Oneida and locally produced foods into the Oneida community and institutions**

- Collaborated with LIVE54218 on a grant to Green Bay Community Foundation grant that will allow Oneida Farmers Market to offer Double Your Bucks, expand our educational outreach, and provide assistant for the EBT machine & promotion for low-income community members in 2016.
- Met w/ Dr. Vir, Verstoppen, Langner, Thiry, Wells, Dr. Kennard and Jeff M. re: the **FVRx prescription project** and connecting it to the **Oneida Farmers Market**.
- Facilitated the **4-H Brat Booth meeting**, where we had 14 community members attend and learn the skills necessary to run the brat booth during the farmers market as an entrepreneur project to raise income.
- **Facilitated the Oneida Farmers Vendor Potluck luncheon meeting** where we discussed how to increase entrepreneur participation/customers in the 2016 Market. We had 52 vendors attend this event.

## **Tsyunhehkwa Quarterly Achievements:**

**3<sup>rd</sup> QTR April – June 2016**

**Jeff Metoxen, Director**

**Tsyunhehkwa Mission:**

Playing a pivotal role in the reintroduction of high quality, organically grown foods that will ensure a healthier and more fulfilling life for the On^yote a ka, Oneida People of the Standing Stone.



## **Fiscal Year 2016 Strategies & Goals:**

### **Strategy #1 Increase Local Food Production**

- Creating a Positive Organizational Structure

### **Strategy #2 Improve Food Security**

- Advancing On^yote?a.ka Principles

### **Strategy #3 Increase Interaction with Community**

- Committing to Build a Responsible Nation

To complete and work on these strategies and goals this listing is part of our work load.

## **April 2016 Highlights:**

Provided Traditional Tobacco for the annual Oneida Nation Community Fishing Ceremony held in Pamprin Park. Presented to CMN Class (12 adults) on Tsyunhehkwa Program services & products, then provided tour of our Ag Site. Provided hands on learning tour to American Indian Studies program (9 adults) of the UW Eau Claire class and their Professor. Provided review to Young Professional's Group (10 adults) during their Breakfast on the Farm Tour. Presentation to UW Green Bay Health & Wellness Class (40 adults) on what our program works for in healthy food for our community. Hired new Employee for Ag Position. Worked on process to complete order and delivery of our New 100hp John Deere Tractor. OCIFS Strategic Planning process ongoing project. Grant awarded for building Raised & Box Garden Beds for Community.

## **May 2016 Highlights:**

White Corn Fields prepared for planting about 10 acres, Field 5 & 6 equal about 6 acres and Pasture about 4 acres. Our current rate of planting requires 1/2 bushel per acre so one bushel provides 2 ac coverage. To complete 10 acres of planting we work for 5 bushels total and prepare more if required. A white corn planted on May 23, 2016. Our training included Budget Process & entry, and the Purchasing Online Business process. Cannery continued Community Workshops with great attendance and request Tour and hands on presentation provided to UW Stevens Point Professional Studies Health Field (4 adults) of the Ag site. Presentation provided to the Oneida Turtle School, Elementary classes (120 students Grades 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup>) covering three sisters gardens and planting their own seeds. Presentation provided to the College of Menominee Nation Class for their collaborative garden, they prepared :

planted their 3 sisters garden. Provided Tour to the Aldo Leopold School (160 students ) as part of their review of OCIFS entities.

**June 2016 Highlights:**

Cannery provided workshops on Strawberries, where the Community Members are provided guidance so they actually create their own products and gain a better understanding of the services the Cannery provides our Community. Training we participated included Active Shooter and development of a Food Assessment. Tour provided Squaxin Island Tribal Garden Coordinators (2 adults) out of Shelton Washington, they requested a review of our Tsyunhehkwá Program looking to implement similar strategies in their Tribal Nation Communities. We hosted the Young Neighbors in Action Youth Group (12 students) again for a week long hands on process. They helped with weeding the Gardens, White Corn, Cattle & Poultry work and helped with building and on-site maintenance.

**UW Eau Claire American Indian Studies program**



Unloading White Corn



Shelling



Transplanting for Seed & Plant Distribution

**Young Professional's Group Breakfast on the Farm Tour**



Seed & Plant Project White Corn Braid



Covering White Corn Process Covering

**College of Menominee Nation Class**



## Kalihwisaks 3rd Quarter Report

April – June 2016

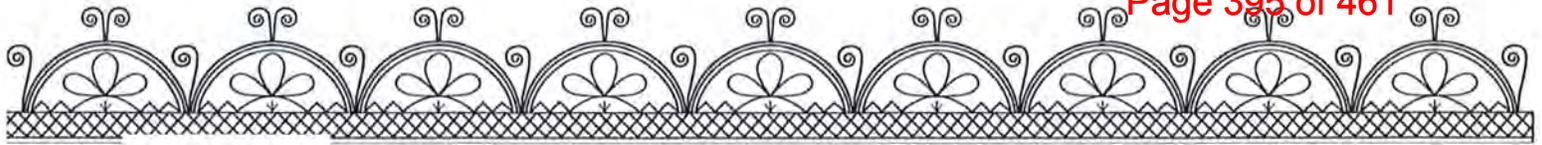
### Achievements

- Printed Six issues – April 7, April 21, May 5, May 19, June 2 and June 16.
- Added program pages for the Oneida Nation Arts Program and the Oneida Community Education Center (Creating a Positive Organizational Culture).
- Worked with Tani Thurner in the LOC office to create an insert on changes to the Oneida Constitution (Advancing Oneyote? a.ka Principles, Committing to Building a Responsible Nation ).
- Ran annual High School Graduation Special in June 16 issue.
- Covered news and events such as the fishing ceremony, the grand reopening of the 54 Oneida One Stop, and GTC meetings (Advancing Oneyote? a.ka Principles).
- Welcomed UW-Oshkosh summer intern Daril Peters (Creating a Positive Organizational Culture).
- Printed Oneida Business Committee meeting minutes, board postings, public hearing notices, and legal notices. (Implementing Good Governance Process)
- Worked with other departments such as SEOTS, OCIFS, Adventures, Culture and OFF to create monthly pages to share their news and events. (Advancing Oneyote? a.ka Principles)
- Worked with Communications to produce weekly "This Week in Oneida" video. (Advancing Oneyote? a.ka Principles)



### Goals for FY2016

- Photo contest for late September (Advancing Oneyote? a.ka Principles).
- Work with Secretary's office to create budget insert (Committing to Building a Responsible Nation).
- Expand our media platforms to include phone apps, online payments, more online content



## EMPLOYEE ADVOCACY DEPARTMENT

April – June 2016  
3rd Quarterly Report

The Employee Advocacy Department (EAD) continues its efforts to create a positive organizational culture through increased communication. We aim to work toward a healthy respectful environment; rather than a litigious culture.

EAD strives to mediate/settle cases; effectively saving the Tribe time/costs associated with formal litigation before the Oneida Personnel Commission and/or the Judiciary.

The number of cases progressing to the Personnel Commission continues to decline.  
2014 saw 11 cases at OPC,  
2015 had 4 cases,  
2016, to date, had two cases appealed to the OPC.

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April – June 2016 brought twenty-three (23) new employment issues (in addition to those carried over from the previous quarter.) All Details must remain CONFIDENTIAL.

# Oneida Printing & Mail Center

October - May 2016 Submitted by Michelle Danforth

Mission: Oneida Printing seeks to create and promote printing excellence. We strive to grow our business towards sustainability with the integrity that we produce our products and where every day is a good day.

Report Summary – Since the end of October 2015, Oneida Printing has been under the management of Michelle Danforth, Marketing & Tourism Director.

## Creating a Positive Workforce – Highlights

- a. Communication has improved – weekly meetings to discuss the production workflow with full staff.
- b. Positive, Positive, Positive is the daily influence to keep projects and employees moving forward.
- c. At the end of May there were 8 employees that average 22 years of service.



## Implementing Good Governance

### 2. Operations – Highlights

- a. PrintSmith Software – additional pricing improvements continue, as well as, new reports to confirm sales in PrintSmith match the AS400 system reporting.
- b. New Production Board – Large scale and casino jobs are scheduled out on the new board making it more efficient for employees to meet production deadlines.

### 3. Customers - Highlights

- a. Graphics is currently in the process of testing artwork/variable data. YTD Oneida printing has done 48 casino print jobs as compared to FY15 with a total of 16 jobs/122 total jobs.

4. **Financial Overview** – PrintSmith totals show an increase in sales of \$156,043 from FY15.

**Mail Center** – continues to work on customer service, improving communications and a faster response time for dealing with issues. Staff continues to work on variable data to assist Oneida Printing.

## Tourism Quarterly Report – Jan – Mar 2016

### Strategy #1 Develop Cultural Tourism

**Long House** - Conservation working on ordering more support wood for the long house.

**Visitor Center** –Final schematics of building were received in October 2015. Tourism received approval from Land Commission on the overall scope of Tourism on the Cultural Heritage site – Dec. 2015. In March, Project & Amphitheater put on hold so Cultural Heritage can work out some issues.

### Strategy #2 Build Partnerships

- Rich Figueroa continues to work with the Radisson and GBCVB staff on planning for bus shows and other events.
- Tourism created more bus tour options with collateral pieces to begin promoting.
- 



### Strategy #3 Generate Foot Traffic with in the Reservation Boundaries

- Tourism assisted in organizing the Fishing Ceremony.
- Big Apple Fest planning is underway.
- AIANTA Conference planning for 2017.
- Kirby Reservation Tours Continue
 

2016	480 (YTD thru Mar 2016)
2015	2899 people (Annual)
2014	1259 people
2013	920 people



### Strategy #4 Maximize Media

- Oneida Puppet videos get new voices. Latest video Bob & Randy learn about Native Homes was uploaded to youtube in March.
- Oneida Public Health video completed
- History of Oneida Museum in edit
- Facebook
  - o Total Posts or shares – 116 posts (YTD)
  - o Total Reached – 38,360
  - o Total Likes - 814



Final Interior Rendering



**Other News** – Tourism has been relocated to the Oneida Print Shop since Nov. 2015.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 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 Comprehensive Health Division FY '16 3rd 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/Submitter:

Dr. Vir-Division Director-Medical, Debra J Danforth, Division Director-Operations  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Submitted by: Mercie Danforth, Executive Assistant/Comprehensive Health  
Name, Title / Dept.

Additional Requestor:

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

Oneida Comprehensive Health Division  
 Oneida Community Health Center  
 Behavioral Health Services  
 Anna John Resident Centered Care Community  
 Employee Health Nursing



**ONEIDA COMPREHENSIVE HEALTH DIVISION  
 DR. RAVINDER VIR MEDICAL DIRECTOR  
 DEBRA DANFORTH, RN, BSN, OPERATIONS DIRECTOR  
 DIVISION UPDATE  
 Quarter 3 FY 2016  
 April-July, 2016**



<b>Executive Management Team:</b>	
<b>Division Dir-Operations</b> , Debra Danforth RN, BSN,	869-4807
<b>Division Dir-Medical</b> , Ravinder Vir, MD,	869-4808
<b>Asst. Operations Director</b> , Judi Skenandore,	869-4809
<b>Executive Assistant</b> , Mercie Danforth	869-4810
<b>Business Operations Director</b> , Jeff Carlson,	869-4805
<b>Ancillary Services Director</b> , Dave Larson,	869-4820
<b>Director of Nursing-OCHC</b> , Sandra Schuyler,	869-4906
<b>Behavioral Health Manager</b> , Mari Kriescher,	490-3737
<b>Employee Health Manager</b> , Mary Cornelissen	405-4492
<b>AJRCCC Administrator</b> , Dave Larson (Interim)	869-2797
<b>Public Health Officer</b> , Eric Krawczyk,	869-4812

Mailing Address: P.O. Box 365, Oneida, WI 54155  
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center  
 Behavioral Health Services  
 Anna John Resident Centered Care Community  
 Employee Health Nursing

525 Airport Rd., Oneida, WI 54155  
 2640 West Point Rd., Green Bay, WI 54304  
 2901 S. Overland Rd., Oneida, WI 54155  
 701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711  
 Phone: (920) 490-3790 or 1-888-490-2457  
 Phone: (920) 869-2797  
 Phone: (920) 405-4492

Fax: (920) 869-1780  
 Fax: (920) 490-3883  
 Fax: (920) 869-3238  
 Fax: (920) 405-4494



**THE ONEIDA COMPREHENSIVE HEALTH DIVISION IS COMPRISED OF:**

*Oneida Community Health Center (OCHC)  
Anna John Resident Centered Care Community (AJRCCC)  
Oneida Behavioral Health (OBH)  
Employee Health Services (EHS)*

**VISION:**

A progressive sustainable health system that promotes Tsi?niyukwaliho t^ (Our Ways).

**MISSION:**

We provide the highest quality, holistic health care to ensure the wellness of OUR Oneida Community.

**VALUES:**

**Responsive Leadership:** *Consistent attentive listening, honesty, doing the right thing, timely decision making and seeing issues resolved to completion.*

**Culturally Sensitive:** *Meeting people where they are and being sensitive to their unique needs as human beings within the Oneida Community.*

**Continuous Improvement:** *Striving to achieve a higher quality of health care and a higher performing workforce through our Commitment to Learning and Growth.*

**Communication:** *Fostering honest, respectful and timely communication with the appropriate level of transparency.*

**Safety:** *Striving for an environment that provides the highest level of physical and emotional safety for our patients, employees and community in an environment free of fear, retaliation and repercussion.*

**Respect:** *Create a welcoming and compassionate environment focused on the individual needs of OUR community and Health Care Team*

## OUR 2015-2018 STRATEGIC PLAN IS FOCUSED IN FOUR SPECIFIC AREAS:

1. Improve Population Health Management
2. Continuous Quality Improvement
3. Optimize Technology
4. Enhance Our Workforce

## OUR 2015-2018 INITIATIVES THAT WILL BE FOCUSED TO ACHIEVE OUR STRATEGIES:

1. **Accreditation:** The Comprehensive Health Division will validate and assure the community the delivery of the highest quality health care services in achieving AAAHC (Accreditation Association for Ambulatory Health Care) accreditation by December 2017 through team work, leadership and commitment. By accomplishing accreditation we will provide staff a sense of accomplishment, increase quality of care, enhance public validation for community/customer satisfaction, improve recruitment/retention of providers, and increase the probability of outside funding.
2. **Advancing Technology:** Utilize innovative State of the Art technology and data analytics to continuously improve wellness and health outcomes.
3. **Optimize staffing processes:** To work collaboratively with HRD to enhance the Division processes for recruitment, hiring, and retention and provide recommendation (s) for change to the Oneida Business Committee by September 30, 2017. By enhancing the recruitment, hiring, and retention processes we will have a lean hiring practice, improve our recruitment and retention, enhance our services from HRD (letters, market analysis), have improved collaboration/working relationship with HRD, fill all vacancies with qualified people in a timely manner, and improve our Supervisor/Director satisfaction with HRD processes.

## IMPROVE POPULATION HEALTH MANAGEMENT

### Initiatives: Optimizing staffing processes and Accreditation

- We continue to recruit for vacancies in Primary Care including Pediatrics, Family Practice and Internal Medicine
- All contracted providers will transition to the accrual process by the beginning of FY 2017, (October 1, 2016).
- Dr. Sharyl Trail, Psychologist will be starting in the first week of August. She is a commissioned Corps Officer who will supplement the provider team at Oneida Behavioral Health.
- Susan Katuin, NP retired on May 31, after 22 dedicated years of service to the Oneida community. Medical staff presented her with a Pendleton blanket and organized a farewell pot luck lunch celebration in her honor. She will be sorely missed by her patients, our staff and the community.
- We are actively recruiting a Family Nurse Practitioner to replace her vacancy. Access to care remains sub optimal across the Health Division.
- The high NO SHOW rates also contribute to sub optimal access to care for our patients.
- The current NO SHOW Policy went in to effect on September 1, 2015. The policy was intended to change behaviors and reduce our NO SHOW rates, which will in turn improve

our patients' access to care. The NO SHOW rate has improved since the policy was implemented but still is high in comparison to industry standards.

- Recruitment and retention of Health Care Providers and professionals continues to be a challenge due to nationwide shortage of Primary Care and Psychiatry providers
- Lack of dedicated Information Technology (MIS) resources continues to be major risk for continued operations in an environment where all records are now electronic.
- Limited Succession planning for future retirements of staff with longevity and the restraints within the organization limit options available
- The Division is looking at innovative team based approaches to provide quality care to our community. We are in the process of creating an integrated collaborative Primary Care and Behavioral Health Team to provide Holistic health care to our community and improve the quality and access to our patients. Health Care Systems are currently in the process of transitioning from a Fee for Service "Volume" based reimbursement model to an outcomes based "Value" driven model.
- A cross functional Population Health Management project team continues to work on our Population Health Management strategic initiative. This initiative which will transition the Oneida Comprehensive Health Division from a volume to value based provider. This will create a robust, better integrated, sustainable health system that works more effectively towards improving the health of OUR Oneida community. Access to care is continuously monitored across the Health Division. We have staffing, space and financial constraints that prevent us from providing optimal access to care in our Division. OCHD is looking at a longer term Facility expansion plan to improve access to and provision of healthcare to our community.

## Medical

- Routine appointments are currently booking 4-8 weeks out for the Medical Clinic
- **See attached data for No Show data for Medical Clinic**

## Behavioral Health

- ATODA Intake -5 weeks
- ATODA C2 Individual Session ( C2-Counseling 60 min) (Individual Sessions/Routine)-3 days
- Co-Occurring Intake-7 weeks
- Co-Occurring C2 Individual Session ( C2-Counseling 60 min) (Individual Sessions/Routine)-1 week
- Mental Health Intake-17 weeks
- Mental Health (Individual Sessions/Routine)-2 weeks
- Vet Evaluations-10 weeks (These are ONLY for Veterans who are seeking services/benefits through the VA)
- Psychological Evaluations- 6 Weeks
- Psychological Follow Up- 2-days
- Psychiatric Child Evaluation- 6 weeks
- Psychiatric Child Medication Check (Routine) – 4 weeks
- Psychiatric Adult Evaluation- 5 weeks
- Psychiatric Med Check (Routine) - 3 weeks
- Psychiatric Evaluation Follow Up- 6 weeks

- See attached data by provider
- See attached data for No Show data for Behavioral Health

## Optical

- Routine exams are booking 5 months out for Optical
  - Optical does have a walk-in clinic on Monday and Thursday mornings for patients who needs their appointments sooner. A sign-up begins at 7:45 AM and the patient will need to wait to be seen.
  - Optical also sees emergencies as needed
- Practice Watch is a function within Compulink that would allow us to text a patient an appointment reminder. It is currently not functioning properly. Compulink proposing a fix in a future version that has not yet been released.
- We upgraded our Zeiss OCT Nerve Fiber Analyzer for a more current model and will be having a staff training with the Zeiss Technician.
- Eye Care is preparing to be represented at the Annual Diabetic Event being held in August, 2016.

## Dental

- Routine exams and Filling appointments are currently booking at the end of October (approx.. 12 weeks)
- Emergencies are seen daily
- Dental cleaning appointments are currently scheduling in the 2nd week of December.
- Patients are called to come in sooner if there are cancelations in the schedules for all appointments
- We are short staffed four dental assistants, Dental is working with HR to post the positions
- Rachel Fitzpatrick joined the dental PAR staff in April
- Independent Contractor, Dr. Dennis Romero has given his notice to not renew his contract after 9/30/16.
- Onsite dental hygiene care at ONES, end of school report: 236 dental exams, 317 cleanings, 594 FLV applications and 328 sealants placed.
- Referral of children w/MA/Badger Care or those with no insurance who are in need of a pediatric dentist, continue to be referred to the Oral Health Partnership (OHP), if urgent care is needed the referral is generally to Park West Pediatrics.
- Dental staff have been working with Dr. Jennifer Jordan to negotiate a reduced PRC rate with the dental offices who receive majority of our dental referrals.
- The installation of Lighthouse 360 which auto contacts, patients, reminder through text, e-mail or phone call of their appointments continues. Great reviews on their website from the patients have been received regarding their dental visit or the Lighthouse leaving messages.
- Dental Assistant's presented information to students in the OCHC Career Fair on 4/13/16

**ANNA JOHN RESIDENT CENTERED CARE COMMUNITY (AJRCCC) UPDATE:**

The average daily census for 3rd Qtr of the Fiscal 16 years is indicated in the chart below:

	April	May	June	Total
<b>Total Billable days for the Residents in the Month</b>	1357	1416	1349	4122
<b>Number of Calendar Days</b>	30	31	30	91
<b>Daily Average Census</b>	44	46	48	N/A
<b>*Oneida Enrolled</b>	32	36	33	N/A
<b>* Other Tribe</b>	5	4	4	N/A
<b>*Non Tribal</b>	8	8	8	N/A
<b>% full</b>	94%	94%	94%	94%
	<b>Payment source</b>		<b>Medicaid</b>	82.25%
			<b>Med A</b>	5.6%
			<b>Private</b>	10.3%
			<b>VA</b>	2.1%

\*Varies by Admissions and Discharges throughout the month

- Between the months of April thru June, 2016; HRD reported that as of July 1, 2016 the Anna John Resident Centered Care Community had a total of 55 tribal employees working the 24/7 shifts to care for our Residents during the second quarter.
- A Memorial Day Celebration was held for the Residents in May of 2016. Oneida Veterans perform a Memorial Day Service and entertainment was also included in the celebrations.

- **Quality Assurance/Regulatory Compliance Issues:**  
The Quality Assurance mandated that all AJRCCC staff training was completed along with additional policy and procedures updated by the Quality Assurance Team; and noreports were sent in to the State of Wisconsin, Bureau of Quality Assurance.
- Shared activities between AJRCCC and Elder Services continue on a scheduled plan.
- The Congregate Mealsite hours of operation are Monday through Friday from 8:00 AM to 4:30 PM and continues to average 80-100 per day in attendance.
- Dave Larson is currently the Acting Administrator for the AJRCCC.
- The AJRCCC board has been actively reviewing their By-Laws now that they have a full board.

## OPTIMIZE TECHNOLOGY

### **Initiatives: Advancing Technology and Accreditation**

#### **ELECTRONIC MEDICAL RECORD (EMR):**

- The most recent upgrade was made to Centricity Practice System on 1/09/2016. This version is 12.0.11. There will be an additional upgrade which was previously scheduled to be in May 14, 2016 which was then changed to June, 2016 and has been rescheduled a third time now to August 13, 2016. The rescheduling is due to a lack of MIS support staff to complete the upgrade. We are hopeful that 8/13/16 will be the final date to complete the upgrade.
- **HIPAA Security Policies/Procedures:** HIPAA and EMR SOP training continues for AJRCCC and staff of DPW/Custodial staff. We have finalized an E Learning format for all of the staff to be trained on all of our EMR SOP's on an annual basis. In addition this format will be available for any new staff that come onboard prior to the annual training. We are required to provide yearly HIPAA training.
- **Patient Portal-** We continue to work on adoption and education to patients on the concept of the patient portal and to encourage patients to be engaged in their healthcare through technology and online access to their healthcare information. We have joined the teams of Medical, Behavioral Health, Optical and Dental to have a combined access page to the three portals for all OCHD patients. We are working on a joint pamphlet and advertising to promote all three portals as a whole. Centricity Core Team members received three training sessions and set up of the Automated Clinical Messaging (ACM) functionality to the Medical Portal. This functionality will provide providers the ability to send mass messaging to patients and Consult and Visit documents securely to patients and outside providers automatically via the patient portal. We are currently having some compatibility issues with our current documentation system being used, and are working to resolve the issues with MIS. We have engaged in discussion with the vendors of these products for a solution to meet our needs.
- **E-Signature-** We have received the I-pads and security accessories required for the implementation of E-Signature. We have encountered some technical issues with the Security Certificates for the devices and our system so MIS staff are working to resolve these issues. Once the issue is resolved, testing will begin as well as the development of the forms that will be used. We plan to start with the registration areas in medical, behavioral health, optical and dental with a roll out the registration forms. We have two known choices; 1.) Sure Scripts can change the HL7 Interface or, 2.) Purchase a

“Document Management” vendor option to resolve. MIS continues to work on these issues with the EMR team.

- **Meaningful Use (MU)**- Attestation data for 2015 is available and will be submitted to Centers for Medicare & Medicaid Services (CMS) no later than July 31, 2016. We will continue to work with vendors to add needed functionality in order to meet the required measures. We will need to attest and report a full year of data (pending confirmation of a change to 3 months of data vs. the full year) for the MU measures for Modified Stage 2 according to CMS guidelines. We will continue to follow the guidelines for the Medicaid program of Meaningful Use as we are directed by CMS.
- **Physician Quality Reporting System (PQRS)**- We have registered once again to report PQRS data as a group for Oneida Community Health Center for 2016. We will once again utilize Quality Submission Services (QSS) in conjunction with Clinical Quality Report (CQR) function with GE Centricity for 2016 data submission.
- **Proximity Cards**- Project charter was completed. Project plan has been completed. We have engaged with Imprivata to implement this automated sign on feature for the medical area at OCHC. We are anticipating a go live for August 2016. We need to set up a “Profile Setup Log-In Process” for our environment. Then we can develop manuals and educate staff.
- **Bi-Directional Immunization Registry with WIR**- Scientific Technologies Corporation (STC, formerly ImmsLink), the selected vendor, continues to assist us with our interface with the Wisconsin Immunization Registry (WIR). We have successfully been submitting data to WIR since mid-November and have now resolved errors with retrieving Wisconsin Immunization Registry (WIR) data back into GE Centricity. Training for the providers has been completed in June and training for the nursing staff in medical and Community Health and Medical Records staffs will occur in July. We continue to monitor the inventory function of the product.
- **Picture Archiving Communication System (PACS)**- EMR Core Team has assisted the radiology department with the integration of the PACs system with GE Centricity. We went live on 7/6/2016. We continue to work on: Provider log-in names; looking toward a permanent fix to prevent duplicate images, we need a larger Internet Connection (300MG), we now have 100MG Connection which MIS is working on.
- **Behavioral Health Chart Status Project**- We will need to be **transferring our Behavioral Health Medical Records Excel database into the Electronic Medical Record (EMR)**. This is a task that will require GE assistance in completing because of the complexity of making sure the licensing requirements are completed prior to the status changing on the patient banner. This has been on hold due to issues with set up of the signature capture. We need the signature capture working in order to have all of our licensing requirements in the EMR to have the banner fully functioning for the Chart Status. We are continuing to work on the signature capture implementation (starting with Registration) in order to move forward with the Behavioral Health Chart Status Project.
- **Reports**- We are working with Cognos on the functionality of that system to determine if it will be able to pull quality assurance, outcome reports, Behavioral Health and Clinic Provider reports, no show, access to care etc. We have been successful with getting ongoing reports of Access to Care, Behavioral Health Next Open Appointments, Quarterly No Show/Cancellation Summary and we are now testing the Provider Utilization Reports. However, we struggle with adequate assistance to develop these reports due to a lack of MIS staff resources for the Cognos system.
  - Vis Analytics was installed on 3/2/2016, however we are still learning the details of what this system will allow us to do. This is work in progress.
  - Have begun to look at Population Health Management solutions. We have not yet been able to get any of the clinical data from the EMR. This is a huge

concern. BH has state licensing coming in again in January and we are not able to get the outcome data. We also have our Mental Health Block Grant that we need our Adverse Childhood Experience Screen's data to report out, with that ending 9/30/16.

- **Population Health Management-** The Project Charter has been completed. A team has been identified and will begin working on the RFP within the next month or so. Once this is complete we will begin the project plan. We are still uncertain on the time frame from CMS on when we need to have our value-based billing processes in place. We will be coordinating a site visit to Bellin to review how they have set up a model clinic setting utilizing value based processes which will take place in September.

### **PATIENT MANAGEMENT SYSTEM (PMS)**

- Batch Eligibility- Emedapps 271 Submission files have been going through successfully since implementation of December 2015. There happens to be occasional glitches which result in some of the records erroring out, but are fixed almost immediately. Further investigation of resulting errors have been and are continuing to be researched as they are noticed.
- EDI Eligibility being completed directly from insurance screens within Centricity has been approved. Many of the main insurances will be linked to this capability which will allow us to be able to electronically check insurance eligibility on a patient in real-time, directly from GE Centricity. Law Office Approval has been completed and the contract is currently at Purchasing awaiting PO.
- Compulink Production PROD is now in its latest version 11.0.6.4. Still encountering an ADT interface issue between Centricity and Compulink where new insurances are not crossing over. Optical will continue to fix manually until the ADT issue gets fixed. Also still encountering issues within optical reports generated from Compulink from the previous version.
- Dental is looking to upgrade to the next version of 8.0.7. It will get installed on development DEV for testing purposes first.

## **CONTINUOUS QUALITY IMPROVEMENT**

### **Initiatives: Accreditation**

#### **Accreditation of the Health Division**

- Meeting with departments to discuss QA studies and tracking/ data collecting process.
  - \* Peer Review, Chart Audits, Credentialing
- Continue going through the G drive. Policies are required to be updated every year.
- Creating a reporting structure for the additional Health Division Committees i.e. Pharmacy and Therapeutics, Infection Control etc to report their meeting minutes to the QA team.
- Working on an SOP process for OCHD.
  - \*Calendar being created for each department SOP annual review.
- Working on a training tracking tool for OCHD.
- Patient satisfaction survey - fall of 2016.
- We have added an additional hour each month to the Quality Assurance (QA) meeting time to accommodate for the necessary time to address only issues related to accreditation on a monthly basis.

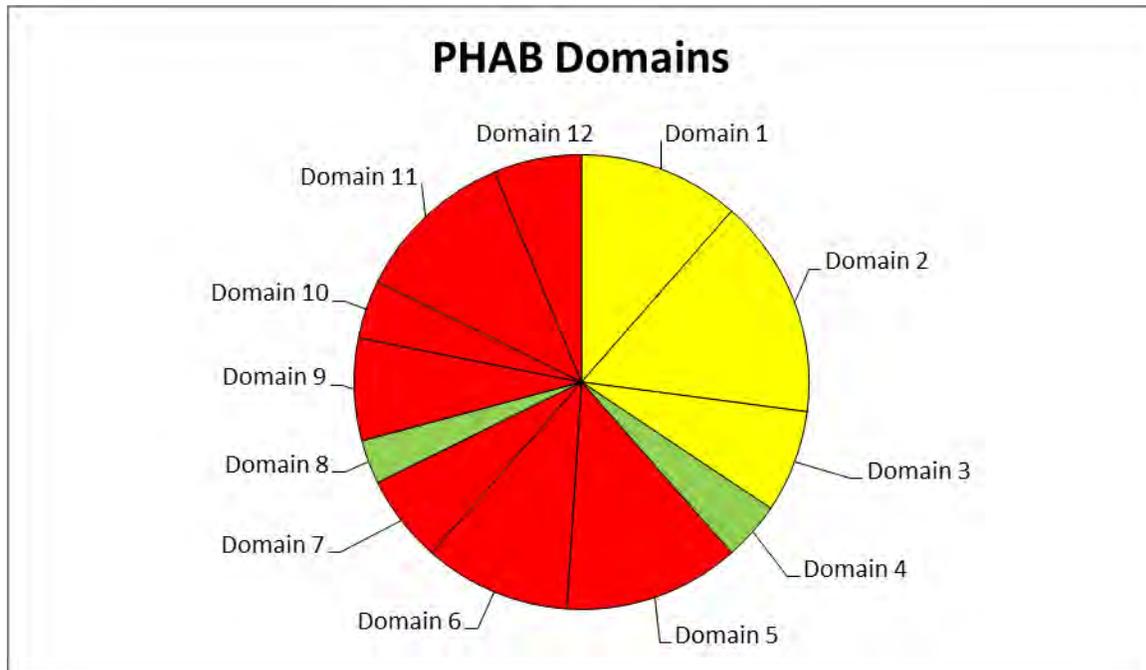
- In addition, we have changed the meeting time to accommodate input from our providers who have joined the team. The new time will enable them to attend the meetings and not interrupt patient care.
- Initial planning is taking place on creating a reporting structure for the additional Health Division Committees i.e. Pharmacy and Therapeutics, Infection Control, etc. to report their meeting minutes to the QA team.

## Public Health Accreditation

- We successfully submitted our public health accreditation application to the Public Health Accreditation Board (PHAB) on 06/24/16.
- Final Community Health Improvement Plan (CHIP). A team met in June 2016 to update public health accreditation standards and measure progress.
- Final Community Health Services Department Strategic Plan.
- There are a total of 12 Domains in the public health accreditation process. The Documentation Review Team **Completed domain review: 8 & 4. In process domain review: 1, 2, 3.**
- Tribal accreditation grant closed 06/30/16. Wrap up meeting took place on 07/15/16.
- Our public health accreditation mentors from Wood County Health Department were on site 05/06/16. We were able to review the progress we have made and ask for guidance where we have identified gaps in preparation. It was reassuring to hear from an accredited health department that we were on track to meeting our application submission deadline. A Kali article was submitted and published to keep the community informed of accreditation activities.
- On May 12<sup>th</sup> & 13<sup>th</sup>, Oneida hosted this quarter's Tribal Accreditation and Quality Forum, organized by the Wisconsin Institute for Health. There was representation from four Tribes at the event. Great networking opportunity. Forest County Pottawatomi are currently uploading their documentation into e-PHAB (Public Health Accreditation Board) system and will close the middle of August 2016. The Ho Chunk Nation is planning to submit their application to Public Health Accreditation Board sometime in November 2016. A Kali article was submitted and published to keep the community informed of accreditation activities.
- A second public health accreditation readiness assessment was completed 06/09/16. We identified a handful of areas that we wanted to address prior to application submission. Still working to close those gaps now.
- We had a mid-year review on site for our Prevention grant on 06/10/16. Results of our readiness assessment were shared with the grantor.
- The Community Health Nursing Supervisor attended the national conference "Public Health Improvement Training (PHIT) June 13<sup>th</sup> – 17<sup>th</sup> and learned that Cherokee Nation has had their accreditation site visit and are in the final steps of becoming the first tribal organization to obtain public health accreditation. While there, she was invited to participate in a couple work sessions coordinated by the National Indian Health Board. One work session involved reviewing the PHAB manual from the perspective of tribal organizations, making suggestions how to improve it i.e. offering tribal specific examples to meet standards/ measures or sample language used by tribal organizations, i.e. general tribal council, etc. These work sessions will continue via webinar/ teleconference technology monthly the remainder of 2016. The second work session was collecting feedback on the benefits of providing grants directly to Tribes verses going through State Governments. National Indian Health Board represents all Tribes and will bring this feedback to Congress.
- A pilot run of QI training was provided to the Comprehensive Health Division Quality Improvement committee on 04/28/16. Feedback collected from this training was

incorporated into the training that was provided to Community Health Service Dept on 07/20/16.

- Planning for the next 5 year Community Health Improvement Plan will begin soon, starting with the next Community Health Needs Assessment due by Feb 2017. Preparation for public health accreditation has taught us so much about collecting valuable data with the intent to improve the health of the community. We have great plans to expand the planning team; include other divisions of the organization, local and possibly State public health partners, and maybe academic partners as well.



\*\* Red- No review yet

Yellow- greater than 50% complete

Green- 100% complete

### Dental Breach Follow up Report

The Oneida Nation provided public notification in compliance with federal law of the Dental Breach which occurred. On February 17, 2016 a flash drive containing the limited details of dental patient information was internally stolen from our dental offices at the Oneida Health Center located at 525 Airport Drive, on the Oneida Reservation.

- The theft was discovered the same day and law enforcement was immediately notified. Since that time, the police and internal investigation have been ongoing. To date, there has been no further findings. Although law enforcement investigated the situation, the flash drive has not been recovered.
- Although the dental information taken was extremely limited and there continues to be no indication to suggest that it has been used or disclosed for inappropriate purposes to date.
- To prevent a recurrence of this type we have implemented the following measures: Any use of flash drives are not permitted throughout the health division without the proper authorization. All use of external storage devices must be approved in accordance with the Division policy and approved prior to use. A log is maintained of all storage devices.
- Notification in accordance with federal law has been provided to affected individuals. Throughout the entire investigation, there has been no information developed to

suggest that our patient dental information was used or disclosed for inappropriate purposes.

- **At this point, the investigation is closed.**

## **ENHANCE OUR WORKFORCE**

**Initiative: Optimizing our staffing processes**

### **HUMAN RESOURCE MANAGEMENT**

**Number As of 08/01/16 Comprehensive Health Division Employees: 322**

- 119 Oneida Enrolled**
- 28 American Indian/Alaskan**
- 3 Black/African American**
- 1 Asian**
- 4 Hispanic/Latino**
- 167 Caucasian/other**
  - **AJRCCC: (58)**
    - 24 Oneida Enrolled (INCREASED FROM 15% TO 41.5% OF EMPLOYEE BASE FOR AJRCCC)
    - 7 American Indian/Alaskan
    - 1 Asian
    - 2 Hispanic/Latino
    - 24 Caucasian/other

- **Current vacancies as of 07/01/16:**
  - RN- OCHC
  - LPN – OCHC & AJRCCC
  - MA-OCHC
  - Dental Assistant
  - Dental Hygienist
  - Psychiatrist
  - Clinical Substance Abuse Counselor
  - Psychotherapist
  - Physician Pediatrician, Family Medicine, Internal Medicine
  - Family Practice Nurse Practitioner

### **FINANCIALS**

**Funding Sources for FY-2016**

**TRIBAL CONTRIBUTION: 2.54%**

**GRANTS: 5.71%**

**OTHER SOURCES:**

External Sales/Third Party Revenue/other 52.42%

Indian Health Service 39.33%

**Total Budget: \$51,295,138**

**Status as of 6/30/16**

Budget as of 6/30/16: \$38,471,332

Expenditures as of 6/30/16: \$42,949,106

**NOTE:** The financials do not represent the FY 2015 carry-over. It will be reflected in the July 2016 statements.

**Pharmacy Update:**

- As of July 1, 2016, the 340B Certification has been restored.
- New contracts are being put into place and we should start to see a difference by mid to late August in our expenditures for pharmaceuticals.
- Pharmacy supplies increased \$900K+ due to loss of 340B Certification
  - Average pharmacy expenditure was previously \$80,000-\$100,000 per week
  - Without 340B Contract we were expending \$300,000+ per week
  - The loss of 340B certification has forced us to utilize a non-governmental contract for purchasing pharmaceuticals.
  - Our initial estimate of increased cost was \$3.5 - \$4 million dollars
- The total impact as of June 30,2016 was: \$4,554,822.
- Efforts to mitigate the increased cost included:
  - Verifying correct Intaleree pricing per our contract
  - Reducing 90 day supplies to 30 days. As of 7/1/16 most prescriptions have now been restored to 90 day refills
  - Making formulary changes to less expensive alternatives.

**LONG TERM CARE:**

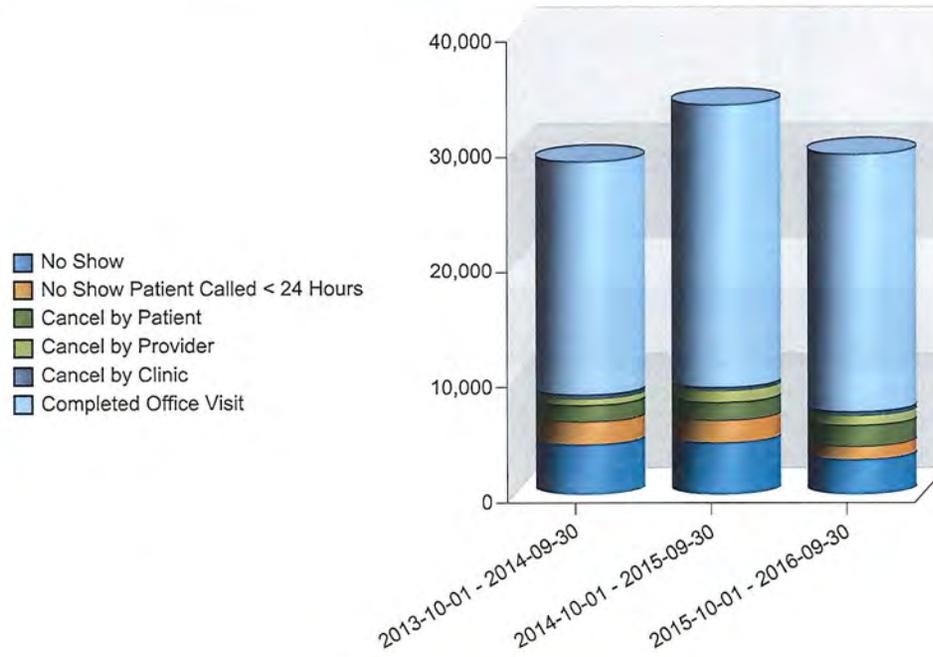
- Unfortunately, with the passing of Secretary Kitty Rhoades, much of the progress that was made in the past related to the Tribal Waiver Option are now at a standstill. We have not met with the Interim Secretary Engel to date but this meeting is scheduled. The issues with regard to the Tribal Waiver Option and Family Care 2.0 will be discussed at that time. In addition the Federal elections will also play a role in how fast things advance at the State level and where the impact to the Oneida Nation will be.



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## Three Year By Quarter No Show/Cancellation Summary Oneida Health Center Medical Clinic



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr04	282	10.8%	99	3.8%	164	6.3%	58	2.2%	20	0.8%	606	2,002	2,608	1,750	2,042
	Qtr03	860	9.8%	353	4.0%	546	6.2%	192	2.2%	107	1.2%	2,020	6,719	8,739	6,675	4,500
	Qtr02	777	9.0%	338	3.9%	547	6.4%	285	3.3%	115	1.3%	2,037	6,576	8,613	6,577	4,464
	Qtr01	1,059	11.2%	370	3.9%	522	5.5%	336	3.6%	80	0.8%	2,359	7,063	9,422	7,064	5,031
<b>2015-10-01 - 2016-09-30</b>		<b>2,978</b>	<b>10.1%</b>	<b>1,160</b>	<b>3.9%</b>	<b>1,779</b>	<b>6.1%</b>	<b>871</b>	<b>3.0%</b>	<b>322</b>	<b>1.1%</b>	<b>7,022</b>	<b>22,360</b>	<b>29,382</b>	<b>22,066</b>	<b>8,041</b>



## Three Year By Quarter No Show/Cancellation Summary

### Oneida Health Center Medical Clinic

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2014-10-01 - 2015-09-30	Qtr04	989	13.3%	334	4.5%	402	5.4%	314	4.2%	65	0.9%	2,104	5,359	7,463	5,359	4,102
	Qtr03	1,119	13.1%	502	5.9%	418	4.9%	346	4.1%	65	0.8%	2,450	6,072	8,522	6,074	4,355
	Qtr02	1,120	12.7%	601	6.8%	368	4.2%	145	1.6%	69	0.8%	2,303	6,524	8,827	6,526	4,514
	Qtr01	1,203	13.5%	509	5.7%	361	4.0%	206	2.3%	82	0.9%	2,361	6,566	8,927	6,559	4,809
<b>2014-10-01 - 2015-09-30</b>		<b>4,431</b>	<b>13.1%</b>	<b>1,946</b>	<b>5.8%</b>	<b>1,549</b>	<b>4.6%</b>	<b>1,011</b>	<b>3.0%</b>	<b>281</b>	<b>0.8%</b>	<b>9,218</b>	<b>24,521</b>	<b>33,739</b>	<b>24,518</b>	<b>8,308</b>
2013-10-01 - 2014-09-30	Qtr04	1,100	14.3%	450	5.8%	377	4.9%	157	2.0%	42	0.5%	2,126	5,571	7,697	5,569	4,155
	Qtr03	1,015	14.9%	492	7.2%	316	4.6%	119	1.7%	47	0.7%	1,989	4,830	6,819	4,837	3,660
	Qtr02	1,056	15.2%	527	7.6%	341	4.9%	140	2.0%	140	2.0%	2,204	4,750	6,954	4,768	3,709
	Qtr01	1,105	15.0%	499	6.8%	401	5.4%	145	2.0%	109	1.5%	2,259	5,122	7,381	5,105	3,989
<b>2013-10-01 - 2014-09-30</b>		<b>4,276</b>	<b>14.8%</b>	<b>1,968</b>	<b>6.8%</b>	<b>1,435</b>	<b>5.0%</b>	<b>561</b>	<b>1.9%</b>	<b>338</b>	<b>1.2%</b>	<b>8,578</b>	<b>20,273</b>	<b>28,851</b>	<b>20,279</b>	<b>7,739</b>
<b>Summary</b>		<b>11,685</b>	<b>12.7%</b>	<b>5,074</b>	<b>5.5%</b>	<b>4,763</b>	<b>5.2%</b>	<b>2,443</b>	<b>2.7%</b>	<b>941</b>	<b>1.0%</b>	<b>24,818</b>	<b>67,154</b>	<b>91,972</b>	<b>66,863</b>	<b>11,580</b>



## BH - Access Of Care 3rd Available appointment

### BH ATODA Intakes

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Intake Mental Health/ATODA-90	Aug 1, 2016 1:00:00 PM
Krueger MSW APSW CSAC, Rebecca	Intake Mental Health/ATODA-90	Jul 26, 2016 9:00:00 AM
Lalonde BS CSAC, Scott	Intake Mental Health/ATODA-90	Aug 5, 2016 7:00:00 AM
Metoxen MSW CSAC , Lynn	Intake Mental Health/ATODA-90	Sep 22, 2016 10:00:00 AM
Rasmussen BSW CSAC, Dale S	Intake Mental Health/ATODA-90	Aug 4, 2016 4:00:00 PM
Schoen BS CSAC, Kelly	Intake Mental Health/ATODA-90	Aug 12, 2016 8:30:00 AM
Torres MA CSAC ICS PC-TL, Joanne	Intake Mental Health/ATODA-90	Aug 1, 2016 9:00:00 AM

### BH-ATODA (C2)

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Individual Therapy Session-60	Jul 25, 2016 9:00:00 AM
Krueger MSW APSW CSAC, Rebecca	Individual Therapy Session-60	Jul 1, 2016 8:00:00 AM
Lalonde BS CSAC, Scott	Individual Therapy Session-60	Jun 30, 2016 3:00:00 PM
Rasmussen BSW CSAC, Dale S	Individual Therapy Session-60	Jun 30, 2016 3:00:00 PM
Schoen BS CSAC, Kelly	Individual Therapy Session-60	Jul 1, 2016 10:00:00 AM
Torres MA CSAC ICS PC-TL, Joanne	Individual Therapy Session-60	Jul 1, 2016 8:00:00 AM

### BH-Co-Occuring Intake

Resource	Appointment Type	Next 3rd Open
Cheney MSW, LCSW, SAS Benjamin R	Intake Mental Health/ATODA-90	Oct 3, 2016 8:30:00 AM
Collier, Carmen D MS LPC CSAC	Intake Mental Health/ATODA-90	Aug 12, 2016 10:00:00 AM
King MSW LCSW CSAC, Mary Beth	Intake Mental Health/ATODA-90	Aug 25, 2016 8:00:00 AM
Lambert LPC CSAC, Timothy C	Intake Mental Health/ATODA-90	Aug 29, 2016 1:00:00 PM
Nehring MSE LPC CSAC CS, Teri	Intake Mental Health/ATODA-90	Aug 16, 2016 8:00:00 AM



## BH - Access Of Care 3rd Available appointment

### BH-Co-Occuring C2

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	Individual Therapy Session-60	Jun 30, 2016 5:00:00 PM
King MSW LCSW CSAC, Mary Beth	Individual Therapy Session-60	Jul 25, 2016 3:30:00 PM
Lambert LPC CSAC, Timothy C	Individual Therapy Session-60	Jul 8, 2016 2:00:00 PM
Nehring MSE LPC CSAC CS, Teri	Individual Therapy Session-60	Jul 12, 2016 2:00:00 PM

### BH MH Intakes

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Intake Mental Health/ATODA-90	Nov 21, 2016 10:00:00 AM
Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E	Intake Mental Health/ATODA-90	Nov 10, 2016 3:00:00 PM
Helander MSW LCSW, Valorie	Intake Mental Health/ATODA-90	Nov 23, 2016 1:00:00 PM
Shaw MSW LCSW, Lisa	Intake Mental Health/ATODA-90	Dec 1, 2016 10:00:00 AM

### BH-Mental Health (C2)

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Individual Therapy Session-60	Jul 25, 2016 2:00:00 PM
Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E	Individual Therapy Session-60	Jul 20, 2016 3:00:00 PM
Helander MSW LCSW, Valorie	Individual Therapy Session-60	Jul 25, 2016 2:00:00 PM
Huhtala MSW LCSW, Rhonda	Individual Therapy Session-60	Jul 27, 2016 2:00:00 PM
Shaw MSW LCSW, Lisa	Individual Therapy Session-60	Aug 22, 2016 7:30:00 AM

### BH-EMDR Intakes

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	BH-EMDR Intake	Aug 15, 2016 1:00:00 PM



## BH - Access Of Care

### 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	BH-EMDR Intake	Aug 23, 2016 2:00:00 PM

#### BH-EMDR Therapy

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	BH-EMDR Therapy	Jul 19, 2016 3:00:00 PM
King MSW LCSW CSAC, Mary Beth	BH-EMDR Therapy	Aug 2, 2016 2:00:00 PM
Shaw MSW LCSW, Lisa	BH-EMDR Therapy	Aug 15, 2016 1:00:00 PM

#### BH-Veteran Eval

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	Veterans Evaluation	Aug 29, 2016 8:30:00 AM

#### BH-Intial Reiki Appointment

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	Reiki	Jul 26, 2016 4:30:00 PM
Lalonde BS CSAC, Scott	Reiki	Jul 22, 2016 1:00:00 PM
Nehring MSE LPC CSAC CS, Teri	Reiki	Jul 28, 2016 9:00:00 AM
Shaw MSW LCSW, Lisa	Reiki	Aug 30, 2016 10:30:00 AM

#### BH-Psych Evals

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Evaluation	Aug 22, 2016 8:30:00 AM

#### BH- Psych Eval FU

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Eval Follow Up	Jul 14, 2016 2:00:00 PM



## BH - Access Of Care

### 3rd Available appointment

#### BH-Child Evals

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Eval	Jul 26, 2016 8:00:00 AM

#### BH-Child Med Checks

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Med Check	Aug 25, 2016 4:00:00 PM

#### BH-Adult Evals

Resource	Appointment Type	Next 3rd Open
Patil MD, Veeranagouda	BH-Adult Eval	Aug 17, 2016 12:30:00 PM
Rodriguez MD, Josefina	BH-Adult Eval	Aug 29, 2016 9:00:00 AM
Shekar MD, Chandra K.	BH-Adult Eval	Aug 15, 2016 3:00:00 PM

#### BH-Med Checks

Resource	Appointment Type	Next 3rd Open
ONeill, MD, Michael	BH-Medication Check	Aug 18, 2016 9:30:00 AM
Patil MD, Veeranagouda	BH-Medication Check	Jul 19, 2016 1:00:00 PM
Rodriguez MD, Josefina	BH-Medication Check	Aug 4, 2016 5:30:00 PM
Shekar MD, Chandra K.	BH-Medication Check	Jul 13, 2016 10:00:00 AM

#### BH-RN Triage Assessment

Resource	Appointment Type	Next 3rd Open
Paluch MSE RN LPC, Dave	RN-Psychiatric Nursing Assessment	Jul 13, 2016 9:30:00 AM
Skrivanie MSN RN, Lois	RN-Psychiatric Nursing Assessment	Jul 19, 2016 2:00:00 PM

#### BH-Eval FU



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Eval FU	Aug 30, 2016 3:00:00 PM
O'Neill, MD, Michael	BH-Eval FU	Aug 22, 2016 10:30:00 AM
Patil MD, Veeranagouda	BH-Eval FU	Aug 5, 2016 1:30:00 PM
Rodriguez MD, Josefina	BH-Eval FU	Aug 3, 2016 9:30:00 AM



## Co Ocurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Collier, Carmen D MS LPC CSAC

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	48	298	0	0	1	0	0	4	29	0	0	380
	No Shows	39	105	0	0	0	0	0	0	6	0	0	150
	Canceled	19	83	0	0	0	3	0	0	9	0	0	114
	Appointments	106	486	0	0	1	3	0	4	44	0	0	644
	% No Shows	36.8%	21.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	13.6%	0.0%	0.0%	23.3%
	Patients	90	77	0	0	1	1	0	4	10	0	0	124
	Billed Visits	45	289	0	0	1	0	0	4	29	0	0	368
2014-2015	Completed	28	93	0	0	1	0	0	0	0	0	0	122
	No Shows	14	23	0	0	0	0	0	0	0	0	0	37
	Canceled	11	18	0	0	0	0	0	0	0	0	0	29
	Appointments	53	134	0	0	1	0	0	0	0	0	0	188
	% No Shows	26.4%	17.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	19.7%
	Patients	46	30	0	0	1	0	0	0	0	0	0	50
	Billed Visits	28	93	0	0	1	0	0	0	0	0	0	122

### King MSW LCSW CSAC, Mary Beth

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	25	176	0	0	8	0	2	6	77	0	3	297
	No Shows	21	96	0	0	2	0	0	2	20	0	0	141
	Canceled	17	54	0	0	2	0	3	2	22	0	1	101
	Appointments	63	326	0	0	12	0	5	10	119	0	4	539



## Co Ocurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
	% No Shows	33.3%	29.4%	0.0%	0.0%	16.7%	0.0%	0.0%	20.0%	16.8%	0.0%	0.0%	26.2%
	Patients	51	72	0	0	6	0	4	8	22	0	3	108
	Billed Visits	20	143	0	0	6	0	2	5	58	0	1	235
2014-2015	Completed	21	280	0	0	12	0	4	3	85	0	1	406
	No Shows	15	156	0	0	4	0	0	0	15	0	0	190
	Canceled	12	93	0	0	3	2	0	0	21	0	0	131
	Appointments	48	529	0	0	19	2	4	3	121	0	1	727
	% No Shows	31.2%	29.5%	0.0%	0.0%	21.1%	0.0%	0.0%	0.0%	12.4%	0.0%	0.0%	26.1%
	Patients	41	77	0	0	12	1	3	2	12	0	1	102
	Billed Visits	21	275	0	0	12	0	4	3	83	0	1	399
2013-2014	Completed	42	330	0	0	8	0	0	7	70	0	5	462
	No Shows	21	137	0	0	2	0	0	2	20	0	1	183
	Canceled	26	106	0	0	1	0	0	1	19	0	0	153
	Appointments	89	573	0	0	11	0	0	10	109	0	6	798
	% No Shows	23.6%	23.9%	0.0%	0.0%	18.2%	0.0%	0.0%	20.0%	18.3%	0.0%	16.7%	22.9%
	Patients	74	87	0	0	11	0	0	8	16	0	6	128
	Billed Visits	42	331	0	0	8	0	0	7	70	0	5	463

### Lambert LPC CSAC, Timothy C

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	44	325	0	0	6	0	0	0	10	0	0	385
	No Shows	33	150	0	0	6	0	0	0	3	0	0	192



## Co Ocurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
	Canceled	23	120	0	0	3	0	0	0	1	0	0	147
	Appointments	100	595	0	0	15	0	0	0	14	0	0	724
	% No Shows	33.0%	25.2%	0.0%	0.0%	40.0%	0.0%	0.0%	0.0%	21.4%	0.0%	0.0%	26.5%
	Patients	78	80	0	0	9	0	0	0	5	0	0	118
	Billed Visits	44	322	0	0	6	0	0	0	10	0	0	382
2014-2015	Completed	65	376	0	0	19	0	0	0	0	0	0	460
	No Shows	40	182	0	0	5	0	0	0	0	0	0	227
	Canceled	25	105	0	0	4	4	0	0	0	0	1	139
	Appointments	130	663	0	0	28	4	0	0	0	0	1	826
	% No Shows	30.8%	27.5%	0.0%	0.0%	17.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	27.5%
	Patients	109	97	0	0	15	2	0	0	0	0	1	148
	Billed Visits	65	376	0	0	19	0	0	0	0	0	0	460
2013-2014	Completed	64	321	0	0	17	0	0	0	0	0	0	402
	No Shows	44	181	0	0	7	0	0	0	0	0	0	232
	Canceled	21	73	0	0	3	2	0	0	0	0	0	99
	Appointments	129	575	0	0	27	2	0	0	0	0	0	733
	% No Shows	34.1%	31.5%	0.0%	0.0%	25.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	31.7%
	Patients	117	88	0	0	18	1	0	0	0	0	0	144
	Billed Visits	64	321	0	0	17	0	0	0	0	0	0	402

Nehring MSE LPC CSAC CS, Teri



## Co Occurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	38	135	0	0	3	0	0	0	0	0	0	176
	No Shows	24	59	0	0	1	0	0	0	0	0	0	84
	Canceled	20	40	0	0	1	0	0	0	0	0	0	61
	Appointments	82	234	0	0	5	0	0	0	0	0	0	321
	% No Shows	29.3%	25.2%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	26.2%
	Patients	71	48	0	0	5	0	0	0	0	0	0	87
	Billed Visits	38	132	0	0	2	0	0	0	0	0	0	172
2014-2015	Completed	51	219	0	0	1	0	0	0	0	0	0	271
	No Shows	35	116	0	0	2	0	0	0	0	0	0	153
	Canceled	15	74	0	0	1	0	0	0	0	0	0	90
	Appointments	101	409	0	0	4	0	0	0	0	0	0	514
	% No Shows	34.7%	28.4%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	29.8%
	Patients	87	70	0	0	2	0	0	0	0	0	0	112
	Billed Visits	51	219	0	0	1	0	0	0	0	0	0	271
2013-2014	Completed	26	108	0	0	3	0	0	0	0	0	0	137
	No Shows	25	65	0	0	1	0	0	0	0	0	0	91
	Canceled	4	26	0	0	0	0	0	0	0	0	0	30
	Appointments	55	199	0	0	4	0	0	0	0	0	0	258
	% No Shows	45.5%	32.7%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	35.3%
	Patients	49	49	0	0	4	0	0	0	0	0	0	75
	Billed Visits	26	109	0	0	3	0	0	0	0	0	0	138

### Co Occurring Summary



## Co Occurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	155	934	0	0	18	0	2	10	116	0	3	1,238
	No Shows	117	410	0	0	9	0	0	2	29	0	0	567
	Canceled	79	297	0	0	6	3	3	2	32	0	1	423
	Appointments	351	1,641	0	0	33	3	5	14	177	0	4	2,228
	% No Shows	33.3%	25.0%	0.0%	0.0%	27.3%	0.0%	0.0%	14.3%	16.4%	0.0%	0.0%	25.4%
	Patients	267	267	0	0	21	1	4	12	35	0	3	396
	Billed Visits	147	886	0	0	15	0	2	9	97	0	1	1,157
2014-2015	Completed	165	968	0	0	33	0	4	3	85	0	1	1,259
	No Shows	104	477	0	0	11	0	0	0	15	0	0	607
	Canceled	63	290	0	0	8	6	0	0	21	0	1	389
	Appointments	332	1,735	0	0	52	6	4	3	121	0	2	2,255
	% No Shows	31.3%	27.5%	0.0%	0.0%	21.2%	0.0%	0.0%	0.0%	12.4%	0.0%	0.0%	26.9%
	Patients	259	265	0	0	30	2	3	2	12	0	2	377
	Billed Visits	165	963	0	0	33	0	4	3	83	0	1	1,252
2013-2014	Completed	132	759	0	0	28	0	0	7	70	0	5	1,001
	No Shows	90	383	0	0	10	0	0	2	20	0	1	506
	Canceled	51	205	0	0	4	2	0	1	19	0	0	282
	Appointments	273	1,347	0	0	42	2	0	10	109	0	6	1,789
	% No Shows	33.0%	28.4%	0.0%	0.0%	23.8%	0.0%	0.0%	20.0%	18.3%	0.0%	16.7%	28.3%
	Patients	222	213	0	0	32	1	0	8	16	0	6	319
	Billed Visits	132	761	0	0	28	0	0	7	70	0	5	1,003



## BH - Access Of Care 3rd Available appointment

### BH ATODA Intakes

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Intake Mental Health/ATODA-90	Sep 26, 2016 1:00:00 PM
Krueger MSW APSW CSAC, Rebecca	Intake Mental Health/ATODA-90	Aug 26, 2016 10:00:00 AM
Lalonde BS CSAC, Scott	Intake Mental Health/ATODA-90	Aug 26, 2016 7:00:00 AM
Metoxen MSW CSAC , Lynn	Intake Mental Health/ATODA-90	Sep 29, 2016 10:00:00 AM
Rasmussen BSW CSAC, Dale S	Intake Mental Health/ATODA-90	Sep 19, 2016 2:00:00 PM
Schoen BS CSAC, Kelly	Intake Mental Health/ATODA-90	Aug 24, 2016 3:00:00 PM

### BH-ATODA (C2)

Resource	Appointment Type	Next 3rd Open
Agneessens BA CSAC CSIT, Mike F	Individual Therapy Session-60	Aug 3, 2016 10:00:00 AM
Krueger MSW APSW CSAC, Rebecca	Individual Therapy Session-60	Aug 3, 2016 4:00:00 PM
Lalonde BS CSAC, Scott	Individual Therapy Session-60	Aug 11, 2016 8:30:00 AM
Rasmussen BSW CSAC, Dale S	Individual Therapy Session-60	Aug 3, 2016 10:30:00 AM
Schoen BS CSAC, Kelly	Individual Therapy Session-60	Aug 1, 2016 10:00:00 AM
Torres MA CSAC ICS PC-TL, Joanne	Individual Therapy Session-60	Aug 8, 2016 4:30:00 PM

### BH-Co-Occuring Intake

Resource	Appointment Type	Next 3rd Open
Cheney MSW, LCSW, SAS Benjamin R	Intake Mental Health/ATODA-90	Oct 10, 2016 8:30:00 AM
Collier, Carmen D MS LPC CSAC	Intake Mental Health/ATODA-90	Sep 29, 2016 9:00:00 AM
King MSW LCSW CSAC, Mary Beth	Intake Mental Health/ATODA-90	Sep 29, 2016 8:00:00 AM
Lambert LPC CSAC, Timothy C	Intake Mental Health/ATODA-90	Sep 23, 2016 9:00:00 AM
Nehring MSE LPC CSAC CS, Teri	Intake Mental Health/ATODA-90	Sep 20, 2016 8:00:00 AM



## BH - Access Of Care

### 3rd Available appointment

#### BH-Co-Occuring C2

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	Individual Therapy Session-60	Aug 9, 2016 7:30:00 AM
King MSW LCSW CSAC, Mary Beth	Individual Therapy Session-60	Aug 22, 2016 8:00:00 AM
Lambert LPC CSAC, Timothy C	Individual Therapy Session-60	Aug 5, 2016 1:00:00 PM
Nehring MSE LPC CSAC CS, Teri	Individual Therapy Session-60	Aug 1, 2016 5:00:00 PM

#### BH MH Intakes

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Intake Mental Health/ATODA-90	Dec 21, 2016 1:00:00 PM
Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E	Intake Mental Health/ATODA-90	Dec 29, 2016 3:00:00 PM
Helander MSW LCSW, Valorie	Intake Mental Health/ATODA-90	Dec 28, 2016 1:00:00 PM
Huhtala MSW LCSW, Rhonda	Intake Mental Health/ATODA-90	Sep 27, 2016 9:00:00 AM

#### BH-Mental Health (C2)

Resource	Appointment Type	Next 3rd Open
Brito, MFT TL SAC IT, Martha	Individual Therapy Session-60	Aug 15, 2016 2:00:00 PM
Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E	Individual Therapy Session-60	Aug 22, 2016 9:00:00 AM
Helander MSW LCSW, Valorie	Individual Therapy Session-60	Aug 11, 2016 9:00:00 AM
Huhtala MSW LCSW, Rhonda	Individual Therapy Session-60	Sep 2, 2016 10:00:00 AM
Shaw MSW LCSW, Lisa	Individual Therapy Session-60	Sep 12, 2016 7:30:00 AM

#### BH-EMDR Intakes

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	BH-EMDR Intake	Sep 19, 2016 1:00:00 PM



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	BH-EMDR Intake	Sep 20, 2016 2:00:00 PM

### BH-EMDR Therapy

Resource	Appointment Type	Next 3rd Open
Collier, Carmen D MS LPC CSAC	BH-EMDR Therapy	Aug 19, 2016 3:00:00 PM
King MSW LCSW CSAC, Mary Beth	BH-EMDR Therapy	Aug 23, 2016 2:00:00 PM
Shaw MSW LCSW, Lisa	BH-EMDR Therapy	Aug 31, 2016 7:30:00 AM

### BH-Veteran Eval

Resource	Appointment Type	Next 3rd Open
Shaw MSW LCSW, Lisa	Veterans Evaluation	Sep 26, 2016 8:30:00 AM

### BH-Intial Reiki Appointment

Resource	Appointment Type	Next 3rd Open
King MSW LCSW CSAC, Mary Beth	Reiki	Aug 16, 2016 4:30:00 PM
Lalonde BS CSAC, Scott	Reiki	Aug 26, 2016 11:00:00 AM
Nehring MSE LPC CSAC CS, Teri	Reiki	Aug 22, 2016 10:00:00 AM
Shaw MSW LCSW, Lisa	Reiki	Sep 13, 2016 10:30:00 AM

### BH-Psych Evals

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Evaluation	Sep 22, 2016 8:30:00 AM

### BH- Psych Eval FU

Resource	Appointment Type	Next 3rd Open
Sayers PHD, Michael	Psychological Eval Follow Up	Aug 3, 2016 2:00:00 PM



## BH - Access Of Care

### 3rd Available appointment

#### BH-Child Evals

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Eval	Sep 20, 2016 8:00:00 AM

#### BH-Child Med Checks

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Child Med Check	Sep 20, 2016 7:00:00 AM

#### BH-Adult Evals

Resource	Appointment Type	Next 3rd Open
Patil MD, Veeranagouda	BH-Adult Eval	Sep 21, 2016 12:30:00 PM
Rodriguez MD, Josefina	BH-Adult Eval	Sep 19, 2016 9:00:00 AM
Shekar MD, Chandra K.	BH-Adult Eval	Aug 31, 2016 2:00:00 PM

#### BH-Med Checks

Resource	Appointment Type	Next 3rd Open
ONeill, MD, Michael	BH-Medication Check	Aug 30, 2016 9:45:00 AM
Patil MD, Veeranagouda	BH-Medication Check	Aug 16, 2016 2:00:00 PM
Rodriguez MD, Josefina	BH-Medication Check	Aug 18, 2016 6:00:00 PM
Shekar MD, Chandra K.	BH-Medication Check	Aug 3, 2016 5:00:00 PM

#### BH-RN Triage Assessment

Resource	Appointment Type	Next 3rd Open
Paluch MSE RN LPC, Dave	RN-Psychiatric Nursing Assessment	Aug 24, 2016 9:30:00 AM
Skrivanie MSN RN, Lois	RN-Psychiatric Nursing Assessment	Aug 23, 2016 2:00:00 PM

#### BH-Eval FU



## BH - Access Of Care 3rd Available appointment

Resource	Appointment Type	Next 3rd Open
Dzubinski MD, David L	BH-Eval FU	Oct 25, 2016 3:00:00 PM
ONeill, MD, Michael	BH-Eval FU	Sep 1, 2016 10:30:00 AM
Patil MD, Veeranagouda	BH-Eval FU	Aug 26, 2016 1:30:00 PM
Rodriguez MD, Josefina	BH-Eval FU	Aug 10, 2016 9:30:00 AM



## ATODA Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Agneessens BA CSAC CSIT, Mike F

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Reiki	M Team	Totals
2015-2016	Completed	22	171	0	0	1	0	0	0	194
	No Shows	11	35	0	0	0	0	0	0	46
	Canceled	5	36	0	0	0	0	0	0	41
	Appointments	38	242	0	0	1	0	0	0	281
	% No Shows	28.9%	14.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	16.4%
	Patients	36	31	0	0	1	0	0	0	50
	Billed Visits	22	169	0	0	1	0	0	0	192
2014-2015	Completed	22	185	0	0	3	0	0	1	211
	No Shows	13	58	0	0	3	0	0	0	74
	Canceled	8	62	0	0	1	0	0	0	71
	Appointments	43	305	0	0	7	0	0	1	356
	% No Shows	30.2%	19.0%	0.0%	0.0%	42.9%	0.0%	0.0%	0.0%	20.8%
	Patients	43	34	0	0	3	0	0	1	56
	Billed Visits	22	185	0	0	3	0	0	1	211
2013-2014	Completed	11	117	0	0	0	0	0	0	128
	No Shows	8	37	0	0	1	0	0	0	46
	Canceled	6	14	0	0	0	0	0	0	20
	Appointments	25	168	0	0	1	0	0	0	194
	% No Shows	32.0%	22.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	23.7%
	Patients	24	24	0	0	1	0	0	0	38
	Billed Visits	11	117	0	0	0	0	0	0	128

### Krueger MSW APSW CSAC, Rebecca

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Reiki	M Team	Totals
2015-2016	Completed	57	260	0	0	5	0	0	0	322
	No Shows	28	117	0	0	1	0	0	0	146
	Canceled	31	79	0	0	0	1	0	0	111
	Appointments	116	456	0	0	6	1	0	0	579
	% No Shows	24.1%	25.7%	0.0%	0.0%	16.7%	0.0%	0.0%	0.0%	25.2%
	Patients	102	69	0	0	6	1	0	0	118
	Billed Visits	53	250	0	0	4	0	0	0	307
2014-2015	Completed	37	135	0	0	1	0	0	0	173



## ATODA Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Relki	M Team	Totals
	No Shows	24	34	0	0	0	0	0	0	58
	Canceled	11	26	0	0	0	2	0	0	39
	Appointments	72	195	0	0	1	2	0	0	270
	% No Shows	33.3%	17.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	21.5%
	Patients	63	32	0	0	1	1	0	0	65
	Billed Visits	37	136	0	0	1	0	0	0	174

### Lalonde BS CSAC, Scott

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Relki	M Team	Totals
2015-2016	Completed	51	273	0	0	3	0	0	0	327
	No Shows	24	119	0	0	3	0	0	0	146
	Canceled	12	95	0	0	4	4	0	0	115
	Appointments	87	487	0	0	10	4	0	0	588
	% No Shows	27.6%	24.4%	0.0%	0.0%	30.0%	0.0%	0.0%	0.0%	24.8%
	Patients	77	94	0	0	8	2	0	0	127
	Billed Visits	50	265	0	0	3	0	0	0	318
2014-2015	Completed	56	347	0	0	9	0	0	0	412
	No Shows	23	173	0	0	3	0	0	1	200
	Canceled	15	91	0	0	2	0	0	0	108
	Appointments	94	611	0	0	14	0	0	1	720
	% No Shows	24.5%	28.3%	0.0%	0.0%	21.4%	0.0%	0.0%	100.0%	27.8%
	Patients	86	103	0	0	9	0	0	1	135
	Billed Visits	56	347	0	0	9	0	0	0	412
2013-2014	Completed	57	404	0	0	9	0	0	1	471
	No Shows	32	231	0	0	6	0	0	0	269
	Canceled	21	124	0	0	1	5	0	0	151
	Appointments	110	759	0	0	16	5	0	1	891
	% No Shows	29.1%	30.4%	0.0%	0.0%	37.5%	0.0%	0.0%	0.0%	30.2%
	Patients	97	130	0	0	8	1	0	1	170
	Billed Visits	57	404	0	0	9	0	0	1	471

### Rasmussen BSW CSAC, Dale S



## ATODA Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Reiki	M Team	Totals
2015-2016	Completed	45	339	0	0	3	0	0	0	387
	No Shows	23	134	0	0	1	0	0	0	158
	Canceled	17	67	0	0	0	0	0	0	84
	Appointments	85	540	0	0	4	0	0	0	629
	% No Shows	27.1%	24.8%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	25.1%
	Patients	76	66	0	0	4	0	0	0	100
	Billed Visits	44	332	0	0	3	0	0	0	379
2014-2015	Completed	51	341	0	0	7	0	0	0	399
	No Shows	35	175	0	0	2	0	0	0	212
	Canceled	20	64	0	0	0	0	0	0	84
	Appointments	106	580	0	0	9	0	0	0	695
	% No Shows	33.0%	30.2%	0.0%	0.0%	22.2%	0.0%	0.0%	0.0%	30.5%
	Patients	94	75	0	0	6	0	0	0	119
	Billed Visits	51	341	0	0	7	0	0	0	399
2013-2014	Completed	50	384	0	0	2	0	0	1	437
	No Shows	34	145	0	0	0	0	0	0	179
	Canceled	13	107	0	0	0	0	0	0	120
	Appointments	97	636	0	0	2	0	0	1	736
	% No Shows	35.1%	22.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	24.3%
	Patients	91	82	0	0	2	0	0	1	124
	Billed Visits	50	385	0	0	2	0	0	1	438

### Schoen BS CSAC, Kelly

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Reiki	M Team	Totals
2015-2016	Completed	58	160	0	0	2	0	0	0	220
	No Shows	35	55	0	0	0	0	0	0	90
	Canceled	25	51	0	0	1	1	0	0	78
	Appointments	118	266	0	0	3	1	0	0	388
	% No Shows	29.7%	20.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	23.2%
	Patients	100	52	0	0	3	1	0	0	103
	Billed Visits	55	143	0	0	2	0	0	0	200

### Torres MA CSAC ICS PC-TL, Joanne



## ATODA Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Reiki	M Team	Totals
2015-2016	Completed	38	220	0	0	0	0	0	0	258
	No Shows	14	88	0	0	0	0	0	0	102
	Canceled	8	50	0	0	1	0	0	1	60
	Appointments	60	358	0	0	1	0	0	1	420
	% No Shows	23.3%	24.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	24.3%
	Patients	54	73	0	0	1	0	0	1	91
	Billed Visits	37	214	0	0	0	0	0	0	251
2014-2015	Completed	55	335	0	0	5	0	0	0	395
	No Shows	35	136	0	0	2	0	0	0	173
	Canceled	15	57	0	0	0	1	0	0	73
	Appointments	105	528	0	0	7	1	0	0	641
	% No Shows	33.3%	25.8%	0.0%	0.0%	28.6%	0.0%	0.0%	0.0%	27.0%
	Patients	90	80	0	0	6	1	0	0	119
	Billed Visits	54	335	0	0	5	0	0	0	394
2013-2014	Completed	63	351	0	0	11	0	0	0	425
	No Shows	40	157	0	0	2	0	0	0	199
	Canceled	27	90	0	0	0	1	0	0	118
	Appointments	130	598	0	0	13	1	0	0	742
	% No Shows	30.8%	26.3%	0.0%	0.0%	15.4%	0.0%	0.0%	0.0%	26.8%
	Patients	116	90	0	0	8	1	0	0	147
	Billed Visits	64	353	0	0	11	0	0	0	428



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Brito, MFT TL SAC IT, Martha

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	60	318	0	2	14	0	38	0	0	0	0	0	432
	No Shows	40	137	0	0	4	0	14	0	0	0	0	0	195
	Canceled	32	77	0	0	4	0	13	0	0	0	0	0	126
	Appointments	132	532	0	2	22	0	65	0	0	0	0	0	753
	% No Shows	30.3%	25.8%	0.0%	0.0%	18.2%	0.0%	21.5%	0.0%	0.0%	0.0%	0.0%	0.0%	25.9%
	Patients	121	115	0	1	18	0	41	0	0	0	0	0	181
	Billed Visits	57	315	0	2	14	0	38	0	0	0	0	0	426
2014-2015	Completed	82	446	0	0	13	0	47	0	0	0	0	1	589
	No Shows	52	156	0	0	3	0	16	0	0	0	0	0	227
	Canceled	23	115	0	0	1	0	13	0	0	0	0	0	152
	Appointments	157	717	0	0	17	0	76	0	0	0	0	1	968
	% No Shows	33.1%	21.8%	0.0%	0.0%	17.6%	0.0%	21.1%	0.0%	0.0%	0.0%	0.0%	0.0%	23.5%
	Patients	146	120	0	0	12	0	33	0	0	0	0	1	196
	Billed Visits	82	446	0	0	13	0	47	0	0	0	0	1	589
2013-2014	Completed	77	275	0	0	6	0	0	0	0	0	0	0	358
	No Shows	51	122	0	0	8	0	0	0	0	0	0	0	181
	Canceled	35	49	0	0	2	0	0	0	0	0	0	0	86
	Appointments	163	446	0	0	16	0	0	0	0	0	0	0	625
	% No Shows	31.3%	27.4%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	29.0%
	Patients	139	81	0	0	12	0	0	0	0	0	0	0	155
	Billed Visits	77	275	0	0	6	0	0	0	0	0	0	0	358



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Cheney MSW, LCSW, SAS Benjamin R

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	62	362	0	0	6	0	0	0	0	0	0	0	430
	No Shows	23	148	0	0	3	0	0	0	0	0	0	0	174
	Canceled	14	74	0	0	2	0	0	0	0	0	0	0	90
	Appointments	99	584	0	0	11	0	0	0	0	0	0	0	694
	% No Shows	23.2%	25.3%	0.0%	0.0%	27.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	25.1%
	Patients	93	103	0	0	11	0	0	0	0	0	0	0	138
	Billed Visits	60	331	0	0	6	0	0	0	0	0	0	0	397
2014-2015	Completed	86	355	0	0	9	0	0	0	0	0	0	0	450
	No Shows	37	174	0	0	1	0	0	0	0	0	0	0	212
	Canceled	27	60	0	0	0	0	0	0	0	0	0	0	87
	Appointments	150	589	0	0	10	0	0	0	0	0	0	0	749
	% No Shows	24.7%	29.5%	0.0%	0.0%	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	28.3%
	Patients	138	120	0	0	10	0	0	0	0	0	0	0	178
	Billed Visits	86	355	0	0	9	0	0	0	0	0	0	0	450
2013-2014	Completed	99	403	0	0	2	0	0	0	0	0	0	0	504
	No Shows	62	169	0	0	1	0	0	0	0	0	0	0	232
	Canceled	22	78	0	0	1	0	0	0	0	0	0	0	101
	Appointments	183	650	0	0	4	0	0	0	0	0	0	0	837
	% No Shows	33.9%	26.0%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	27.7%
	Patients	169	114	0	0	3	0	0	0	0	0	0	0	196
	Billed Visits	99	403	0	0	2	0	0	0	0	0	0	0	504



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Cornelius-Adkins MSW LCSW SAC CSOT BCD, Torland E

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	46	496	0	0	3	0	2	0	0	0	0	0	547
	No Shows	24	156	0	0	1	0	1	0	0	0	0	0	182
	Canceled	26	115	0	0	2	0	0	0	0	0	0	0	143
	Appointments	96	767	0	0	6	0	3	0	0	0	0	0	872
	% No Shows	25.0%	20.3%	0.0%	0.0%	16.7%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	20.9%
	Patients	84	124	0	0	5	0	1	0	0	0	0	0	167
	Billed Visits	43	482	0	0	3	0	2	0	0	0	0	0	530
2014-2015	Completed	67	635	0	0	5	0	1	0	0	0	0	0	708
	No Shows	24	214	0	0	2	0	1	0	0	0	0	0	241
	Canceled	25	151	0	0	0	0	0	0	0	0	0	0	176
	Appointments	116	1,000	0	0	7	0	2	0	0	0	0	0	1,125
	% No Shows	20.7%	21.4%	0.0%	0.0%	28.6%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	21.4%
	Patients	106	130	0	0	7	0	1	0	0	0	0	0	183
	Billed Visits	67	635	0	0	5	0	1	0	0	0	0	0	708
2013-2014	Completed	57	487	0	0	8	0	1	0	0	0	0	0	553
	No Shows	31	221	0	0	4	0	0	0	0	0	0	1	257
	Canceled	22	174	0	0	5	3	0	0	0	0	0	0	204
	Appointments	110	882	0	0	17	3	1	0	0	0	0	1	1,014
	% No Shows	28.2%	25.1%	0.0%	0.0%	23.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	25.3%
	Patients	97	125	0	0	16	2	1	0	0	0	0	1	176
	Billed Visits	57	488	0	0	8	0	1	0	0	0	0	0	554



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Helander MSW LCSW, Valorie

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	86	364	1	4	0	0	0	0	0	0	0	2	457
	No Shows	55	136	0	0	0	0	0	0	0	0	0	0	191
	Canceled	46	87	0	0	0	2	0	0	0	0	0	0	135
	Appointments	187	587	1	4	0	2	0	0	0	0	0	2	783
	% No Shows	29.4%	23.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	24.4%
	Patients	168	133	1	4	0	1	0	0	0	0	0	2	234
	Billed Visits	65	344	1	2	0	0	0	0	0	0	0	2	414
2014-2015	Completed	104	405	0	0	0	0	0	0	0	0	0	1	510
	No Shows	65	178	0	0	0	0	0	0	0	0	0	0	243
	Canceled	57	131	0	0	0	0	0	0	0	0	0	0	188
	Appointments	226	714	0	0	0	0	0	0	0	0	0	1	941
	% No Shows	28.8%	24.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	25.8%
	Patients	199	144	0	0	0	0	0	0	0	0	0	1	261
	Billed Visits	95	401	0	0	0	0	0	0	0	0	0	1	497
2013-2014	Completed	110	444	0	0	0	0	0	0	0	0	0	2	556
	No Shows	64	216	0	0	0	0	0	0	0	0	0	0	280
	Canceled	66	126	0	0	0	3	0	0	0	0	0	0	195
	Appointments	240	786	0	0	0	3	0	0	0	0	0	2	1,031
	% No Shows	26.7%	27.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	27.2%
	Patients	208	162	0	0	0	1	0	0	0	0	0	2	288
	Billed Visits	110	444	0	0	0	0	0	0	0	0	0	2	556



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Huhtala MSW LCSW, Rhonda

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	48	438	0	0	15	0	0	0	0	0	0	0	501
	No Shows	21	131	0	0	6	0	0	0	0	0	0	0	158
	Canceled	20	131	0	0	5	0	0	0	0	0	0	0	156
	Appointments	89	700	0	0	26	0	0	0	0	0	0	0	815
	% No Shows	23.6%	18.7%	0.0%	0.0%	23.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	19.4%
	Patients	80	126	0	0	20	0	0	0	0	0	0	0	163
	Billed Visits	44	427	0	0	14	0	0	0	0	0	0	0	485
2014-2015	Completed	41	471	0	0	25	0	0	0	0	0	0	0	537
	No Shows	25	186	0	0	5	0	0	0	0	0	0	0	216
	Canceled	25	112	0	0	0	0	0	0	0	0	0	0	137
	Appointments	91	769	0	0	30	0	0	0	0	0	0	0	890
	% No Shows	27.5%	24.2%	0.0%	0.0%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	24.3%
	Patients	86	116	0	0	19	0	0	0	0	0	0	0	164
	Billed Visits	41	471	0	0	25	0	0	0	0	0	0	0	537
2013-2014	Completed	51	491	0	0	21	0	1	0	0	0	0	1	565
	No Shows	36	184	0	0	6	0	0	0	0	0	0	0	226
	Canceled	27	118	0	0	7	0	0	0	0	0	0	0	152
	Appointments	114	793	0	0	34	0	1	0	0	0	0	1	943
	% No Shows	31.6%	23.2%	0.0%	0.0%	17.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	24.0%
	Patients	98	119	0	0	22	0	1	0	0	0	0	1	176
	Billed Visits	51	491	0	0	21	0	1	0	0	0	0	1	565



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Shaw MSW LCSW, Lisa

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	27	241	0	0	17	0	5	13	7	58	0	0	368
	No Shows	21	56	0	0	2	0	1	7	2	22	0	0	111
	Canceled	17	48	0	0	1	5	1	8	4	8	0	0	92
	Appointments	65	345	0	0	20	5	7	28	13	88	0	0	571
	% No Shows	32.3%	16.2%	0.0%	0.0%	10.0%	0.0%	14.3%	25.0%	15.4%	25.0%	0.0%	0.0%	19.4%
	Patients	58	76	0	0	14	1	4	8	10	20	0	0	126
	Billed Visits	24	231	0	0	17	0	5	12	7	56	0	0	352
2014-2015	Completed	19	267	0	0	16	0	1	25	6	81	0	0	415
	No Shows	24	80	0	0	5	0	0	7	0	9	0	0	125
	Canceled	13	61	0	0	2	5	0	6	2	12	0	0	101
	Appointments	56	408	0	0	23	5	1	38	8	102	0	0	641
	% No Shows	42.9%	19.6%	0.0%	0.0%	21.7%	0.0%	0.0%	18.4%	0.0%	8.8%	0.0%	0.0%	19.5%
	Patients	54	78	0	0	16	2	1	12	8	11	0	0	130
	Billed Visits	19	267	0	0	16	0	1	25	6	81	0	0	415
2013-2014	Completed	36	346	0	0	11	0	3	21	5	57	0	1	480
	No Shows	26	91	0	0	4	0	0	4	1	11	0	0	137
	Canceled	16	69	0	0	1	11	1	4	0	12	0	0	114
	Appointments	78	506	0	0	16	11	4	29	6	80	0	1	731
	% No Shows	33.3%	18.0%	0.0%	0.0%	25.0%	0.0%	0.0%	13.8%	16.7%	13.8%	0.0%	0.0%	18.7%
	Patients	75	93	0	0	15	2	3	8	4	11	0	1	143
	Billed Visits	36	347	0	0	11	0	3	21	5	57	0	1	481



## Mental Health Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Mental Health Summary

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	Vet Eval	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	329	2,219	1	6	55	0	45	13	7	58	0	2	2,735
	No Shows	184	764	0	0	16	0	16	7	2	22	0	0	1,011
	Canceled	155	532	0	0	14	7	14	8	4	8	0	0	742
	Appointments	668	3,515	1	6	85	7	75	28	13	88	0	2	4,488
	% No Shows	27.5%	21.7%	0.0%	0.0%	18.8%	0.0%	21.3%	25.0%	15.4%	25.0%	0.0%	0.0%	22.5%
	Patients	573	665	1	5	68	2	46	8	10	20	0	2	955
	Billed Visits	293	2,130	1	4	54	0	45	12	7	56	0	2	2,604
2014-2015	Completed	399	2,579	0	0	68	0	49	25	6	81	0	2	3,209
	No Shows	227	988	0	0	16	0	17	7	0	9	0	0	1,264
	Canceled	170	630	0	0	3	5	13	6	2	12	0	0	841
	Appointments	796	4,197	0	0	87	5	79	38	8	102	0	2	5,314
	% No Shows	28.5%	23.5%	0.0%	0.0%	18.4%	0.0%	21.5%	18.4%	0.0%	8.8%	0.0%	0.0%	23.8%
	Patients	664	695	0	0	64	2	35	12	8	11	0	2	1,027
	Billed Visits	390	2,575	0	0	68	0	49	25	6	81	0	2	3,196
2013-2014	Completed	430	2,446	0	0	48	0	5	21	5	57	0	4	3,016
	No Shows	270	1,003	0	0	23	0	0	4	1	11	0	1	1,313
	Canceled	188	614	0	0	16	17	1	4	0	12	0	0	852
	Appointments	888	4,063	0	0	87	17	6	29	6	80	0	5	5,181
	% No Shows	30.4%	24.7%	0.0%	0.0%	26.4%	0.0%	0.0%	13.8%	16.7%	13.8%	0.0%	20.0%	25.3%
	Patients	727	681	0	0	68	4	5	8	4	11	0	5	1,056
	Billed Visits	430	2,448	0	0	48	0	5	21	5	57	0	4	3,018



## Co Ocurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

### Collier, Carmen D MS LPC CSAC

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	48	298	0	0	1	0	0	4	29	0	0	380
	No Shows	39	105	0	0	0	0	0	0	6	0	0	150
	Canceled	19	83	0	0	0	3	0	0	9	0	0	114
	Appointments	106	486	0	0	1	3	0	4	44	0	0	644
	% No Shows	36.8%	21.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	13.6%	0.0%	0.0%	23.3%
	Patients	90	77	0	0	1	1	0	4	10	0	0	124
	Billed Visits	45	289	0	0	1	0	0	4	29	0	0	368
2014-2015	Completed	28	93	0	0	1	0	0	0	0	0	0	122
	No Shows	14	23	0	0	0	0	0	0	0	0	0	37
	Canceled	11	18	0	0	0	0	0	0	0	0	0	29
	Appointments	53	134	0	0	1	0	0	0	0	0	0	188
	% No Shows	26.4%	17.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	19.7%
	Patients	46	30	0	0	1	0	0	0	0	0	0	50
	Billed Visits	28	93	0	0	1	0	0	0	0	0	0	122

### King MSW LCSW CSAC, Mary Beth

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	25	176	0	0	8	0	2	6	77	0	3	297
	No Shows	21	96	0	0	2	0	0	2	20	0	0	141
	Canceled	17	54	0	0	2	0	3	2	22	0	1	101
	Appointments	63	326	0	0	12	0	5	10	119	0	4	539



## Co Ocurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
	% No Shows	33.3%	29.4%	0.0%	0.0%	16.7%	0.0%	0.0%	20.0%	16.8%	0.0%	0.0%	26.2%
	Patients	51	72	0	0	6	0	4	8	22	0	3	108
	Billed Visits	20	143	0	0	6	0	2	5	58	0	1	235
2014-2015	Completed	21	280	0	0	12	0	4	3	85	0	1	406
	No Shows	15	156	0	0	4	0	0	0	15	0	0	190
	Canceled	12	93	0	0	3	2	0	0	21	0	0	131
	Appointments	48	529	0	0	19	2	4	3	121	0	1	727
	% No Shows	31.2%	29.5%	0.0%	0.0%	21.1%	0.0%	0.0%	0.0%	12.4%	0.0%	0.0%	26.1%
	Patients	41	77	0	0	12	1	3	2	12	0	1	102
	Billed Visits	21	275	0	0	12	0	4	3	83	0	1	399
2013-2014	Completed	42	330	0	0	8	0	0	7	70	0	5	462
	No Shows	21	137	0	0	2	0	0	2	20	0	1	183
	Canceled	26	106	0	0	1	0	0	1	19	0	0	153
	Appointments	89	573	0	0	11	0	0	10	109	0	6	798
	% No Shows	23.6%	23.9%	0.0%	0.0%	18.2%	0.0%	0.0%	20.0%	18.3%	0.0%	16.7%	22.9%
	Patients	74	87	0	0	11	0	0	8	16	0	6	128
	Billed Visits	42	331	0	0	8	0	0	7	70	0	5	463

### Lambert LPC CSAC, Timothy C

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	44	325	0	0	6	0	0	0	10	0	0	385
	No Shows	33	150	0	0	6	0	0	0	3	0	0	192



## Co Ocurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
	Canceled	23	120	0	0	3	0	0	0	1	0	0	147
	Appointments	100	595	0	0	15	0	0	0	14	0	0	724
	% No Shows	33.0%	25.2%	0.0%	0.0%	40.0%	0.0%	0.0%	0.0%	21.4%	0.0%	0.0%	26.5%
	Patients	78	80	0	0	9	0	0	0	5	0	0	118
	Billed Visits	44	322	0	0	6	0	0	0	10	0	0	382
2014-2015	Completed	65	376	0	0	19	0	0	0	0	0	0	460
	No Shows	40	182	0	0	5	0	0	0	0	0	0	227
	Canceled	25	105	0	0	4	4	0	0	0	0	1	139
	Appointments	130	663	0	0	28	4	0	0	0	0	1	826
	% No Shows	30.8%	27.5%	0.0%	0.0%	17.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	27.5%
	Patients	109	97	0	0	15	2	0	0	0	0	1	148
	Billed Visits	65	376	0	0	19	0	0	0	0	0	0	460
2013-2014	Completed	64	321	0	0	17	0	0	0	0	0	0	402
	No Shows	44	181	0	0	7	0	0	0	0	0	0	232
	Canceled	21	73	0	0	3	2	0	0	0	0	0	99
	Appointments	129	575	0	0	27	2	0	0	0	0	0	733
	% No Shows	34.1%	31.5%	0.0%	0.0%	25.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	31.7%
	Patients	117	88	0	0	18	1	0	0	0	0	0	144
	Billed Visits	64	321	0	0	17	0	0	0	0	0	0	402

Nehring MSE LPC CSAC CS, Teri



## Co Occurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	38	135	0	0	3	0	0	0	0	0	0	176
	No Shows	24	59	0	0	1	0	0	0	0	0	0	84
	Canceled	20	40	0	0	1	0	0	0	0	0	0	61
	Appointments	82	234	0	0	5	0	0	0	0	0	0	321
	% No Shows	29.3%	25.2%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	26.2%
	Patients	71	48	0	0	5	0	0	0	0	0	0	87
	Billed Visits	38	132	0	0	2	0	0	0	0	0	0	172
2014-2015	Completed	51	219	0	0	1	0	0	0	0	0	0	271
	No Shows	35	116	0	0	2	0	0	0	0	0	0	153
	Canceled	15	74	0	0	1	0	0	0	0	0	0	90
	Appointments	101	409	0	0	4	0	0	0	0	0	0	514
	% No Shows	34.7%	28.4%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	29.8%
	Patients	87	70	0	0	2	0	0	0	0	0	0	112
	Billed Visits	51	219	0	0	1	0	0	0	0	0	0	271
2013-2014	Completed	26	108	0	0	3	0	0	0	0	0	0	137
	No Shows	25	65	0	0	1	0	0	0	0	0	0	91
	Canceled	4	26	0	0	0	0	0	0	0	0	0	30
	Appointments	55	199	0	0	4	0	0	0	0	0	0	258
	% No Shows	45.5%	32.7%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	35.3%
	Patients	49	49	0	0	4	0	0	0	0	0	0	75
	Billed Visits	26	109	0	0	3	0	0	0	0	0	0	138

### Co Occurring Summary



## Co Occurring Utilization by Appointment type Behavioral Health Last 3 Fiscal Years

Range		Intake 60/90	Individual 30/60/90	School Intake	School Individual	Emergency Counseling	Group Counseling	Family Therapy	EMDR Intake	EMDR Therapy	Reiki	M Team	Totals
2015-2016	Completed	155	934	0	0	18	0	2	10	116	0	3	1,238
	No Shows	117	410	0	0	9	0	0	2	29	0	0	567
	Canceled	79	297	0	0	6	3	3	2	32	0	1	423
	Appointments	351	1,641	0	0	33	3	5	14	177	0	4	2,228
	% No Shows	33.3%	25.0%	0.0%	0.0%	27.3%	0.0%	0.0%	14.3%	16.4%	0.0%	0.0%	25.4%
	Patients	267	267	0	0	21	1	4	12	35	0	3	396
	Billed Visits	147	886	0	0	15	0	2	9	97	0	1	1,157
2014-2015	Completed	165	968	0	0	33	0	4	3	85	0	1	1,259
	No Shows	104	477	0	0	11	0	0	0	15	0	0	607
	Canceled	63	290	0	0	8	6	0	0	21	0	1	389
	Appointments	332	1,735	0	0	52	6	4	3	121	0	2	2,255
	% No Shows	31.3%	27.5%	0.0%	0.0%	21.2%	0.0%	0.0%	0.0%	12.4%	0.0%	0.0%	26.9%
	Patients	259	265	0	0	30	2	3	2	12	0	2	377
	Billed Visits	165	963	0	0	33	0	4	3	83	0	1	1,252
2013-2014	Completed	132	759	0	0	28	0	0	7	70	0	5	1,001
	No Shows	90	383	0	0	10	0	0	2	20	0	1	506
	Canceled	51	205	0	0	4	2	0	1	19	0	0	282
	Appointments	273	1,347	0	0	42	2	0	10	109	0	6	1,789
	% No Shows	33.0%	28.4%	0.0%	0.0%	23.8%	0.0%	0.0%	20.0%	18.3%	0.0%	16.7%	28.3%
	Patients	222	213	0	0	32	1	0	8	16	0	6	319
	Billed Visits	132	761	0	0	28	0	0	7	70	0	5	1,003



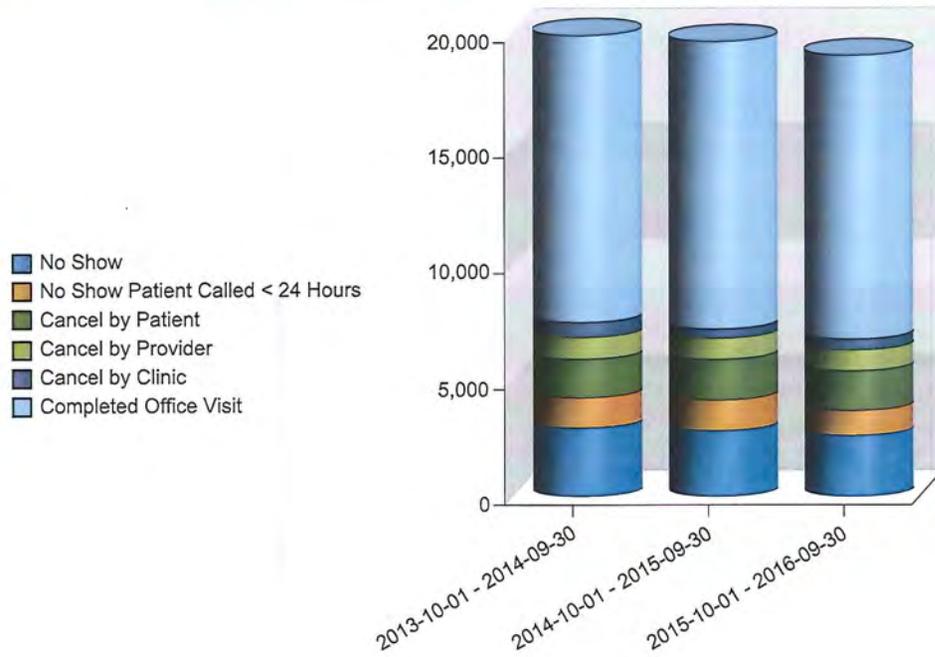
## Three Year By Quarter No Show/Cancellation Summary

### Behavioral Health Services

Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2014-10-01 - 2015-09-30	Qtr04	697	14.5%	323	6.7%	443	9.2%	201	4.2%	117	2.4%	1,781	3,015	4,796	2,995	1,365
	Qtr03	785	15.3%	316	6.2%	462	9.0%	261	5.1%	69	1.3%	1,893	3,234	5,127	3,230	1,510
	Qtr02	694	13.7%	340	6.7%	493	9.8%	264	5.2%	111	2.2%	1,902	3,154	5,056	3,154	1,412
	Qtr01	664	14.2%	346	7.4%	352	7.5%	187	4.0%	102	2.2%	1,651	3,032	4,683	3,032	1,424
<b>2014-10-01 - 2015-09-30</b>		<b>2,840</b>	<b>14.4%</b>	<b>1,325</b>	<b>6.7%</b>	<b>1,750</b>	<b>8.9%</b>	<b>913</b>	<b>4.6%</b>	<b>399</b>	<b>2.0%</b>	<b>7,227</b>	<b>12,435</b>	<b>19,662</b>	<b>12,411</b>	<b>2,417</b>
2013-10-01 - 2014-09-30	Qtr04	779	16.3%	310	6.5%	371	7.8%	189	3.9%	113	2.4%	1,762	3,023	4,785	3,024	1,490
	Qtr03	725	15.1%	315	6.6%	425	8.9%	189	3.9%	76	1.6%	1,730	3,066	4,796	3,067	1,530
	Qtr02	679	13.5%	326	6.5%	437	8.7%	273	5.4%	281	5.6%	1,996	3,025	5,021	3,028	1,465
	Qtr01	781	14.7%	355	6.7%	424	8.0%	294	5.5%	178	3.3%	2,032	3,291	5,323	3,339	1,514
<b>2013-10-01 - 2014-09-30</b>		<b>2,964</b>	<b>14.9%</b>	<b>1,306</b>	<b>6.6%</b>	<b>1,657</b>	<b>8.3%</b>	<b>945</b>	<b>4.7%</b>	<b>648</b>	<b>3.3%</b>	<b>7,520</b>	<b>12,405</b>	<b>19,925</b>	<b>12,458</b>	<b>2,548</b>
<b>Summary</b>		<b>8,433</b>	<b>14.4%</b>	<b>3,716</b>	<b>6.3%</b>	<b>5,117</b>	<b>8.7%</b>	<b>2,749</b>	<b>4.7%</b>	<b>1,521</b>	<b>2.6%</b>	<b>21,536</b>	<b>37,102</b>	<b>58,638</b>	<b>35,568</b>	<b>4,100</b>



## Three Year By Quarter No Show/Cancellation Summary Behavioral Health Services



Range	FY QTR	No Show	%	No Show Patient Called < 24 Hrs	%	Cancel by Patient	%	Cancel by Provider	%	Cancel by Clinic	%	No Show Cancellation Total	Completed Office Visit	Total Appointments	Billed Visits	Total Clients
2015-10-01 - 2016-09-30	Qtr04	239	13.4%	101	5.7%	155	8.7%	42	2.4%	31	1.7%	568	1,219	1,787	916	884
	Qtr03	789	13.2%	314	5.2%	530	8.9%	190	3.2%	100	1.7%	1,923	4,059	5,982	3,206	1,497
	Qtr02	796	13.1%	339	5.6%	569	9.4%	299	4.9%	222	3.7%	2,225	3,857	6,082	3,480	1,499
	Qtr01	805	15.5%	331	6.4%	456	8.8%	360	6.9%	121	2.3%	2,073	3,127	5,200	3,097	1,375
<b>2015-10-01 - 2016-09-30</b>		<b>2,629</b>	<b>13.8%</b>	<b>1,085</b>	<b>5.7%</b>	<b>1,710</b>	<b>9.0%</b>	<b>891</b>	<b>4.7%</b>	<b>474</b>	<b>2.5%</b>	<b>6,789</b>	<b>12,262</b>	<b>19,051</b>	<b>10,699</b>	<b>2,285</b>

Oneida Comprehensive Health Division  
 Oneida Community Health Center  
 Behavioral Health Services  
 Anna John Resident Centered Care Community  
 Employee Health Nursing



**To:** Oneida Business Committee

**From:** Ravinder Vir, MD, MBA, FACP  
 Debra Danforth RN, BSN  
 Oneida Comprehensive Health Division Directors

**Date:** August 18, 2016

**Re:** **Addendum to the Comprehensive Health Division 3<sup>rd</sup> Quarter Report on the 340 B Close Out Report**

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The official 340 B Close Out Report is not included in the Division's 3rd quarter report for the 8/24/2016 Business Committee meeting as this covers the period of the 3rd quarter April to June, 2016. We did however, include a brief update on the status as of June 30, however, we are still assessing the total impact of the 340 B loss. At this point, we would anticipate that a final close out report can be available for the 9/9/16 BC meeting.

Mailing Address: P.O. Box 365, Oneida, WI 54155  
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center  
 Behavioral Health Services  
 Anna John Resident Centered Care Community  
 Employee Health Nursing

525 Airport Rd., Oneida, WI 54155  
 2640 West Point Rd., Green Bay, WI 54304  
 2901 S. Overland Rd., Oneida, WI 54155  
 701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711  
 Phone: (920) 490-3790 or 1-888-490-2457  
 Phone: (920) 869-2797  
 Phone: (920) 405-4492

Fax: (920) 869-1780  
 Fax: (920) 490-3883  
 Fax: (920) 869-3238  
 Fax: (920) 405-4494

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 08 / 24 / 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 LAND CLAIMS COMMISSION  
3rd QUARTERLY REPORT**

April 1, 2016 to June 31, 2016

Submitted by Dakota Webster, LCC Secretary 920-228-0623

**LAND CLAIMS COMMISSIONERS:**

Chairperson- Vacant, Vice-Chair-Loretta V. Metoxen, Secretary/Treasurer-Dakota Webster, Commissioners: Jay Rasmussen, Donald McLester, Brandon Stevens/Jenny Webster, BC Chair and LCC Liaison. Currently 3 vacancies

**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 ~LCC By-Laws

- Special Note: The Land Claims Commission is an educational resource and liaison for the Oneida community regarding the New York Land Claims case and history. The Land Claims Commission strives to provide educational opportunities to learn more about the Upstate New York in order for the G.T.C. to make better informed and/or sound decisions. Although, there is sensitivity and confidentiality to our case, the Land Claims Commission continues to strive to assist G.T.C. members to be interested and better informed in the New York Land Claims case to the best of our knowledge and resourced provided for us.

**OBJECTIVES:**

The Oneida Land Claims Commission is an elected governing body and will still strive to meet the needs of the GTC. LCC continues to show interest in any BC meetings regarding the New York Land Claims Issues. The Commission is still in the process of updating the by laws that govern the commission. LCC is currently updating the job description for the vacant position of administrative assistant.

**MEETINGS:**

April- 4-27-16 4-7-16

May- 5-12-16

June- 6-8-16

Land Claims Commission meets once a month on a regular basis as scheduled, the third Thursday of every month at 5PM.

**FOLLOW UP:**

LCC has set up an email account and will be answering questions from the GTC on land claims history and the current land claims issue. Updates to the By-Laws are almost complete and should be ready to present to GTC soon. Upgrades to the LCC office are at a stand still waiting on approvals. Files from the LCC are still being loaded into Onbase.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 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 Oneida School Board FY '16 3rd 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/Submitter: Debra Danforth, School Board Chair  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Sharon Mousseau, Superintendent  
Name, Title / Dept.

Additional Requestor: Submitted by: Linda Jenkins, Business Manager/Oneida Nation School System  
Name, Title / Dept.

## ONEIDA NATION SCHOOL SYSTEM

Oneida Nation Elementary School  
 P.O. Box 365  
 N7125 Seminary Road  
 Oneida, WI 54155  
 Phone (920) 869-1676  
 FAX (920) 869-1684



Oneida Nation High School  
 P.O. Box 365  
 N7210 Seminary Road  
 Oneida, WI 54155  
 Phone (920) 869-4308  
 FAX (920) 869-4045

August 24, 2016

**BOARD:** Oneida Nation School Board  
**MEMBERS:** Debra Danforth, Chair  
 Rhiannon Metoxen, Secretary  
 Melinda K. Danforth, Member  
 Todd Hill, Member  
 Fred Muscavitch, Member  
 Neset Skenandore, Member  
 Shanna Torres, Member

**CONTACT PERSON:** Rhiannon Metoxen  
**OBC LIAISON:** Fawn Billie

**MINUTES:** May 2016  
 June 2016  
 July 2016

### UPDATES

15-16 School Year Final Student Enrollment: K-8 = 357    9-12 = 155    Total = 512

Elementary summer school had an average of 55 students attending through June, Monday through Friday with academics daily, plus garden work and Band for students 5<sup>th</sup> grade and up. Band camp was also held the last week of July.

As the 2016-2017 school year prepares to begin, custodial and maintenance crews are cleaning and making repairs so the building is ready to go when students return on August 29.

School Administration and School Board members have been conducting interviews to fill vacancies prior to the start of the school year.

The school system currently has 8 staff members who are participating in the Bureau of Indian Education's National Board Certification program for teachers. The Bureau of Indian Education is providing for a monetary bonus to each teacher that successfully completes the program.

The School Board has had one retreat so far to start review the draft education code which was previously submitted to the LOC. The next review session will be scheduled for September 2016.

**FINANCIAL**

## 2015-16 School Year Funding

<u>Fund Unit</u>	<u>Grant Funds Received</u>	<u>TC used</u>	<u>Total Funds used</u>	<u>%TC</u>
Tribal School	\$7,584,917.72	\$558,457.75	\$6,836,144.57	8.16%
High School	\$ 652,332.00	\$345,137.16	\$ 997,469.94	34.6%
Title VII	\$ 102,337.00	\$ 33,665.00	\$ 136,002.03	24.75%
JOM (Jan/Dec)	\$ 33,576.00	\$0	\$ 22,804.00	0%
TS Fund (Athletic)	\$ 0	\$ 50,034.00	\$ 50,034.00	100%
HS Fund (Athletic)	\$ 0	\$122,989.00	\$ 122,989.00	100%
TS Meals	\$ 289,568.05	\$214,946.30	\$ 583,103.58	36.86%
Fruit/Veggie	\$ 15,712.00	\$0	\$ 14,508.39	0%
	<u>\$8,678,442.77</u>	<u>\$1,325,229.21</u>	<u>\$8,763,055.51</u>	<u>15.12%</u>

**GOALS AND OBJECTIVES**

Our students will continue to increase their knowledge of Oneida language and culture, as they attend language / culture and social dance classes as part of their daily education. Improving daily attendance and raising the reading and mathematics academic levels continue to be the overall goals for this school year.

The FACE program center-based program for the 3 to 5 year olds is currently full and taking names for a waiting list. Both parent educators are now fully certified to work with birth through 5 years with home visits. This literacy based program is growing in popularity and families are referring families due to the success of the early childhood program.

Both schools have implemented Stage two of the Positive Behavior Intervention and Supports (P.B.I.S.) program.

The Bureau of Indian Education requires quarterly reporting on the Indistar Program, which provides goals and activities for the categories of School Leadership & Decision Making; Curriculum, Assessment and Instructional Planning; Classroom Instruction, which includes parental communication. The annual updates for the Parent Involvement Policy and Home/School/Community Compact have been completed.

**MEETING REQUIREMENTS**

The Oneida Nation School Board meets the first Monday of every month at 5:00 p.m. in the library at the Elementary School, and meetings are open to the public. Special meetings are called by the School Board Chair when deemed necessary.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 16

2. General Information:

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

[Empty text box]

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

Request approval of Library Board quarterly report

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: Fawn Billie, Council Member

Primary Requestor/Submitter: Dr. Carol Cornelius, Secretary  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Louis Williams, Library Manager  
Name, Title / Dept.

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

**ONEIDA COMMUNITY LIBRARY BOARD  
QUARTERLY REPORT April, May, June 2016**

**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:** Roxanne Anderson, Vice Chairperson

**MEMBERS:** Roxanne Anderson, Vice Chairperson  
Dr. Carol Cornelius, Secretary  
Bridget John , Member  
Dylan Benton, Member  
Marena A. Bridges - Member as of May 2016

**BC LIAISON:** Fawn Billie

**MINUTES:**

The following meeting minutes have been approved by the Oneida Community Library Board and sent to Kathy Metoxen:

April 13, 2016  
May 11, 2016  
June 8, 2016

**ACTION TAKEN:**

The Board meets at the Library, the second Wednesday of the month at 4:30 p.m.

**HIGHLIGHTS OF THE LIBRARY**

**April, 2016**

- \* Seuss-a-bration for Dr. Seuss's Birthday was held on March 5th with 78 people attending to enjoy the food, activities, drawings, story time and good company.
- \*Oneida language classes continue on Tuesdays and Thursdays.
- \*A presentation on "Climate Change and its affects" was made by Jeff Mears from Environmental.
- \*Upcoming: Open House April 16.
- \*Staff training includes workshop on dynamics of our internal customers, two staff attend NWTC classes which are grant funded.
- \*Green Earth hosts Three Sisters Headstart, activities were held for children during spring break. Offer tax forms and customer can do their taxes on line. A special mention was made of a young man who utilized the tutor and will graduate and go on to Culinary Arts school this fall.
- \*Please note that we are now keeping track of the number of veterans using the libraries with 13 at the main library and 8 at Green Earth.
- \*Kim for Green Earth will do a presentation for the board. National Library Month and Week of the Young Child were observed with 40 Head Start taking part in activities. Once a month Kim goes to the Turtle schools to meet with the FACE program participants. Activities: Artsy Thursday the children paint a clan symbol. Adding Mine craft includes math, architecture, and learning games and hopefully inspires future engineers. The theme of Libraries transforming to meet current needs seems to be throughout the library systems. The Stem/Steam participants learn activities including money smart week with budgeting, learning about the National Reserves in Chicago, needs vs wants, reuse, redo, recycle, meal planning for adults, and community rummage sale April 29.

She is already planning the daily schedule for the summer program which includes going to Oneida lake on June 22 and giving out books, going to Farmer's Market, All the activities stress respect, and treating each other in good ways. In May the Thursday before Mothers Day will be another painting class for adults utilizing the Youtube instructor. The Board appreciates all the wonderful work that Kim does for Green Earth Branch Library.

Total Patron Count: 3,483

### **May 2016**

\*Welcome new Board member Marena A. Bridges

\*Staff training: Food Safety, Dynamics of Internal Customers, Webinar on Management Employee performance.

\* National Library Week open house with chili cook off.

\*Security cameras on hold waiting for tribal wide consolidation plan.

\* Four funding sources all have positive balances. Reviewed activities at both libraries.

Patron Count 3, 113

### **June 2016**

\*Reports from Kymberley Pelky and Wanda Boivin on the conference of Wisconsin Association of Public Libraries.

\*Sing Song Sloppy Joes", puppets, snack, stories activities for families. 40 attended.

\*"Trail Blazing Tale Telling Time" short film "Oneida Soldier," on Oneida man, Mr. Webster, during the Vietnam war with 7 attending.

\*Social Painting" at Green Earth is becoming a popular activity for adults and children.

\* Have summer interns and 2 from youth to work program.

\*Two raised beds to plant will be part of the Summer Reading program.

\* After School Reading is Cool is a program that encourages kids to read and explore characters as well as genre. After reading the book, activities are done that enhances the book.

\*Clean up on Highway H to be scheduled for June 25

Patron Count: 3,137

### **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.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 8 / 24 / 16

**2. General Information:**

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

Environmental Resource Board - 3rd Quarter Report

Agenda Header: Reports

Accept as Information only

Action - please describe:

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1. ERB 3rd Quarter Report 3.

2. 4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison: Tehassi Hill, B.C. Council Member

Primary Requestor/Submitter: Eugene Schubert, Policy Analyst, ERB  
Your Name, Title / Dept. or Tribal Member

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

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

## ***ENVIRONMENTAL RESOURCE BOARD***

***FY '16 3<sup>rd</sup> Quarter Report: April, May, June***

### ERB MEMBERSHIP

Marlene Garvey, Chair	Al Manders, Vice-Chair	Megan White, Secretary
Shawn Skenandore	Ted Hawk	Gerald Jordan
Tom Oudenhoven	Richard Baird	Nicole Steeber

Oneida Business Committee Liaison: Councilman Tehassi Hill

### MINUTES

Action Taken April 7:

- Motion to approve ERB report; 2<sup>nd</sup> Quarterly.
- Motion to support Solar Electric developments for renewable energy on Oneida's buildings.
- Motion of support for Phase II Onyota'a:ka Lake concepts, including a secondary access road to the expanded site.

Hearing April 21:

- Citation hearings regarding violations of Domestic Animals Ordinance & Hunting, Fishing, and Trapping Law.

Action Taken May 5:

- Motion to approve wetlands club tour for UW-Stevens Point students to visit Coyote Run natural area.

Action Taken June 2:

- No meeting

### FINANCIALS

FY2016 Tribal Contribution -	\$ 258,910
Current Month Transactions – April	\$ 20,754.92
Current Month Transactions – May	\$ 21,150.38
Current Month Transactions – June	\$ 18,555.65

### SUMMARY OF ACTIVITIES

- ERB holds *citation hearings* to ensure the enforcement of health and safety measures for the Oneida community.
- Continue work with Conservation and attorney Krystal John on *Hunting, Fishing, Trapping, and Gathering law* to streamline law and separate regulations from the law.
- Community activities including *Oneida Earth Day* at Onyota'a:ka Lake and *Youth & Elder Fishing Day* at Osnuhsa Lake.
- *Onyota'a:ka Lake* summer management activities, planning for Phase II, and maintaining recreational calendar.

- Promotion of *Natural Areas and Trails guide* featuring 20 Oneida natural areas in coordination with EH&SD, GLIS, and Health Promotions.
- Collaboration on *Website Steering Committee* regarding the roll-out and ongoing training and updates for the new Oneida Nation webpage.
- Participation in the initiatives of the *Wellness team* to improve nutrition, recreation, and flex-time for fitness opportunities.
- *Silver Creek Project Team* meetings to reduce phosphorous inputs to streams from agricultural fields.
- Multi-year planning for *Former State Farm property* via Oneida Sustainable Resource Advisory Council (OSRAC) promoting environmental quality and economic vitality on Oneida lands.
- Support for DOE grant to install *Solar Electric Energy* systems on Oneida Tribal buildings.
- Other *interdepartmental team* activities or coordination efforts that arise on a short-term basis to meet the vision of the Oneida Nation.

### GOALS

#	GOAL STATEMENT
1	To provide the Oneida community with environmental education through community events, workshops, and educational materials. These will include local, regional, and national issues.
2	Monitor environmental and other projects for compliance with community goals, support Sustainable Community development projects and energy efficiency program development, and appropriately manage grant and bonding commitments.
3	To continue updates and reviews of the Hunting, Fishing, and Trapping regulations, the Domestic Animals Ordinance, the ATV Law, the Water Resources Ordinance, the Public Use of Tribal Lands Law, and other policies regarding environmental stewardship.

### OBJECTIVES

#	OBJECTIVE STATEMENT	MEASUREMENT	COMPLETION DATE	GOAL # (above)
1	Community outreach regarding Onyota'a:ka Lake management and planning Phase II activities.	Provide coordination with Planning and EH&SD	Ongoing	3
2	Oneida Earth Day at Onyota'a:ka Lake and Youth & Elder Fishing Day at Osnuhsa Lake.	Community participation	April and May, 2016	1
3	Hearing body for citations issued for Hunting, Fishing, and Trapping Law and Domestic Animals ordinance.	Providing a reliable and dependable hearing structure	Ongoing, 4 citations heard this quarter.	3

MEETING REQUIREMENTS

The ERB currently holds meetings once a month. Meetings are normally held on the 1st Thursday of each month. Hearings are held as required. ERB also attends Business Committee meetings, other public meetings, and performs volunteer service in the community as required or deemed appropriate by the ERB. **Yaw^ko!**

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 09 / 14 / 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:

The OCPB requests that the FY-16 Q 3 Report be delayed until the The Sept 14 OBC meeting. We were short staffed this past week and need the extra time to fully prepare the report. Thank you

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:

TO: Oneida Business Committee  
FR: Dale Powless, OCPB Chairman  
RE: FY 16 Q3 Report Delay  
DA: august 19, 2016

This is a request for a delay in submitting our FY 16 Q3 report. We would like to be placed on the OBC Agenda for September 14, 2016. We were short staffed this past week and need the extra time to fully prepare the report.

Thank you for your 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@oneidanation.org](mailto:BC_Agenda_Requests@oneidanation.org)