

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Meeting Materials January 26, 2017**

### **Open Session – FY '17 1<sup>st</sup> Quarter Reports**

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 180 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 26<sup>th</sup> day of January, 2017.

A handwritten signature in blue ink, which appears to read 'Lisa Summers', is written over a horizontal line.

Lisa Summers, Tribal Secretary  
Oneida Business Committee



## Oneida Business Committee

FY '17 1<sup>st</sup> Quarter Reports  
8:00 a.m. Thursday, January 26, 2017  
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

pp. 1-4

#### IV. REPORTS

##### A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS

1. **Accept Oneida Nation Arts Board FY '17 1<sup>st</sup> quarter report** pp. 5-7  
(8:00 a.m.-8:15 a.m.)  
Chair: Tamara VanSchyndel  
Liaison: Jennifer Webster, Councilwoman
2. **Accept Anna John Residential Centered Care Community Board FY '17 1<sup>st</sup> quarter report** pp. 8-11  
(8:15 a.m.-8:30 a.m.)  
Chair: Candace House  
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman
3. **Accept Oneida Child Protective Board FY '17 1<sup>st</sup> quarter report** pp. 12-31  
(8:30 a.m.-8:45 a.m.)  
Chair: Dale Powless  
Liaison: Lisa Summers, Tribal Secretary
4. **Accept Oneida Environmental Resources Board FY '17 1<sup>st</sup> quarter report** pp. 32-36  
(8:45 a.m.-9:00 a.m.)  
Chair: Marlene Garvey  
Liaison: Tehassi Hill, Councilman
5. **Accept Oneida Community Library Board FY '17 1<sup>st</sup> quarter report** pp. 37-40  
(9:00 a.m.-9:15 a.m.)  
Vice-Chair: Roxanne Anderson  
Liaison: Fawn Billie, Councilwoman

- 6. Accept Oneida Personnel Commission FY '17 1<sup>st</sup> quarter report** *pp. 41-71*  
*(9:15 a.m.-9:30 a.m.)*  
 Chair: Yvonne Jourdan  
 Liaison Alternate: David Jordan, Councilman
- 7. Accept Oneida Police Commission FY '17 1<sup>st</sup> quarter report** *pp. 72-77*  
*(9:30 a.m.-9:45 a.m.)*  
 Chair: Bernie Stevens  
 Liaison: Lisa Summers, Tribal Secretary
- 8. Accept Oneida Pow-wow Committee FY '17 1<sup>st</sup> quarter report** *pp. 78-82*  
*(9:45 a.m.-10:00 a.m.)*  
 Chair: Tonya Webster  
 Liaison: Fawn Billie, Councilwoman
- 9. Accept Southeastern Oneida Tribal Services Advisory Board FY '17 1<sup>st</sup> quarter report**  
*(Not Submitted)*  
 Chair: Daniel Schiller  
 Liaison: Tina Danforth, Tribal Chairwoman

*(Break scheduled from 10:00 a.m.-10:15 a.m.)*

- 10. Accept Oneida Nation Veterans Affairs Committee FY '17 1<sup>st</sup> quarter report** *pp. 83-86*  
*(10:00 a.m.-10:15 a.m.)*  
 Chair: Mike Hill  
 Liaison: Jennifer Webster, Councilwoman

**B. ELECTED BOARDS, COMMITTEES, COMMISSIONS**

- 1. Accept Oneida Nation Commission on Aging FY '17 1<sup>st</sup> quarter report** *pp. 87-93*  
*(10:15 a.m.-10:30 a.m.)*  
 Chair: Patricia Lassila  
 Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman
- 2. Accept Oneida Gaming Commission FY '17 1<sup>st</sup> quarter report** *pp. 94-96*  
*(10:30 a.m.-10:45 a.m.)*  
 Chair: Mark A. Powless Sr.  
 Liaison: Brandon Stevens, Councilman
- 3. Accept Oneida Election Board FY '17 1<sup>st</sup> quarter report** *pp. 97-98*  
*(10:45 a.m.-11:00 a.m.)*  
 Chair: Racquel Hill  
 Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman
- 4. Accept Oneida Land Claims Commission FY '17 1<sup>st</sup> quarter report** *pp. 99-101*  
*(11:00 p.m.-11:15 p.m.)*  
 Vice-Chair: Loretta Metoxen  
 Liaison: Jennifer Webster, Councilwoman
- 5. Defer Oneida Land Commission FY '17 1<sup>st</sup> quarter report** *pp. 102-103*  
 Chair: Rae Skenandore  
 Liaison: Tehassi Hill, Councilman

- 6. Accept Oneida Nation School Board FY '17 1<sup>st</sup> quarter report** *pp. 104-122*  
*(11:15 p.m.-11:30 p.m.)*  
 Chair: Debbie Danforth  
 Liaison: Fawn Billie, Councilwoman

*(Break scheduled from 11:30 a.m.-1:15 p.m.)*

### **C. CORPORATE BOARDS**

- 1. Accept Oneida Airport Hotel Corporation FY '17 1<sup>st</sup> quarter report** *pp. 123-127*  
*(1:15 p.m.-1:30 p.m.)*  
 Agent: Janice Hirth-Skenandore  
 Liaison: Trish King, Tribal Treasurer
- 2. Accept Oneida Golf Enterprise FY '17 1<sup>st</sup> quarter report** *pp. 128-131*  
*(1:30 p.m.-1:45 p.m.)*  
 Agent: Janice Hirth-Skenandore  
 Liaison: Trish King, Tribal Treasurer
- 3. Accept Bay Bancorporation, Inc. FY '17 1<sup>st</sup> quarter report** *pp. 132-136*  
*(1:45 p.m.-2:00 p.m.)*  
 President: Jeff Bowman  
 Liaison: Tina Danforth, Tribal Chairwoman
- 4. Accept Oneida ESC Group, LLC. FY '17 1<sup>st</sup> quarter report** *pp. 137-143*  
*(2:00 p.m.-2:15 p.m.)*  
 Chair: Jackie Zalim  
 Liaison: Tehassi Hill, Councilman
- 5. Accept Oneida Total Integrated Enterprises, LLC. FY '17 1<sup>st</sup> quarter report** *pp. 144-163*  
*(2:15 p.m.-2:30 p.m.)*  
 Interim Chair: Jackie Zalim  
 Liaison: Tehassi Hill, Councilman
- 6. Accept Oneida Seven Generations Corporation FY '17 1<sup>st</sup> quarter report** *pp. 164-166*  
*(2:30 p.m.-2:45 p.m.)*  
 Agent: Pete King III  
 Liaison: Tina Danforth, Tribal Chairwoman

### **D. STANDING COMMITTEES**

- 1. Defer Community Development Planning Committee FY '17 1<sup>st</sup> quarter report** *pp. 167-168*  
 Chair: Melinda J. Danforth, Tribal Vice-Chairwoman
- 2. Accept Legislative Operating Committee FY '17 1<sup>st</sup> quarter report** *pp. 169-171*  
*(3:00 p.m.-3:15 p.m.)*  
 Chair: Brandon Stevens, Councilman
- 3. Accept Quality of Life Committee FY '17 1<sup>st</sup> quarter report** *pp. 172-173*  
*(3:30 p.m.-3:45 p.m.)*  
 Chair: Fawn Billie, Councilwoman

- 4. Accept Finance Committee FY '17 1<sup>st</sup> quarter report**  
*(3:45 p.m.-4:00 p.m.)*  
Chair: Trish King, Tribal Treasurer

*pp. 174-178*

**V. ADJOURN**

Posted on the Oneida Nation's official website, [www.oneida-nsn.gov](http://www.oneida-nsn.gov), at 2:05 p.m., Friday, January 20, 2017, pursuant to the Open Records and Open Meetings Law, section 7.17-1.

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

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

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

## 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 Nation Arts Board FY '17 1st quarter report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Beth Bashara, Director of the Arts Program

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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

# Oneida Nation Arts Board

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*Quarterly Report – 1<sup>st</sup> Quarter (Oct - Dec, 2016)  
January 17, 2017*

## Oneida Nation Arts Board

Sylvia Cornelius (Exp. 2015)  
Sapatis Menomin (Exp. 2017)  
Tamara J Vanschyndel (Exp. 2017)  
Dakota Webster (Exp. 2018)  
Jackie Zalim (Exp. 2018)  
Marena Bridges (Exp. 2019)

Report submitted by:

Tamara VanSchyndel, Chair (Exp. 2017)  
Dawn Walschinski, Chair Elect (Exp. 2015)  
Pat Moore, Secretary (Exp. 2015)



## Board Purpose Statement:

To provide guidance to the ONAP and to perform the responsibilities granted to the Board under the Dollars for Arts Program policy. Specific responsibilities include, but are not limited to the following: (a) work with ONAP Director and staff in an advisory capacity on issues related to the arts in Oneida, and (b) strive to provide guidance and recommendations in the development of the ONAP and arts programs throughout the community, and (c) receive reports of the ONAP activities ONAP staff, and (d) evaluate ONAP, (e) approve policies and programs for the overall coordination and administration of the ONAP.

## Update from the Chair

As newly appointed chair of the Arts Program, I had the pleasure of joining the staff and BC Liaison, Jenny Webster, at their holiday staff meeting and potluck. I asked the question, "What does the Program need from the board?" In addition to some great feedback for further promoting and continued improvement, the Arts Program staff demonstrated their passion for Native arts and this community.

## Meetings Held

October 6, 2016	Election of officers
December 14, 2016	Arts Program Staff and Board Pot Luck

## Oneida Nation Arts Program Update

### Administrative Reports

Staff includes: Beth Bashara, Director  
Christine Klimmek, Program Coordinator  
Sherrole Benton, Program Coordinator

### Programming Reports

*Art Classes:* Participants enjoyed learning about and making Raise Beaded Pin Cushions, Traditional Iroquois Silver Brooches, and Hand Painted Cards. In the Hand Painted Card class, staff from the Language House was available to teach holiday greetings in the cards. The water color class was so successful that a second session was offered in January.

*MOC:* After a successful partnership with the Oneida Recreation Program, MOC again held singing practice at the Civic Center in October. The kids presented at the Radisson, November 1 for the State Transportation Conference. The kids continue to be requested for various performances.

### Future Focus

#### Art Classes

Woven Sewing Basket	February 2, 9, 16, 23
Painting Silk Scarves	February 13 and 20
Native Cedar Flute for Beginners	February 7, 9, 14, and 16
Intermediate Native Flute	March 7, 9, 14, and 16
Rip Dress Making	March 8, 15, 22

### Informational Excerpt

#### by Lisa J. Lehmborg

A large body of literature addresses the physical well-being of senior citizens as a result of music participation. Due to the age of senior citizens, they are more prone to have various health issues. Evidence in the literature suggests that there were multiple physical benefits regardless of the senior citizens' health conditions. A landmark two-year study examining the effect of arts participation on 300 senior citizens, aged 65 or older, in New York City, San Francisco, and Washington, D.C. showed remarkable results (Cohen, 2006a, 2006b). Compared to the control group with limited arts participation, those who participated in weekly arts programs, including music, showed better health, fewer doctor visits, less medication usage, more positive responses on mental health measures, and more involvement in overall activities. The findings "point to true health promotion and disease prevention effects" (Cohen, 2006b, p. 6). In Cohen's (2006b) words: The significance of the art programs is that they foster sustained involvement because of their beauty and productivity. They keep the participants involved week after week, compounding positive effects being achieved. Many general activities and physical exercises do not have this high level of engagement. Art programs, thereby help sustain quality of life.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

**2. General Information:**

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

Agenda Header:

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Action - please describe:

PLEASE ACCEPT THE AJRCCC FIRST QUARTERLY REPORT FOR 2017 . THIS REPORT COVERS THE PERIOD OF OCT,NOV & DECEMBER 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: CAROL ELM, BOARD MEMBER- VICE CHAIR  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: PAT MOORE, YVONNE CORNELIUS, JANICE MCLESTER, MARY ADAMS, SANDRA  
Name, Title / Dept.

Additional Requestor: SKENADORE- BOARD MEMBERS  
Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

PER THE TRIBAL SECRETARY'S OFFICE SCHEDULE -- ALL BOARDS, COMMITTEES, AND COMMISSIONS ARE TO PROVIDE QUARTERLY REPORTS TO THE ONEIDA BUSINESS COMMITTEE. 1ST QUARTER REPORT OF THE AJRCCC DUE ON JANUARY 17, 2017 FOR THE JANUARY 26, 2017 MEETING DATE.

- 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)

**Anna John Resident Centered Care Community  
Quarterly Report to Business Committee  
Period: Oct, Nov. & Dec 2016  
Submitted by: Carol Elm**

The purpose of the Anna John Resident Centered Care Community (AJRCCC) Board is to serve in an advisory capacity ensuring operations of AJRCCC are within the guidelines and policies of the Oneida Tribe of Indians of Wisconsin and within all regulations, rules, policies governing the operation of a nursing home.

The Board ensures the AJRCCC maintains a safe and sanitary environment while providing quality care and services to residents of the facility and as ordered by each resident's attending physician.

**AJRCCC BOARD MEMBERS**

<b>Name</b>	<b>Term Expires</b>	<b>Name</b>	<b>Term Expires</b>
Carol Elm	1/28/18	Pat Moore	5/27/18
Yvonne Cornelius	10/28/18	Janice McLester	7/08/18
Sandra Skenadore	11/12/17	Mary Adams	7/25/17
Candace House	1/28/18		

**MINUTES**

<b>October 13, 2016 October 19, 2016</b>	<b>November 1, 2016 November 7, 2016 November 15, 2016 November 17, 2016 November 30, 2016</b>	<b>December 14, 2016</b>

**RESIDENT CENSUS**

<b>October 2016</b>	<b>November 2016</b>	<b>December 2016</b>
<b>43.8 = 91.26%</b>	<b>44.9 = 93.61%</b>	<b>44.1 = 91.87%</b>

**Maximum is 48 Beds**

**HIGHLIGHTS**

- **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 2 minor reports

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 continues as the Acting Administrator for the AJRCCC.**
- **The AJRCCC board has attended the following activities at the AJRCCC:**
  - **November 15, 2016: AJRCCC Harvest Meal, all Board members were in attendance at the AJRCCC Harvest meal to enjoy a harvest dinner with the residents.**
  - **December 20, 2016: Christmas party with AJRCCC Residents. The AJRCCC Board divided the number of residents between the board members and purchased gifts for all AJRCCC residents. Several of the Board Members attended the December 20, 2016 Christmas Party to hand out gifts.**

### **STAFFING**

- **Between the months of October to December, 2016; HRD reported that as of 1/1/2017 the Anna John Resident Centered Care Community had a total of 65 tribal employees working the 24/7 shifts to care for our Residents during the 1st quarter 2017.**

**The End.**

# Oneida Business Committee Agenda Request

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## 2. General Information:

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Agenda Header:

Accept as Information only

Action - please describe:

Approval needed

## 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 Child Protective Board Quarterly Report  
For Oneida Business Committee  
Period: October, November, & December 2016  
First Quarter report due: January 17<sup>th</sup>, 2017

**ONEIDA CHILD PROTECTIVE BOARD**

Dale Powless, Chairman  
Lois Strong, Vice Chair  
Jeanette Ninham, Secretary  
Beverly Anderson, Member

Wesley Martin, Member  
Carol Silva, Member  
Melinda K. Danforth, Member  
Lisa Summers, OBC Liaison

**MISSION:** To secure a stable environment that includes the physical, mental, cultural and financial well-being of Oneida children.

**PURPOSE:** In accordance with the Indian Child Welfare Act, 25 U.S.C. 1901, etseq. , the purpose of the Board is to protect the best interest of Oneida children and to promote the stability and security of Oneida families. When placements of such children in foster or adoptive homes or facilities are necessary, these homes must reflect the unique values of Indian culture. For this purpose, the Board may intervene in federal, state, and county courts concerning the following proceedings: foster care placement, termination of parental rights, pre-adoptive placement, adoptions and out of home placements.

**MEETING REQUIREMENTS**

Oneida Child Protective Board meets weekly and by special requests from family members, counties departments, or community members.

**MINUTES**

Due to confidentiality nature of minors, all minutes are kept in locked fireproof file cabinet, in a locked room within the building.

**FINANCIALS**

The Oneida Child Protective Board is on schedule with meeting our financial goals.

**EDUCATION/TRAINING**

- Fighting Methamphetamine & Pharmaceutical Abuse in Indian County  
October 18<sup>th</sup>, 2016
- 13<sup>th</sup> Annual Fatherhood is Leadership National Conference  
November 2<sup>nd</sup>-4<sup>th</sup>, 2016 in Tempe, Arizona
- BIA Training on Final ICWA Rule  
November 17<sup>th</sup>, 2016

Oneida Child Protective Board Quarterly Report  
For Oneida Business Committee  
Period: October, November, & December 2016  
First Quarter report due: January 17<sup>th</sup>, 2017

**GOALS AND OBJECTIVES**

- Facilitate appropriate training opportunities for Oneida Child Protective Board members for certificate/report of completion per Oneida Child Protective Board Bylaws.
- Develop working relationship and improve judicial relationships through meetings with tribal, state, and county personnel.
- Work in accordance with the Oneida Law Office and Tribal Social services to enforce the provisions of the Indian Child Welfare Act.

**COMMENTS**

- Attended state court hearings in support of placement of Oneida children and their families.
- Heard, discussed and recommended the best solution for cases that came before us. The following chart demonstrates the approximate number of cases for the quarter:
- Worked with the ICW staff to provide a brochure to have available for families. This information should be provided by the Adoption agency, but this is not always the case. Therefore we feel it is imperative they have knowledge since there is a timeline for applying for these funds. (see attachment)
- Attached is the Bureau of Indian Affairs Final Rule: Indian Child Custody Proceedings which went into effect on December 12<sup>th</sup>, 2016

Oneida Child Protective Board Quarterly Report  
 For Oneida Business Committee  
 Period: October, November, & December 2016  
 First Quarter report due: January 17<sup>th</sup>, 2017

<b>October</b>	
<i>On-Going Cases</i>	39
<i>New Cases</i>	1
<i>Relative Placement</i>	26
<i>Future Adoptive Placement</i>	1
<i>Treatment Facility Placement</i>	1
<i>Shelter Care Placement</i>	-
<i>Foster Care Placement</i>	10
<i>Parent Placement</i>	1
<i>Fictive Kin</i>	1
<i>Guardianship</i>	3
<i>Kinship</i>	2

<b>November</b>	
<i>On-Going Cases</i>	23
<i>New Cases</i>	8
<i>Relative Placement</i>	23
<i>Future Adoptive Placement</i>	-
<i>Treatment Facility Placement</i>	1
<i>Shelter Care Placement</i>	-
<i>Foster Care Placement</i>	7
<i>Parent Placement</i>	-
<i>Fictive Kin</i>	1
<i>Guardianship</i>	5
<i>Kinship</i>	-

<b>December</b>	
<i>On-Going Cases</i>	34
<i>New Cases</i>	9
<i>Relative Placement</i>	28
<i>Future Adoptive Placement</i>	-
<i>Treatment Facility Placement</i>	5
<i>Shelter Care Placement</i>	1
<i>Foster Care Placement</i>	10
<i>Parent Placement</i>	2
<i>Fictive Kin</i>	-
<i>Guardianship</i>	4
<i>Kinship</i>	-

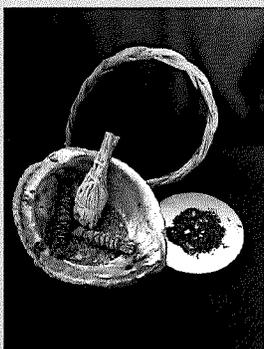
## Local Adoption Resources

If you have more questions you may contact:

**Lutheran Social Services of WI & Upper MI;** 3003 A N. Richmond Street, Appleton 54911 Phone: 920-730-1322

**Family Services Post-Adoption Resource Center;** 300 Crooks Street, Green Bay Phone: 920-436-4360 x1264

**Foster Care and Adoption Resource Center,** 6682 West Greenfield Avenue, Suite 310 Milwaukee WI 53214 Phone: 414-475-1246



Oneida Social Services  
2640 West Point Road  
Green Bay, WI 54304

Child Placement Coordinator  
Phone: 920-490-3822  
Fax: 920-90-3799  
Toll Free 1-888-490-2457

*Oneida Family Support Services*

## *A Guide to Adopting a Native American Child*



Oneida Social Services

Telephone: 920-490-3700

## *Introduction to Adoption*

The following guide is a very brief introduction to adoption resources and information.

For more information and guidance, please contact: Foster Care and Adoption Resource Center at 414-475-1246

or visit:  
[www.wifostercareandadoption.org/](http://www.wifostercareandadoption.org/)

### **Financial Adoption Support:**

- ◆ Eligibility Requirement: Child must be Native American
- ◆ The adoption social worker (through the licensed adoption agency you choose) will submit the necessary Adoption Assistance application materials to the Department of Children and Families for eligibility determination.
- ◆ Adoption assistance should be requested before the adoption becomes final.

- ◆ Benefits are not income based
- ◆ A monthly financial payment to assist in meeting financial demands-not to exceed \$2,000
- ◆ Adoption Assistance also includes Medical Assistance eligibility through Wisconsin's Medicaid Program. If a family's health plan fails to provide coverage, the Wisconsin Medicaid Program may cover some necessary health care costs.
- ◆ Adoption Assistance may continue until 18 or 19 years & child is enrolled as a full-time high school student.

To learn more about the Adoption Assistance Program, visit: [wifostercareandadoption.org/](http://wifostercareandadoption.org/) or call: 414-475-1246

### **Tax Credit:**

- ◆ Adoptive parents are also eligible for a one time Federal Adoption Tax Credit (based on income). Speak to your tax consultant about this for more information or visit: <https://www.nacac.org/taxcredit/taxcredit.html> or call: 651-644-3036

### **Adoption Cost Reimbursement:**

- ◆ The costs incurred during the adoptions process (fees, court costs, attorney fees, etc.) may be reimbursed up to a maximum of \$2000 through adoption assistance. This claim must be submitted within two years from the date of the adoption finalization.
- ◆ The form to complete and return address can be obtained by asking your adoption worker or by calling 866-666-5532.

\*\*\*Oneida Nation Social Services does **not** process adoptions, but does assist with Kinship and Foster Care Services

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10146

Federal Register / Vol. 80, No. 37 / Wednesday, February 25, 2015 / Notices

ENFORCEMENT ACTIONS TAKEN BY TSA IN CALENDAR YEAR 2014—Continued

TSA Case number/type of violation	Penalty proposed/assessed
TSA Case # 2014IAD0082—TWIC—Fraudulent Use or Manufacture (49 CFR 1570.7)	\$4,000/\$4,000.
TSA Case # 2014IAD0083—TWIC—Fraudulent Use or Manufacture (49 CFR 1570.7)	\$4,000/\$2,000.

[FR Doc. 2015-03798 Filed 2-24-15; 8:45 am]  
BILLING CODE 9110-05-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5851-N-01]

**Rental Assistance Demonstration (RAD)—Alternative Requirements or Waivers: Waiving and Specifying Alternative Requirements for the 20 Percent Portfolio Cap on Project-Basing and Certain Tenant Protection and Participation Provisions for the San Francisco Housing Authority's RAD Projects**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, and Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** The RAD statute gives HUD authority to establish waivers and alternative requirements. Pursuant to this authority, HUD has waived, to date, the statutory 20 percent cap on project-basing of a PHA's tenant-based voucher funding for RAD-converted units. This notice advises that HUD is waiving for the San Francisco Housing Authority (SFHA), to a limited extent and subject to certain conditions, the 20 percent cap on project-basing and certain other provisions governing project-based assistance with respect to an identified portfolio that includes RAD funding. These waivers are in response to plans submitted by SFHA to address capital needs of the portfolio and preserve available affordable housing for the SFHA's jurisdiction. Without this waiver, SFHA states that its plan for improving its affordable housing portfolio with RAD would not be workable, and the conversion of units under RAD would not be effective for its purpose.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Janet Golrick, Acting Director of the Office of Recapitalization, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-7000; telephone number 202-708-0001 (this is not a toll-free number). Hearing- and speech-

impaired persons may access these numbers through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

**Background and Action**

The RAD statute (Pub. L. 112-55, approved November 18, 2011) gives HUD authority to waive or specify alternative requirements for, among other things, section 8(o)(13) of the United States Housing Act of 1937 (the 1937 Act). In order to utilize this authority, the RAD statute requires HUD to publish by notice in the *Federal Register* any waiver or alternative requirement no later than 10 days before the effective date of such notice. This notice meets this publication requirement.

On July 2, 2013, notice 2012-32 Rev-1 (as corrected by the technical correction issued February 6, 2014) ("the revised notice") superseded PIH Notice 2012-32. The revised notice is found at the following URL: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/publications/notices/2012](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/publications/notices/2012).

The revised notice at section 1.9, paragraph F, entitled "Portfolio Awards," also sets forth a new option of a "portfolio award," which allows PHAs to apply for RAD conversions affecting a group of projects. This type of award is meant to enable PHAs to create a comprehensive revitalization plan for multiple buildings they oversee. SFHA has submitted an application for a portfolio award under RAD.

The revised notice contains a waiver of 8(o)(13)(B) and other sections of the 1937 Act. Section 1.6, "Special Provisions Affecting Conversions to PBVs," at paragraph A.1, allows a project that converts from one form of rental assistance to another under RAD to exceed the 20 percent project-basing cap. Section 1.6.A.2 allows sets alternate requirements for the percent limitation on the number of units in a project that may receive PBV assistance. Section 1.6.C. sets forth alternative requirements for resident rights and participation. (Collectively, the waivers and alternative requirements set forth in Sections 1.6.A.1, 1.6.A.2 and 1.6.C are referred to herein as the "Applicable Alternative Tenanting Requirements.")

As part of its application for a portfolio award, SFHA's comprehensive

revitalization planning contemplates not only the conversion of assistance pursuant to RAD, but also to supplement such converted projects by project-basing additional voucher assistance. SFHA has submitted a waiver request that seeks permission to apply the Applicable Alternative Tenanting Requirements to all units in those projects with assistance converted under RAD. HUD has granted that request, subject to certain conditions which SFHA has agreed to carry out.

Dated: February 13, 2015.

Jemine A. Bryon,  
*Acting Assistant Secretary for Public and Indian Housing.*

Biniam T. Gebre,  
*Acting Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2015-03780 Filed 2-24-15; 8:45 am]  
BILLING CODE 4210-67-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

[K00103 12/13 A3A10; 134D0102DR-DS5A300000-DR.5A311.1A000113]

**Guidelines for State Courts and Agencies in Indian Child Custody Proceedings**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** These updated guidelines provide guidance to State courts and child welfare agencies implementing the Indian Child Welfare Act's (ICWA) provisions in light of written and oral comments received during a review of the Bureau of Indian Affairs (BIA) *Guidelines for State Courts in Indian Child Custody Proceedings* published in 1979. They also reflect recommendations made by the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence and significant developments in jurisprudence since ICWA's inception. The updated BIA *Guidelines for State Courts and Agencies in Indian Child Custody Proceedings* promote compliance with ICWA's stated goals and provisions by providing a framework for State courts and child

welfare agencies to follow, as well as best practices for ICWA compliance. Effective immediately, these guidelines supersede and replace the guidelines published in 1979.

**DATES:** These guidelines are effective on February 25, 2015.

**FOR FURTHER INFORMATION CONTACT:** Hankie Ortiz, Deputy Director—Indian Services, Bureau of Indian Affairs, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240, (202) 208–2874; [hankie.ortiz@bia.gov](mailto:hankie.ortiz@bia.gov).  
**SUPPLEMENTARY INFORMATION:**

### I. Background

These updated BIA guidelines provide standard procedures and best practices to be used in Indian child welfare proceedings in State courts. The updated guidelines are issued in response to comments received during several listening sessions, written comments submitted throughout 2014, and recommendations of the Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence.

Congress enacted ICWA in 1978 to address the Federal, State, and private agency policies and practices that resulted in the "wholesale separation of Indian children from their families." H. Rep. 95–1386 (July 24, 1978), at 9. Congress found "that an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and that an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions . . . ." 25 U.S.C. 1901(4). Congress determined that cultural ignorance and biases within the child welfare system were significant causes of this problem and that state administrative and judicial bodies "have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families." 25 U.S.C. 1901(5); H. Rep. 95–1386, at 10. Congress enacted ICWA to "protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by establishing minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes or institutions which will reflect the unique values of Indian culture." H. Rep. 95–1386, at 8. ICWA thus articulates a strong "federal policy that, where possible, an Indian child should remain in the Indian community." *Mississippi Band of*

*Choctaw Indians v. Holyfield*, 490 U.S. 30 (1989) (citing H. Rep. 95–1386 at 24).

Following ICWA's enactment, in July 1979, the Department of the Interior (Department) issued regulations addressing notice procedures for involuntary child custody proceedings involving Indian children, as well as governing the provision of funding for and administration of Indian child and family service programs as authorized by ICWA. *See* 25 CFR part 23. Those regulations did not address the specific requirements and standards that ICWA imposes upon State court child custody proceedings, beyond the requirements for contents of the notice. Also, in 1979, the BIA published guidelines for State courts to use in interpreting many of ICWA's requirements in Indian child custody proceedings. 44 FR 67584 (Nov. 26, 1979). Although there have been significant developments in ICWA jurisprudence, the guidelines have not been updated since they were originally published in 1979. Much has changed in the 35 years since the original guidelines were published, but many of the problems that led to the enactment of ICWA persist.

In 2014, the Department invited comments to determine whether to update its guidelines and what changes should be made. The Department held several listening sessions, including sessions with representatives of federally recognized Indian tribes, State court representatives (*e.g.*, the National Council of Juvenile and Family Court Judges and the National Center for State Courts' Conference of Chief Justices Tribal Relations Committee), the National Indian Child Welfare Association, and the National Congress of American Indians. The Department received comments from those at the listening sessions and also received written comments, including comments from individuals and additional organizations, such as the Christian Alliance for Indian Child Welfare and the American Academy of Adoption Attorneys. An overwhelming proportion of the commenters requested that the Department update its ICWA guidelines and many had suggestions for revisions that have been included. The Department reviewed and considered each comment in developing these revised Guidelines.

### II. Statutory Authority

The Department is issuing these updated guidelines under ICWA, 25 U.S.C. 1901 *et seq.*, and its authority over the management of all Indian affairs under 25 U.S.C. 2.

### III. Summary of Updates

The 1979 guidelines included "commentary" for each section, which was intended to explain the requirements of each section. The updated guidelines are clearer, making the commentary unnecessary. Recognizing the important role that child welfare agencies play in ICWA compliance, these updated guidelines broaden the audience of the guidelines to include both State courts and any agency or other party seeking placement of an Indian child. The guidelines identify procedures to address circumstances in which a parent desires anonymity in a voluntary proceeding. Those procedures clarify that a parent's desire for anonymity does not override the responsibility to comply with ICWA. The guidelines also establish that agencies and courts should document their efforts to comply with ICWA. The following paragraphs include section-by-section highlights of the substantive updates that these guidelines make to the 1979 version.

#### *Section A. General Provisions (formerly, entitled "Policy")*

The updated guidelines add several provisions to section A, to provide better context for the guidelines and clear direction on implementing the guidelines. For example, this section includes definitions of key terms used throughout the guidelines, such as "active efforts" and "child custody proceeding." The phrase "active efforts" has been inconsistently interpreted. The guidelines' definition is intended to provide clarity—particularly in establishing that "active efforts" require a level of effort beyond "reasonable efforts."

Section A also includes an applicability section, which incorporates many of the provisions of the 1979 guidelines' section B.3. In addition, section A:

- Clarifies that agencies and State courts must ask, in every child custody proceeding, whether ICWA applies;
- Clarifies that courts should follow ICWA procedures even when the Indian child is not removed from the home, in order to allow tribes to intervene as early as possible to assist in preventing a breakup of the family; and
- Provides that, where agencies and State courts have reason to know that a child is an Indian child, they must treat that child as an Indian child unless and until it is determined that the child is not an Indian child.

These clarifications are necessary to ensure that the threshold question for determining whether ICWA applies (is

the child an Indian child?) is asked, and asked as soon as possible. If such inquiry is not timely made, a court proceeding may move forward without appropriate individuals aware that ICWA applies and that certain procedures must be followed. Tragic consequences may result.

The updated guidelines also add a section regarding how to contact a tribe, in case the agency or State court is unfamiliar with whom to contact.

Section A is intended to make clear that there is no existing Indian family (EIF) exception to application of ICWA. The EIF doctrine is a judicially-created exception to the application of ICWA. Since first recognition of the EIF in 1982, the majority of State appellate courts that have considered the EIF have rejected it as contrary to the plain language of ICWA. Some State legislatures have also explicitly rejected the EIF within their State ICWA statutes. The Department agrees with the States that have concluded that there is no existing Indian family exception to application of ICWA.

Section A also clarifies that ICWA and the guidelines apply in certain voluntary placements.

#### Section B. Pretrial Requirements

The updated guidelines, and section B in particular, promote the early identification of ICWA applicability. Such identifications will promote proper implementation of ICWA at an early stage, to prevent—as much as possible—delayed discoveries that ICWA applies. Often, those circumstances resulting from delayed discoveries have caused heartbreaking separations and have sometimes led to noncompliance with ICWA's requirements. By requiring agencies and courts to consider, as early as possible, whether ICWA applies, the updated guidelines will ensure that proper notice is given to parents/Indian custodians and tribes, that tribes have the opportunity to intervene or take jurisdiction over proceedings, as appropriate, and that ICWA's placement preferences are respected.

With regard to early discovery, section B requires agencies and courts to consider whether the child is an Indian child, and sets out the steps for verifying the tribe(s) and providing notice to the parents/Indian custodians and tribe(s). Section B also adds guidance regarding the evidence a court may require an agency to provide of the agency's investigations into whether the child is an Indian child.

With regard to application of ICWA, the updated section B clarifies when the Act's requirement to conduct "active

efforts" begins. ICWA requires "active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family." See 25 U.S.C. 1912(d). The updated section B clarifies that active efforts must begin from the moment the possibility arises that the Indian child may be removed. This updated section also clarifies that active efforts should be conducted while verifying whether the child is an Indian child; this clarification ensures compliance with ICWA in cases in which the status of whether the child is an Indian child is not verified until later in the proceedings.

Section B adds a new paragraph clarifying that the tribe alone retains the responsibility to determine tribal membership. This section makes clear that there is no requirement for the child to have a certain degree of contact with the tribe or for a certain blood degree, and notes that a tribe may lack written rolls. The updated guidelines delete the provision allowing BIA, in lieu of the tribe, to verify the child's status. This provision has been deleted because it has become increasingly rare for the BIA to be involved in tribal membership determinations, as tribes determine their own membership. See *e.g.*, *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). ("Congress' authority over Indian matters is extraordinarily broad, and the role of courts in adjusting relations between and among tribes and their members correspondingly restrained.") BIA may assist in contacting the tribe to ensure a determination, however.

The updated section B also expands upon procedures for determining a child's tribe in the event that more than one tribe is identified as the child's tribe. Specifically, it changes the criteria for determining with which tribe the child has "significant contacts," adding that the parents' preference for membership will be considered, and deleting factors that are subjective or inapplicable to infants.

With regard to providing notice to Indian tribes and the child's parents/Indian custodians, the updated section B:

- Clarifies that notice is required for each proceeding (not just for the first or last proceeding);
- States that notice must be sent, at a minimum, by registered mail, return receipt requested, and that personal service or other types of service may be in addition to, but not in lieu of, such mail; and
- Clarifies that the tribe has the right to intervene at any time.

This section also clarifies how guidelines apply if the child is transferred interstate.

The updated guidelines expand upon the emergency procedure provisions in light of evidence that some States routinely rely upon emergency removals and placements in a manner that bypasses implementation of ICWA. See *Oglala Sioux Tribe v. Hunnik*, Case No. 5:13-cv-05020-JLV, *Amicus Brief of the United States*, at \*5-6 (D.S.D. Aug. 14, 2014) (involving allegations that: (1) Defendants are conducting perfunctory 48-hour hearings that do not adequately gather or evaluate information necessary to determine whether emergency removals or placements should be terminated, and that the orders issued at the end of the 48-hour hearing do not adequately instruct State officials to return the child to the home as soon as the emergency has ended; (2) Defendants are violating the Due Process Clause by preventing parents from testifying, presenting evidence, or cross-examining the State's witnesses at the 48-hour hearing; and (3) parents are not being provided adequate notice or the opportunity to be represented by appointed counsel and that the State courts are issuing orders to remove Indian children from their homes without basing those orders on evidence adduced in the hearing). Because ICWA was intended to help prevent the breakup of Indian families; therefore, emergency removals and emergency placements of Indian children should be severely limited, applying only in circumstances involving imminent physical damage or harm. The updated section B clarifies that the guidelines for emergency removal or placement apply regardless of whether the Indian child is a resident of or domiciled on a reservation. This section also explicitly states the standard for determining whether emergency removal or emergency placement is appropriate—*i.e.*, whether it is necessary to prevent imminent physical damage or harm to the child—and provides examples. The guidelines clearly state that the emergency removal/placement must be as short as possible, and provides guidance on how to ensure it is as short as possible. It also shortens the time period for temporary custody without a hearing or extraordinary circumstances from 90 days to 30 days. This shortened timeframe promotes ICWA's important goal of preventing the breakup of Indian families.

#### Section C. Procedures for Transfer to Tribal Court

The updated section C deletes the requirement that requests to transfer to

tribal court be made "promptly after receiving notice of the proceeding" because there is no such requirement in ICWA. Instead, the updated guidelines clarify that the right to transfer is available at any stage of a proceeding, including during an emergency removal. The updated section C also clarifies that the right to request a transfer occurs with each distinct proceeding. ICWA contains no restriction on the right to request a transfer occurring at the first, last, or any specific child custody proceeding. A tribe may decide that transfer is not appropriate until it reaches the stage where parental termination is being determined.

The updated section C also updates the "good cause" factors for denying transfer to tribal court. The updated criteria are more general; in summary, good cause may be found if either parent objects, the tribal court declines, or the State court otherwise determines that good cause exists. The updated guidelines specifically omit some of the factors that were the basis for finding that "good cause" exists under the 1979 guidelines. One such factor that should no longer be considered is whether the proceeding was at an advanced stage. As mentioned above, there may be valid reasons for waiting to transfer a proceeding until it reaches an advanced stage. Another factor that should no longer be considered is the level of contacts the child has had with the tribe—this factor unnecessarily introduces an outsider's evaluation of the child's relationship with the tribe and cannot sensibly be applied to infants.

The updated guidelines also specify that it is inappropriate to conduct an independent analysis, inconsistent with ICWA's placement preferences, of the "best interest" of an Indian child. The provisions of ICWA create a presumption that ICWA's placement preferences are in the best interests of Indian children; therefore, an independent analysis of "best interest" would undermine Congress's findings. Finally, the updated guidelines provide that the tribal court's prospective placement of an Indian child should not be considered, because it invites speculation regarding the tribal court's findings and conclusions and, therefore, undermines the independence of tribal court decision making.

#### *Section D. Adjudication of Involuntary Placements, Adoptions, or Terminations or Terminations of Parental Rights*

The updated section D establishes that parties have the right to examine records and reports in a timely manner; this ensures that parents/Indian

custodians and tribes have the opportunity to examine information necessary to protect their rights under ICWA. This updated section also expands significantly on how to comply with the Act's "active efforts" requirement. Specifically, the updated guidelines:

- Require demonstration that "active efforts" were made, not only "prior to" the commencement of the proceeding, but also "until" the commencement of the proceeding;

- Require documentation of what "active efforts" were made; and

Require a showing that active efforts have been unsuccessful. The updated section D also provides guidance regarding how to identify an appropriate "qualified expert witness." Commenters indicated that some States rely on witnesses' qualifications as child care specialists, or on other areas of expertise, but do not require any expert knowledge related to the tribal community. The updated guidelines establish a preferential order for witnesses who are experts in the culture and customs of the Indian child's tribe. This will ensure that the expert witness with the most knowledge of the Indian child's tribe is given priority.

#### *Section E. Voluntary Proceedings*

ICWA applies to voluntary proceedings that operate to prohibit an Indian child's parent or Indian custodian from regaining custody of the child upon demand; nevertheless, evidence suggests that ICWA is sometimes ignored or intentionally bypassed in voluntary proceedings. The updated section E clarifies that, even in voluntary proceedings, it is necessary to determine whether ICWA applies, and to comply with ICWA's provisions. To ensure that parents and Indian custodians understand the significance of their consent, the updated section E requires the consent document to identify any conditions to the consent and requires the court to explain the consequences of the consent before its execution. It also addresses steps for withdrawal of consent. The updated section E further restates the statutory restriction that a consent given prior to or within 10 days after birth of an Indian child is not valid.

#### *Section F. Dispositions*

The updated guidelines provide more information regarding when and how to apply ICWA's placement preferences for foster and adoptive placements. In some cases, agencies fail to conduct any investigation of whether placements that conform to ICWA's placement

preferences are available. The updated section F requires that:

- The agency bears the burden of proof if it departs from any of the placement preferences and must demonstrate that it conducted a diligent search to identify placement options that satisfy the placement preferences, including notification to the child's parents or Indian custodians, extended family, tribe, and others; and

- The court determines whether "good cause" to deviate from the placement preferences exists before departing from the placement preferences.

The updated section F also adds provisions to ensure that "good cause" determinations are explained to all parties and documented.

Evidence suggests that "good cause" has been liberally relied upon to deviate from the placement preferences in the past. Commenters noted that, in some cases, a State court departed from the placement preferences because an Indian child has spent significant time in a family's care, despite the fact that the placement was made in violation of ICWA. The guidelines attempt to prevent such circumstances from arising by encouraging early compliance with ICWA (see sections A and B, in particular). The guidelines also specify in section F that "good cause" does not include normal bonding or attachment that may have resulted from a placement that failed to comply with the Act. As in other parts of the guidelines, this section clarifies that an independent consideration of the child's "best interest" is inappropriate for this determination because Congress has already addressed the child's best interest in ICWA. Because ICWA does not allow for consideration of socioeconomic status in the placement preferences, this section also now clarifies that the court may not depart from the preferences based on the socioeconomic status of one placement relative to another, except in extreme circumstances.

#### *Section G. Post-Trial Rights*

ICWA is intended to protect the rights, not only of Indian children, parents and Indian custodians, but also of Indian tribes. The updated guidelines establish that an Indian child, parent or Indian custodian, or tribe may petition to invalidate an action if the Act or guidelines have been violated, regardless of which party's rights were violated. This approach promotes compliance with ICWA and reflects that ICWA is intended to protect the rights of each of these parties.

Adults who had been adopted by non-Indian families and seek to reconnect with their tribes often face significant hurdles in obtaining needed information. The updated guidelines attempt to protect those adults' rights to obtain information about their tribal relationship by specifying that, even in States where adoptions remain closed, the relevant agency should facilitate communication directly with the tribe's enrollment office.

The guidelines also recommend that courts work with tribes to identify tribal designees who can assist adult adoptees to connect with their tribes.

Finally, the updated guidelines clarify that the requirement to maintain records on foster care, preadoptive placement and adoptive placements applies not only in involuntary proceedings, but also in voluntary proceedings.

#### IV. Guidance

These guidelines supersede and replace the guidelines published at 44 FR 67584 (November 28, 1979).

#### Guidelines for State Courts and Agencies in Indian Child Custody Proceedings

##### A. General Provisions

1. What is the purpose of these guidelines?
2. What terms do I need to know?
3. When does ICWA apply?
4. How do I contact a tribe under these guidelines?
5. How do these guidelines interact with State laws?

##### B. Pretrial Requirements

1. When does the requirement for active efforts begin?
2. What actions must an agency and State court undertake to determine whether a child is an Indian child?
3. Who makes the determination as to whether a child is a member of a tribe?
4. What is the procedure for determining an Indian child's tribe when the child is a member or eligible for membership in more than one tribe?
5. When must a State court dismiss an action?
6. What are the notice requirements for a child custody proceeding involving an Indian child?
7. What time limits and extensions apply?
8. What is the process for emergency removal of an Indian child?
9. What are the procedures for determining improper removal?

##### C. Procedures for Making Requests for Transfer to Tribal Court

1. How are petitions for transfer of proceeding made?
2. What are the criteria and procedures for ruling on transfer petitions?
3. How is a determination of "good cause" made?
4. What happens when a petition for transfer is made?

##### D. Adjudication of Involuntary Placements, Adoptions, or Terminations of Parental Rights

1. Who has access to reports or records?
2. What steps must a party take to petition a State court for certain actions involving an Indian child?
3. What are the applicable standards of evidence?
4. Who may serve as a qualified expert witness?

##### E. Voluntary Proceedings

1. What actions must an agency and State court undertake in voluntary proceedings?
2. How is consent obtained?
3. What information should the consent document contain?
4. How is withdrawal of consent achieved in a voluntary foster care placement?
5. How is withdrawal of consent to a voluntary adoption achieved?

##### F. Dispositions

1. When do the placement preferences apply?
2. What placement preferences apply in adoptive placements?
3. What placement preferences apply in foster care or preadoptive placements?
4. How is a determination for "good cause" to depart from placement procedures made?

##### G. Post-Trial Rights

1. What is the procedure for petitioning to vacate an adoption?
2. Who can make a petition to invalidate an action?
3. What are the rights of adult adoptees?
4. When must notice of a change in child's status be given?
5. What information must States furnish to the Bureau of Indian Affairs?
6. How must the State maintain records?

#### Guidelines for State Courts and Agencies in Indian Child Custody Proceedings

##### A. General Provisions

##### A.1. What is the purpose of these guidelines?

These guidelines clarify the minimum Federal standards, and best practices, governing implementation of the Indian Child Welfare Act (ICWA) to ensure that ICWA is applied in all States consistent with the Act's express language, Congress' intent in enacting the statute, and the canon of construction that statutes enacted for the benefit of Indians are to be liberally construed to their benefit. In order to fully implement ICWA, these guidelines should be applied in all proceedings and stages of a proceeding in which the Act is or becomes applicable.

##### A.2. What terms do I need to know?

*Active efforts* are intended primarily to maintain and reunite an Indian child with his or her family or tribal community and constitute more than reasonable efforts as required by Title IV-E of the Social Security Act (42 U.S.C. 671(a)(15)). Active efforts include, for example:

(1) Engaging the Indian child, the Indian child's parents, the Indian child's extended family members, and the Indian child's custodian(s);

(2) Taking steps necessary to keep siblings together;

(3) Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining such services;

(4) Identifying, notifying, and inviting representatives of the Indian child's tribe to participate;

(5) Conducting or causing to be conducted a diligent search for the Indian child's extended family members for assistance and possible placement;

(6) Taking into account the Indian child's tribe's prevailing social and cultural conditions and way of life, and requesting the assistance of representatives designated by the Indian child's tribe with substantial knowledge of the prevailing social and cultural standards;

(7) Offering and employing all available and culturally appropriate family preservation strategies;

(8) Completing a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal;

(9) Notifying and consulting with extended family members of the Indian child to provide family structure and support for the Indian child, to assure cultural connections, and to serve as placement resources for the Indian child;

(10) Making arrangements to provide family interaction in the most natural setting that can ensure the Indian child's safety during any necessary removal;

(11) Identifying community resources including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parents or extended family in utilizing and accessing those resources;

(12) Monitoring progress and participation in services;

(13) Providing consideration of alternative ways of addressing the needs of the Indian child's parents and extended family, if services do not exist or if existing services are not available;

(14) Supporting regular visits and trial home visits of the Indian child during any period of removal, consistent with the need to ensure the safety of the child; and

(15) Providing post-reunification services and monitoring.

"Active efforts" are separate and distinct from requirements of the Adoption and Safe Families Act

(ASFA), 42 U.S.C. 1305. ASFA's exceptions to reunification efforts do not apply to ICWA proceedings.

*Agency* means a private State-licensed agency or public agency and their employees, agents or officials involved in and/or seeking to place a child in a child custody proceeding.

*Child custody proceeding* means and includes any proceeding or action that involves:

(1) *Foster care placement*, which is any action removing an Indian child from his or her parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, although parental rights have not been terminated;

(2) *Termination of parental rights*, which is any action resulting in the termination of the parent-child relationship;

(3) *Preadoptive placement*, which is the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; or

(4) *Adoptive placement*, which is the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

*Continued custody* means physical and/or legal custody that a parent already has or had at any point in the past. The biological mother of a child has had custody of a child.

*Custody* means physical and/or legal custody under any applicable tribal law or tribal custom or State law. A party may demonstrate the existence of custody by looking to tribal law or tribal custom or State law.

*Domicile* means:

(1) For a parent or any person over the age of eighteen, physical presence in a place and intent to remain there;

(2) For an Indian child, the domicile of the Indian child's parents. In the case of an Indian child whose parents are not married to each other, the domicile of the Indian child's mother. Under the principle for determining the domicile of an Indian child, it is entirely logical that "[o]n occasion, a child's domicile of origin will be in a place where the child has never been." *Holyfield*, 490 U.S. at 48. *Holyfield* notes that tribal jurisdiction under 25 U.S.C. 1911(a) was not meant to be defeated by the actions of individual members of the tribe, because Congress was concerned not solely about the interests of Indian children and families, but also about the impact of large numbers of Indian

children adopted by non-Indians on the tribes themselves. *Id.* at 49.

*Extended family member* is defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, is a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

*Imminent physical damage or harm* means present or impending risk of serious bodily injury or death that will result in severe harm if safety intervention does not occur.

*Indian* means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation as defined in 43 CFR part 1606.

*Indian child* means any unmarried person who is under age eighteen and is either: (1) a member of an Indian tribe; or (2) eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

*Indian child's tribe* means: (1) the Indian tribe in which an Indian child is a member or eligible for membership; or (2) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has more significant contacts.

*Indian Child Welfare Act (ICWA) or Act* means 25 U.S.C. 1901 *et seq.*

*Indian custodian* means any person who has legal custody of an Indian child under tribal law or custom or under State law, whichever is more favorable to the rights of the parent, or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

*Indian organization* means any group, association, partnership, corporation, or other legal entity owned or controlled by Indians or a tribe, or a majority of whose members are Indians.

*Indian tribe* means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. 1602(c).

*Parent* means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed father where paternity has not been acknowledged or established. To qualify as a parent, an unwed father need only take reasonable steps to establish or acknowledge paternity. Such steps may include acknowledging

paternity in the action at issue or establishing paternity through DNA testing.

*Reservation* means Indian country as defined in 18 U.S.C 1151, including any lands, title to which is held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation.

*Secretary* means the Secretary of the Interior or the Secretary's authorized representative acting under delegated authority.

*Status offenses* mean offenses that would not be considered criminal if committed by an adult; they are acts prohibited only because of a person's status as a minor (e.g., truancy, incorrigibility).

*Tribal court* means a court with jurisdiction over child custody proceedings, including a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe vested with authority over child custody proceedings.

*Upon demand* means that the parent or Indian custodians can regain custody simply upon request, without any contingencies such as repaying the child's expenses.

*Voluntary placement* means a placement that either parent has, of his or her free will, chosen for the Indian child, including private adoptions.

### A.3. When does ICWA apply?

(a) ICWA applies whenever an Indian child is the subject of a State child custody proceeding as defined by the Act. ICWA also applies to proceedings involving status offenses or juvenile delinquency proceedings if any part of those proceedings results in the need for placement of the child in a foster care, preadoptive or adoptive placement, or termination of parental rights.

(b) There is no exception to application of ICWA based on the so-called "existing Indian family doctrine." Thus, the following non-exhaustive list of factors should not be considered in determining whether ICWA is applicable; the extent to which the parent or Indian child participates in or observes tribal customs, votes in tribal elections or otherwise participates in tribal community affairs, contributes to tribal or Indian charities, subscribes to tribal newsletters or other periodicals of special interest in Indians, participates in Indian religious, social, cultural, or political events, or maintains social contacts with other members of the tribe; the relationship between the Indian child and his/her Indian parents;

the extent of current ties either parent has to the tribe; whether the Indian parent ever had custody of the child; and the level of involvement of the tribe in the State court proceedings.

(c) Agencies and State courts, in every child custody proceeding, must ask whether the child is or could be an Indian child and conduct an investigation into whether the child is an Indian child. Even in those cases in which the child is not removed from the home, such as when an agency opens an investigation or the court orders the family to engage in services to keep the child in the home as part of a diversion, differential, alternative response or other program, agencies and courts should follow the verification and notice provisions of these guidelines. Providing notice allows tribes to intervene as early as possible in a child custody proceeding and provides an opportunity for the tribe to bring resources to bear to assist the family in preventing a breakup of the family.

(d) If there is any reason to believe the child is an Indian child, the agency and State court must treat the child as an Indian child, unless and until it is determined that the child is not a member or is not eligible for membership in an Indian tribe.

(e) ICWA and these guidelines or any associated Federal guidelines do not apply to:

- (1) Tribal court proceedings;
- (2) Placements based upon an act by the Indian child which, if committed by an adult, would be deemed a criminal offense; or
- (3) An award, in a divorce proceeding, of custody of the Indian child to one of the parents.

(f) Voluntary placements that do not operate to prohibit the child's parent or Indian custodian from regaining custody of the child upon demand are not covered by the Act.

(1) Such placements should be made pursuant to a written agreement, and the agreement should state explicitly the right of the parent or Indian custodian to regain custody of the child upon demand.

(2) Nevertheless, it is a best practice to follow the procedures in these guidelines to determine whether a child is an Indian child and to notify the tribe.

(g) Voluntary placements in which a parent consents to a foster care placement or seeks to permanently terminate his or her rights or to place the child in a preadoptive or adoptive placement are covered by the Act.

A.4. How do I contact a tribe under these guidelines?

To contact a tribe to provide notice or obtain information or verification under these Guidelines, you should direct the notice or inquiry as follows:

(1) Many tribes designate an agent for receipt of ICWA notices. The Bureau of Indian Affairs publishes a list of tribes' designated tribal agents for service of ICWA notice in the *Federal Register* each year and makes the list available on its Web site at [www.bia.gov](http://www.bia.gov).

(2) For tribes without a designated tribal agent for service of ICWA notice, contact the tribe(s) to be directed to the appropriate individual or office.

(3) If you do not have accurate contact information for the tribe(s) or the tribe(s) contacted fail(s) to respond to written inquiries, you may seek assistance in contacting the Indian tribe(s) from the Bureau of Indian Affairs' Regional Office and/or Central Office in Washington DC (see [www.bia.gov](http://www.bia.gov)).

A.5. How do these guidelines interact with State laws?

(a) These guidelines provide minimum Federal standards and best practices to ensure compliance with ICWA and should be applied in all child custody proceedings in which the Act applies.

(b) In any child custody proceeding where applicable State or other Federal law provides a higher standard of protection to the rights of the parent or Indian custodian than the protection accorded under the Act, ICWA requires that the State court must apply the higher standard.

#### B. Pretrial Requirements

B.1. When does the requirement for active efforts begin?

(a) The requirement to engage in "active efforts" begins from the moment the possibility arises that an agency case or investigation may result in the need for the Indian child to be placed outside the custody of either parent or Indian custodian in order to prevent removal.

(b) Active efforts to prevent removal of the child must be conducted while investigating whether the child is a member of the tribe, is eligible for membership in the tribe, or whether a biological parent of the child is or is not a member of a tribe.

B.2. What actions must an agency and State court undertake in order to determine whether a child is an Indian child?

(a) Agencies must ask whether there is reason to believe a child that is subject to a child custody proceeding is

an Indian child. If there is reason to believe that the child is an Indian child, the agency must obtain verification, in writing, from all tribes in which it is believed that the child is a member or eligible for membership, as to whether the child is an Indian child.

(b) State courts must ask, as a threshold question at the start of any State court child custody proceeding, whether there is reason to believe the child who is the subject of the proceeding is an Indian child by asking each party to the case, including the guardian ad litem and the agency representative, to certify on the record whether they have discovered or know of any information that suggests or indicates the child is an Indian child.

(1) In requiring this certification, the court may require the agency to provide:

(i) Genograms or ancestry charts for both parents, including all names known (maiden, married and former names or aliases); current and former addresses of the child's parents, maternal and paternal grandparents and great grandparents or Indian custodians; birthdates; places of birth and death; tribal affiliation including all known Indian ancestry for individuals listed on the charts, and/or other identifying information; and/or

(ii) The addresses for the domicile and residence of the child, his or her parents, or the Indian custodian and whether either parent or Indian custodian is domiciled on or a resident of an Indian reservation or in a predominantly Indian community.

(2) If there is reason to believe the child is an Indian child, the court must confirm that the agency used active efforts to work with all tribes of which the child may be a member to verify whether the child is in fact a member or eligible for membership in any tribe, under paragraph (a).

(c) An agency or court has reason to believe that a child involved in a child custody proceeding is an Indian child if:

(1) Any party to the proceeding, Indian tribe, Indian organization or public or private agency informs the agency or court that the child is an Indian child;

(2) Any agency involved in child protection services or family support has discovered information suggesting that the child is an Indian child;

(3) The child who is the subject of the proceeding gives the agency or court reason to believe he or she is an Indian child;

(4) The domicile or residence of the child, parents, or the Indian custodian is known by the agency or court to be, or is shown to be, on an Indian

reservation or in a predominantly Indian community; or

(5) An employee of the agency or officer of the court involved in the proceeding has knowledge that the child may be an Indian child.

(d) In seeking verification of the child's status, in a voluntary placement proceeding where a consenting parent evidences a desire for anonymity, the agency or court must keep relevant documents confidential and under seal. A request for anonymity does not relieve the obligation to obtain verification from the tribe(s) or to provide notice.

B.3. Who makes the determination as to whether a child is a member of a tribe?

(a) Only the Indian tribe(s) of which it is believed a biological parent or the child is a member or eligible for membership may make the determination whether the child is a member of the tribe(s), is eligible for membership in the tribe(s), or whether a biological parent of the child is a member of the tribe(s).

(b) The determination by a tribe of whether a child is a member, is eligible for membership, or whether a biological parent is or is not a member of that tribe, is solely within the jurisdiction and authority of the tribe.

(c) No other entity or person may authoritatively make the determination of whether a child is a member of the tribe or is eligible for membership in the tribe:

(1) There is no requirement that the child maintain a certain degree of contacts with the tribe or for a certain blood quantum or degree of Indian blood.

(2) A tribe need not formally enroll its members for a child to be a member or eligible for membership. In some tribes, formal enrollment is not required for tribal membership. Some tribes do not have written rolls and others have rolls that list only persons that were members as of a certain date. See *United States v. Broncheau*, 597 F.2d 1260, 1263 (9th Cir. 1979). The only relevant factor is whether the tribe verifies that the child is a member or eligible for membership.

(d) The State court may not substitute its own determination regarding a child's membership or eligibility for membership in a tribe or tribes.

B.4. What is the procedure for determining an Indian child's tribe when the child is a member or eligible for membership in more than one tribe?

(a) Agencies are required to notify all tribes, of which the child may be a member or eligible for membership, that the child is involved in a child custody

proceeding. The notice should specify the other tribe or tribes of which the child may be a member or eligible for membership.

(b) If the Indian child is a member or eligible for membership in only one tribe, that tribe should be designated as the Indian child's tribe.

(c) If an Indian child is a member or eligible for membership in more than one tribe, ICWA requires that the Indian tribe with which the Indian child has the more significant contacts be designated as the Indian child's tribe.

(1) In determining significant contacts, the following may be considered:

(i) Preference of the parents for membership of the child;

(ii) Length of past domicile or residence on or near the reservation of each tribe;

(iii) Tribal membership of custodial parent or Indian custodian; and

(iv) Interest asserted by each tribe in response to the notice that the child is involved in a child custody proceeding;

(d) When an Indian child is already a member of a tribe, but is also eligible for membership in another tribe, deference should be given to the tribe in which the Indian child is a member, unless otherwise agreed to by the tribes. However, if the Indian child is not a member of any tribe, an opportunity should be provided to allow the tribes to determine which of them should be designated as the Indian child's tribe.

(i) If the tribes are able to reach an agreement, the agreed upon tribe should be designated as the Indian child's tribe.

(ii) If the tribes do not agree, the following factors should be considered in designating the Indian child's tribe:

(A) The preference of the parents or extended family members who are likely to become foster care or adoptive placements; and/or

(B) Tribal membership of custodial parent or Indian custodian; and/or

(C) If applicable, length of past domicile or residence on or near the reservation of each tribe; and/or

(D) Whether there has been a previous adjudication with respect to the child by a court of one of the tribes; and/or

(E) Self-identification by the child; and/or

(F) Availability of placements.

(iii) In the event the child is eligible for membership in a tribe but is not yet a member of any tribe, the agency should take the steps necessary to obtain membership for the child in the tribe that is designated as the Indian child's tribe.

(3) Once an Indian tribe is designated as the child's Indian tribe, all tribes which received notice of the child

custody proceeding must be notified in writing of the determination and a copy of that document must be filed with the court and sent to each party to the proceeding and to each person or governmental agency that received notice of the proceeding.

(4) A determination of the Indian child's tribe for purposes of ICWA and these guidelines does not constitute a determination for any other purpose or situation.

(d) The tribe designated as the Indian child's tribe may authorize another tribe to act as a representative for the tribe in a child custody case, including, for example, having the representative tribe perform home studies or expert witness services for the Indian child's tribe.

B.5. When must a State court dismiss an action?

Subject to B.8 (emergency procedures), the following limitations on a State court's jurisdiction apply:

(a) The court must dismiss any child custody proceeding as soon as the court determines that it lacks jurisdiction.

(b) The court must make a determination of the residence and domicile of the Indian child. If either the residence or domicile is on a reservation where the tribe exercises exclusive jurisdiction over child custody proceedings, the State court must dismiss the State court proceedings, the agency must notify the tribe of the dismissal based on the tribe's exclusive jurisdiction, and the agency must transmit all available information regarding the Indian child custody proceeding to the tribal court.

(c) If the Indian child has been domiciled or previously resided on an Indian reservation, the State court must contact the tribal court to determine whether the child is a ward of the tribal court. If the child is a ward of a tribal court, the State court must dismiss the State court proceedings, the agency must notify the tribe of the dismissal, and the agency must transmit all available information regarding the Indian child custody proceeding to the tribal court.

B.6. What are the notice requirements for a child custody proceeding involving an Indian child?

(a) When an agency or court knows or has reason to know that the subject of an involuntary child custody proceeding is an Indian child, the agency or court must send notice of each such proceeding (including but not limited to a temporary custody hearing, any removal or foster care placement, any adoptive placement, or any termination of parental or custodial

rights) by registered mail with return receipt requested to:

(1) Each tribe where the child may be a member or eligible for membership;

(2) The child's parents; and

(3) If applicable, the Indian custodian.

(b) Notice may be sent via personal service or electronically in addition to the methods required by the Act, but such alternative methods do not replace the requirement for notice to be sent by registered mail with return receipt requested.

(c) Notice must be in clear and understandable language and include the following:

(1) Name of the child, the child's birthdate and birthplace;

(2) Name of each Indian tribe(s) in which the child is a member or may be eligible for membership;

(3) A copy of the petition, complaint or other document by which the proceeding was initiated;

(4) Statements setting out:

(i) The name of the petitioner and name and address of petitioner's attorney;

(ii) The right of the parent or Indian custodian to intervene in the proceedings.

(iii) The Indian tribe's right to intervene at any time in a State court proceeding for the foster care placement of or termination of a parental right.

(iv) If the Indian parent(s) or, if applicable, Indian custodian(s) is unable to afford counsel based on a determination of indigency by the court, counsel will be appointed to represent the parent or Indian custodian where authorized by State law.

(v) The right to be granted, upon request, a specific amount of additional time (up to 20 additional days) to prepare for the proceedings due to circumstances of the particular case.

(vi) The right to petition the court for transfer of the proceeding to tribal court under 25 U.S.C. 1911, absent objection by either parent; *Provided, that* such transfer is subject to declination by the tribal court.

(vii) The mailing addresses and telephone numbers of the court and information related to all parties to the proceeding and individuals notified under this section.

(viii) The potential legal consequences of the proceedings on the future custodial and parental rights of the Indian parents or Indian custodians.

(d) In order to assist the Indian tribe(s) in making a determination regarding whether the child is a member or eligible for membership, the agency or court should include additional information in the notice, such as:

(1) Genograms or ancestry charts for both parents, including all names

known (maiden, married and former names or aliases); current and former addresses of the child's parents, maternal and paternal grandparents and great grandparents or Indian custodians; birthdates; places of birth and death; tribal affiliation including all known Indian ancestry for individuals listed on the charts, and/or other identifying information; and/or

(2) The addresses for the domicile and residence of the child, his or her parents, or the Indian custodian and whether either parent or Indian custodian is domiciled on or a resident of an Indian reservation or in a predominantly Indian community.

(3) In the event that a parent has requested anonymity, the agency and court must take steps to keep information related to the parent confidential and sealed from disclosure.

(e) If the identity or location of the Indian parents, Indian custodians or tribes in which the Indian child is a member or eligible for membership cannot be ascertained, but there is reason to believe the child is an Indian child, notice of the child custody proceeding must be sent to the appropriate Bureau of Indian Affairs Regional Director (see [www.bia.gov](http://www.bia.gov)). To establish tribal identity, as much information as is known regarding the child's direct lineal ancestors should be provided (see section B.6.(c) of these guidelines regarding notice requirements). The Bureau of Indian Affairs will not make a determination of tribal membership, but may, in some instances, be able to identify tribes to contact.

(f) Because child custody proceedings are usually conducted on a confidential basis, information contained in the notice should be kept confidential to the extent possible.

(g) The original or a copy of each notice sent under this section should be filed with the court together with any return receipts or other proof of service.

(h) If a parent or Indian custodian appears in court without an attorney, the court must inform him or her of the right to appointed counsel, the right to request that the proceeding be transferred to tribal court, the right to object to such transfer, the right to request additional time to prepare for the proceeding and the right (if the parent or Indian custodian is not already a party) to intervene in the proceedings.

(i) If the court or an agency has reason to believe that a parent or Indian custodian possesses limited English proficiency and is therefore not likely to understand the contents of the notice, the court or agency must, at no cost,

provide a translated version of the notice or have the notice read and explained in a language that the parent or Indian custodian understands. To secure such translation or interpretation support, a court or agency should contact the Indian child's tribe or the local BIA agency for assistance in locating and obtaining the name of a qualified translator or interpreter.

(j) In voluntary proceedings, notice should also be sent in accordance with this section because the Indian tribe might have exclusive jurisdiction and/or the right to intervene. Further, notice to and involvement of the Indian tribe in the early stages of the proceedings aids the agency and court in satisfying their obligations to determine whether the child is an Indian child and in complying with 25 U.S.C. 1915.

(k) If the child is transferred interstate, regardless of whether the Interstate Compact on the Placement of Children (ICPC) applies, both the originating State court and receiving State court must provide notice to the tribe(s) and seek to verify whether the child is an Indian child.

(l) The notice requirement includes providing responses to requests for additional information, where available, in the event that a tribe indicates that such information is necessary to determine whether a child is an Indian child.

B.7. What time limits and extensions apply?

(a) No hearings regarding decisions for the foster care or termination of parental rights may begin until the waiting periods to which the parents or Indian custodians and to which the Indian child's tribe are entitled have passed. Additional extensions of time may also be granted beyond the minimum required by the Act.

(b) A tribe, parent or Indian custodian entitled to notice of the pendency of a child custody proceeding has a right, upon request, to be granted an additional 20 days from the date upon which notice was received in accordance with 25 U.S.C. 1912(a) to prepare for participation in the proceeding.

(c) The proceeding may not begin until all of the following dates have passed:

(1) 10 days after each parent or Indian custodian (or Secretary where the parent or Indian custodian is unknown to the petitioner) has received notice in accordance with 25 U.S.C. 1912(a);

(2) 10 days after the Indian child's tribe (or the Secretary if the Indian child's tribe is unknown to the party

seeking placement) has received notice in accordance with 25 U.S.C. 1912(a);

(3) 30 days after the parent or Indian custodian has received notice in accordance with 25 U.S.C. 1912(a), if the parent or Indian custodian has requested an additional 20 days to prepare for the proceeding; and

(4) 30 days after the Indian child's tribe has received notice in accordance with 25 U.S.C. 1912(a), if the Indian child's tribe has requested an additional 20 days to prepare for the proceeding.

(d) The court should allow, if it possesses the capability, alternative methods of participation in State court proceedings by family members and tribes, such as participation by telephone, videoconferencing, or other methods.

B.8. What is the process for the emergency removal of an Indian child?

(a) The emergency removal and emergency placement of an Indian child in a foster home or institution under applicable State law is allowed only as necessary to prevent imminent physical damage or harm to the child. This requirement applies to all Indian children regardless of whether they are domiciled or reside on a reservation. This does not, however, authorize a State to remove a child from a reservation where a tribe exercises exclusive jurisdiction.

(b) Any emergency removal or emergency placement of any Indian child under State law must be as short as possible. Each involved agency or court must:

(1) Diligently investigate and document whether the removal or placement is proper and continues to be necessary to prevent imminent physical damage or harm to the child;

(2) Promptly hold a hearing to hear evidence and evaluate whether the removal or placement continues to be necessary whenever new information is received or assertions are made that the emergency situation has ended; and

(3) Immediately terminate the emergency removal or placement once the court possesses sufficient evidence to determine that the emergency has ended.

(c) If the agency that conducts an emergency removal of a child whom the agency knows or has reason to know is an Indian child, the agency must:

(1) Treat the child as an Indian child until the court determines that the child is not an Indian child;

(2) Conduct active efforts to prevent the breakup of the Indian family as early as possible, including, if possible, before removal of the child;

(3) Immediately take and document all practical steps to confirm whether the child is an Indian child and to verify the Indian child's tribe;

(4) Immediately notify the child's parents or Indian custodians and Indian tribe of the removal of the child;

(5) Take all practical steps to notify the child's parents or Indian custodians and Indian tribe about any hearings regarding the emergency removal or emergency placement of the child; and

(6) Maintain records that detail the steps taken to provide any required notifications under section B.6 of these guidelines.

(d) A petition for a court order authorizing emergency removal or continued emergency physical custody must be accompanied by an affidavit containing the following information:

(1) The name, age and last known address of the Indian child;

(2) The name and address of the child's parents and Indian custodians, if any;

(3) If such persons are unknown, a detailed explanation of what efforts have been made to locate them, including notice to the appropriate Bureau of Indian Affairs Regional Director (see [www.bia.gov](http://www.bia.gov));

(4) Facts necessary to determine the residence and the domicile of the Indian child;

(5) If either the residence or domicile is believed to be on an Indian reservation, the name of the reservation;

(6) The tribal affiliation of the child and of the parents and/or Indian custodians;

(7) A specific and detailed account of the circumstances that led the agency responsible for the emergency removal of the child to take that action;

(8) If the child is believed to reside or be domiciled on a reservation where the tribe exercises exclusive jurisdiction over child custody matters, a statement of efforts that have been made and are being made to transfer the child to the tribe's jurisdiction;

(9) A statement of the specific active efforts that have been taken to assist the parents or Indian custodians so the child may safely be returned to their custody; and

(10) A statement of the imminent physical damage or harm expected and any evidence that the removal or emergency custody continues to be necessary to prevent such imminent physical damage or harm to the child.

(e) At any court hearing regarding the emergency removal or emergency placement of an Indian child, the court must determine whether the removal or placement is no longer necessary to prevent imminent physical damage or

harm to the child. The court should accept and evaluate all information relevant to the agency's determination provided by the child, the child's parents, the child's Indian custodians, the child's tribe or any participants in the hearing.

(f) Temporary emergency custody should not be continued for more than 30 days. Temporary emergency custody may be continued for more than 30 days only if:

(1) A hearing, noticed in accordance with these guidelines, is held and results in a determination by the court, supported by clear and convincing evidence and the testimony of at least one qualified expert witness, that custody of the child by the parent or Indian custodian is likely to result in imminent physical damage or harm to the child; or

(2) Extraordinary circumstances exist.

(g) The emergency removal or placement must terminate as soon as the imminent physical damage or harm to the child which resulted in the emergency removal or placement no longer exists, or, if applicable, as soon as the tribe exercises jurisdiction over the case, whichever is earlier.

(h) Once an agency or court has terminated the emergency removal or placement, it must expeditiously:

(1) Return the child to the parent or Indian custodian within one business day; or

(2) Transfer the child to the jurisdiction of the appropriate Indian tribe if the child is a ward of a tribal court or a resident of or domiciled on a reservation; or

(3) Initiate a child custody proceeding subject to the provisions of the Act and these guidelines.

(i) The court should allow, if it possesses the capability, alternative methods of participation in State court proceedings by family members and tribes, such as participation by telephone, videoconferencing, or other methods.

B.9. What are the procedures for determining improper removal?

(a) If, in the course of any Indian child custody proceeding, any party asserts or the court has reason to believe that the Indian child may have been improperly removed from the custody of his or her parent or Indian custodian, or that the Indian child has been improperly retained, such as after a visit or other temporary relinquishment of custody, the court must immediately stay the proceeding until a determination can be made on the question of improper removal or retention, and such

determination must be conducted expeditiously.

(b) If the court finds that the Indian child was improperly removed or retained, the court must terminate the proceeding and the child must be returned immediately to his or her parents or Indian custodian, unless returning the child to his parent or custodian would subject the child to imminent physical damage or harm.

### C. Procedures for Making Requests for Transfer to Tribal Court

#### C.1. How are petitions for transfer of proceeding made?

(a) Either parent, the Indian custodian, or the Indian child's tribe may request, orally on the record or in writing, that the State court transfer each distinct Indian child custody proceeding to the tribal court of the child's tribe.

(b) The right to request a transfer occurs with each proceeding. For example, a parent may request a transfer to tribal court during the first proceeding for foster placement and/or at a proceeding to determine whether to continue foster placement, and/or at a later proceeding, for example at a hearing for termination of parental rights.

(c) The right to request a transfer is available at any stage of an Indian child custody proceeding, including during any period of emergency removal.

(d) The court should allow, if possible, alternative methods of participation in State court proceedings by family members and tribes, such as participation by telephone, videoconferencing, or other methods.

#### C.2. What are the criteria and procedures for ruling on transfer petitions?

(a) Upon receipt of a petition to transfer by a parent, Indian custodian or the Indian child's tribe, the State court must transfer the case unless any of the following criteria are met:

(1) Either parent objects to such transfer;

(2) The tribal court declines the transfer; or

(3) The court determines that good cause exists for denying the transfer.

(b) To minimize delay, the court should expeditiously provide all records related to the proceeding to the tribal court.

#### C.3. How is a determination of "good cause" made?

(a) If the State court believes, or any party asserts, that good cause not to transfer exists, the reasons for such

belief or assertion must be stated on the record or in writing and made available to the parties who are petitioning for transfer.

(b) Any party to the proceeding must have the opportunity to provide the court with views regarding whether good cause to deny transfer exists.

(c) In determining whether good cause exists, the court may not consider whether the case is at an advanced stage or whether transfer would result in a change in the placement of the child because the Act created concurrent, but presumptively, tribal jurisdiction over proceedings involving children not residing or domiciled on the reservation, and seeks to protect, not only the rights of the Indian child as an Indian, but the rights of Indian communities and tribes in retaining Indian children. Thus, whenever a parent or tribe seeks to transfer the case it is presumptively in the best interest of the Indian child, consistent with the Act, to transfer the case to the jurisdiction of the Indian tribe.

(d) In addition, in determining whether there is good cause to deny the transfer, the court may not consider:

(1) The Indian child's contacts with the tribe or reservation;

(2) Socio-economic conditions or any perceived inadequacy of tribal or Bureau of Indian Affairs social services or judicial systems; or

(3) The tribal court's prospective placement for the Indian child.

(e) The burden of establishing good cause not to transfer is on the party opposing the transfer.

#### C.4. What happens when a petition for transfer is made?

(a) Upon receipt of a transfer petition the State court must promptly notify the tribal court in writing of the transfer petition and request a response regarding whether the tribal court wishes to decline the transfer. The notice should specify how much time the tribal court has to make its decision; provided that the tribal court has at least 20 days from the receipt of notice of a transfer petition to decide whether to accept or decline the transfer.

(b) The tribal court should inform the State court of its decision to accept or decline jurisdiction within the time required or may request additional time; provided that the reasons for additional time are explained.

(c) If the tribal court accepts the transfer, the State court should promptly provide the tribal court with all court records.

### D. Adjudication of Involuntary Placements, Adoptions, or Terminations or Terminations of Parental Rights

#### D.1. Who has access to reports or records?

(a) The court must inform each party to a foster care placement or termination of parental rights proceeding under State law involving an Indian child of his or her right to timely examination of all reports or other documents filed with the court and all files upon which any decision with respect to such action may be based.

(b) Decisions of the court may be based only upon reports, documents or testimony presented on the record.

#### D.2. What steps must a party take to petition a State court for certain actions involving an Indian child?

(a) Any party petitioning a State court for foster care placement or termination of parental rights to an Indian child must demonstrate to the court that prior to, and until the commencement of, the proceeding, active efforts have been made to avoid the need to remove the Indian child from his or her parents or Indian custodians and show that those efforts have been unsuccessful.

(b) Active efforts must be documented in detail and, to the extent possible, should involve and use the available resources of the extended family, the child's Indian tribe, Indian social service agencies and individual Indian care givers.

#### D.3. What are the applicable standards of evidence?

(a) The court may not issue an order effecting a foster care placement of an Indian child unless clear and convincing evidence is presented, including the testimony of one or more qualified expert witnesses, demonstrating that the child's continued custody with the child's parents or Indian custodian is likely to result in serious harm to the child.

(b) The court may not order a termination of parental rights unless the court's order is supported by evidence beyond a reasonable doubt, supported by the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious harm to the child.

(c) Clear and convincing evidence must show a causal relationship between the existence of particular conditions in the home that are likely to result in serious emotional or physical damage to the particular child who is the subject of the proceeding. Evidence that shows only the existence of

community or family poverty or isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or nonconforming social behavior does not by itself constitute clear and convincing evidence that continued custody is likely to result in serious emotional or physical damage to the child.

D.4. Who may serve as a qualified expert witness?

(a) A qualified expert witness should have specific knowledge of the Indian tribe's culture and customs.

(b) Persons with the following characteristics, in descending order, are presumed to meet the requirements for a qualified expert witness:

(1) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and childrearing practices.

(2) A member of another tribe who is recognized to be a qualified expert witness by the Indian child's tribe based on their knowledge of the delivery of child and family services to Indians and the Indian child's tribe.

(3) A layperson who is recognized by the Indian child's tribe as having substantial experience in the delivery of child and family services to Indians, and knowledge of prevailing social and cultural standards and childrearing practices within the Indian child's tribe.

(4) A professional person having substantial education and experience in the area of his or her specialty who can demonstrate knowledge of the prevailing social and cultural standards and childrearing practices within the Indian child's tribe.

(c) The court or any party may request the assistance of the Indian child's tribe or the Bureau of Indian Affairs agency serving the Indian child's tribe in locating persons qualified to serve as expert witnesses.

#### E. Voluntary Proceedings

E.1. What actions must an agency and State court undertake in voluntary proceedings?

(a) Agencies and State courts must ask whether a child is an Indian child in any voluntary proceeding under sections B.2. to B.4. of these guidelines.

(b) Agencies and State courts should provide the Indian tribe with notice of the voluntary child custody proceedings, including applicable pleadings or executed consents, and their right to intervene under section B.6. of these guidelines.

E.2. How is consent to termination of parental rights, foster care placement or adoption obtained?

(a) A voluntary termination of parental rights, foster care placement or adoption must be executed in writing and recorded before a court of competent jurisdiction.

(b) Prior to accepting the consent, the court must explain the consequences of the consent in detail, such as any conditions or timing limitations for withdrawal of consent and, if applicable, the point at which such consent is irrevocable.

(c) A certificate of the court must accompany a written consent and must certify that the terms and consequences of the consent were explained in detail in the language of the parent or Indian custodian, if English is not the primary language, and were fully understood by the parent or Indian custodian.

(d) Execution of consent need not be made in open court where confidentiality is requested or indicated.

(e) A consent given prior to or within 10 days after birth of the Indian child is not valid.

E.3. What information should a consent document contain?

(a) The consent document must contain the name and birthdate of the Indian child, the name of the Indian child's tribe, identifying tribal enrollment number, if any, or other indication of the child's membership in the tribe, and the name and address of the consenting parent or Indian custodian. If there are any conditions to the consent, the consent document must clearly set out the conditions.

(b) A consent to foster care placement should contain, in addition to the information specified in subsection (a), the name and address of the person or entity by or through whom the placement was arranged, if any, or the name and address of the prospective foster parents, if known at the time.

E.4. How is withdrawal of consent achieved in a voluntary foster care placement?

(a) Withdrawal of consent must be filed in the same court where the consent document was executed.

(b) When a parent or Indian custodian withdraws consent to foster care placement, the child must be returned to that parent or Indian custodian immediately.

E.5. How is withdrawal of consent to a voluntary adoption achieved?

(a) A consent to termination of parental rights or adoption may be withdrawn by the parent at any time

prior to entry of a final decree of voluntary termination or adoption, whichever occurs later. To withdraw consent, the parent must file, in the court where the consent is filed, an instrument executed under oath asserting his or her intention to withdraw such consent.

(b) The clerk of the court in which the withdrawal of consent is filed must promptly notify the party by or through whom any preadoptive or adoptive placement has been arranged of such filing and the child must be returned to the parent or Indian custodian as soon as practicable.

#### F. Dispositions

F.1. When do the placement preferences apply?

(a) In any preadoptive, adoptive or foster care placement of an Indian child, the Act's placement preferences apply; except that, if the Indian child's tribe has established by resolution a different order of preference than that specified in the Act, the agency or court effecting the placement must follow the tribe's placement preferences.

(b) The agency seeking a preadoptive, adoptive or foster care placement of an Indian child must always follow the placement preferences. If the agency determines that any of the preferences cannot be met, the agency must demonstrate through clear and convincing evidence that a diligent search has been conducted to seek out and identify placement options that would satisfy the placement preferences specified in sections F.2. or F.3. of these guidelines, and explain why the preferences could not be met. A search should include notification about the placement hearing and an explanation of the actions that must be taken to propose an alternative placement to:

- (1) The Indian child's parents or Indian custodians;
- (2) All of the known, or reasonably identifiable, members of the Indian child's extended family members;
- (3) The Indian child's tribe;
- (4) In the case of a foster care or preadoptive placement:

(i) All foster homes licensed, approved, or specified by the Indian child's tribe; and

(ii) All Indian foster homes located in the Indian child's State of domicile that are licensed or approved by any authorized non-Indian licensing authority.

(c) Where there is a request for anonymity, the court should consider whether additional confidentiality protections are warranted, but a request for anonymity does not relieve the

agency or the court of the obligation to comply with the placement preferences.

(d) Departure from the placement preferences may occur only after the court has made a determination that good cause exists to place the Indian child with someone who is not listed in the placement preferences.

(e) Documentation of each preadoptive, adoptive or foster care placement of an Indian child under State law must be provided to the State for maintenance at the agency. Such documentation must include, at a minimum: the petition or complaint; all substantive orders entered in the proceeding; the complete record of, and basis for, the placement determination; and, if the placement deviates from the placement preferences, a detailed explanation of all efforts to comply with the placement preferences and the court order authorizing departure from the placement preferences.

F.2. What placement preferences apply in adoptive placements?

(a) In any adoptive placement of an Indian child under State law, preference must be given in descending order, as listed below, to placement of the child with:

- (1) A member of the child's extended family;
- (2) Other members of the Indian child's tribe; or
- (3) Other Indian families, including families of unwed individuals.

(b) The court should, where appropriate, also consider the preference of the Indian child or parent.

F.3. What placement preferences apply in foster care or preadoptive placements?

In any foster care or preadoptive placement of an Indian child:

(a) The child must be placed in the least restrictive setting that:

- (1) Most approximates a family;
- (2) Allows his or her special needs to be met; and
- (3) Is in reasonable proximity to his or her home, extended family, and/or siblings.

(b) Preference must be given, in descending order as listed below, to placement of the child with:

- (1) A member of the Indian child's extended family;
- (2) A foster home, licensed, approved or specified by the Indian child's tribe, whether on or off the reservation;
- (3) An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (4) An institution for children approved by an Indian tribe or operated by an Indian organization which has a

program suitable to meet the child's needs.

F.4. How is a determination for "good cause" to depart from the placement preferences made?

(a) If any party asserts that good cause not to follow the placement preferences exists, the reasons for such belief or assertion must be stated on the record or in writing and made available to the parties to the proceeding and the Indian child's tribe.

(b) The party seeking departure from the preferences bears the burden of proving by clear and convincing evidence the existence of "good cause" to deviate from the placement preferences.

(c) A determination of good cause to depart from the placement preferences must be based on one or more of the following considerations:

(1) The request of the parents, if both parents attest that they have reviewed the placement options that comply with the order of preference.

(2) The request of the child, if the child is able to understand and comprehend the decision that is being made.

(3) The extraordinary physical or emotional needs of the child, such as specialized treatment services that may be unavailable in the community where families who meet the criteria live, as established by testimony of a qualified expert witness; provided that extraordinary physical or emotional needs of the child does not include ordinary bonding or attachment that may have occurred as a result of a placement or the fact that the child has, for an extended amount of time, been in another placement that does not comply with the Act. The good cause determination does not include an independent consideration of the best interest of the Indian child because the preferences reflect the best interests of an Indian child in light of the purposes of the Act.

(4) The unavailability of a placement after a showing by the applicable agency in accordance with section F.1., and a determination by the court that active efforts have been made to find placements meeting the preference criteria, but none have been located. For purposes of this analysis, a placement may not be considered unavailable if the placement conforms to the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(d) The court should consider only whether a placement in accordance with the preferences meets the physical, mental and emotional needs of the child; and may not depart from the preferences based on the socio-economic status of any placement relative to another placement.

### G. Post-Trial Rights

G.1. What is the procedure for petitioning to vacate an adoption?

(a) Within two years after a final decree of adoption of any Indian child by a State court, or within any longer period of time permitted by the law of the State, a parent who executed a consent to termination of paternal rights or adoption of that child may petition the court in which the final adoption decree was entered to vacate the decree and revoke the consent on the grounds that consent was obtained by fraud or duress, or that the proceeding failed to comply with ICWA.

(b) Upon the filing of such petition, the court must give notice to all parties to the adoption proceedings and the Indian child's tribe.

(c) The court must hold a hearing on the petition.

(d) Where the court finds that the parent's consent was obtained through fraud or duress, the court must vacate the decree of adoption, order the consent revoked and order that the child be returned to the parent.

G.2. Who can make a petition to invalidate an action?

(a) Any of the following may petition any court of competent jurisdiction to invalidate an action for foster care placement or termination of parental rights where it is alleged that the Act has been violated:

(1) An Indian child who is the subject of any action for foster care placement or termination of parental rights;

(2) A parent or Indian custodian from whose custody such child was removed; and

(3) The Indian child's tribe.

(b) Upon a showing that an action for foster care placement or termination of parental rights violated any provision of 25 U.S.C. 1911, 1912, or 1913, the court must determine whether it is appropriate to invalidate the action.

(c) There is no requirement that the particular party's rights under the Act be violated to petition for invalidation; rather, any party may challenge the action based on violations in implementing the Act during the course of the child custody proceeding. For example, it is acceptable for the tribe to petition to invalidate an action because

it violated the rights of a parent, or for a parent to petition to invalidate an action because the action violated the statutory rights of the tribe. ICWA is designed to provide rights to ensure that tribes, parents, and children are protected. In light of Congressional findings in ICWA, it is presumed that the Indian child is disadvantaged if any of those rights are violated.

(d) The court should allow, if it possesses the capability, alternative methods of participation in State court proceedings by family members and tribes, such as participation by telephone, videoconferencing, or other methods.

#### G.3. What are the rights of adult adoptees?

(a) Upon application by an Indian individual who has reached age 18 who was the subject of an adoptive placement, the court that entered the final decree must inform such individual of the tribal affiliations, if any, of the individual's biological parents and provide such other information necessary to protect any rights, which may include tribal membership, resulting from the individual's tribal relationship.

(b) This section should be applied regardless of whether the original adoption was subject to the provisions of the Act.

(c) Where State law prohibits revelation of the identity of the biological parent, assistance of the Bureau of Indian Affairs should be sought to help an adoptee who is eligible for membership in a tribe to become a tribal member without breaching the Privacy Act or confidentiality of the record.

(d) In States where adoptions remain closed, the relevant agency should, at a minimum, communicate directly with the tribe's enrollment office and provide the information necessary to facilitate the establishment of the adoptee's tribal membership.

(e) Agencies should work with the tribe to identify at least one tribal designee familiar with 25 U.S.C. 1917 to assist adult adoptees statewide with the process of reconnecting with their tribes and to provide information to State judges about this provision on an annual basis.

#### G.4. When must notice of a change in child's status be given?

(a) Notice by the court, or an agency authorized by the court, must be given to the child's biological parents or prior Indian custodians and the Indian child's tribe whenever:

(1) A final decree of adoption of an Indian child has been vacated or set aside; or

(2) The adoptive parent has voluntarily consented to the termination of his or her parental rights to the child; or

(3) Whenever an Indian child is removed from a foster care home or institution to another foster care placement, preadoptive placement, or adoptive placement.

(b) The notice must inform the recipient of the right to petition for return of custody of the child.

(c) A parent or Indian custodian may waive his or her right to such notice by executing a written waiver of notice filed with the court. The waiver may be revoked at any time by filing with the court a written notice of revocation. A revocation of the right to receive notice does not affect any proceeding which occurred before the filing of the notice of revocation.

#### G.5. What information must States furnish to the Bureau of Indian Affairs?

(a) Any state entering a final adoption decree or order must furnish a copy of the decree or order to the Bureau of Indian Affairs, Chief, Division of Human Services, 1849 C Street NW, Mail Stop 4513 MIB, Washington, DC 20240, along with the following information:

(1) Birth name of the child, tribal affiliation and name of the child after adoption;

(2) Names and addresses of the biological parents;

(3) Names and addresses of the adoptive parents;

(4) Name and contact information for any agency having files or information relating to the adoption;

(5) Any affidavit signed by the biological parent or parents asking that their identity remain confidential; and

(6) Any information relating to the enrollment or eligibility for enrollment of the adopted child.

(b) Confidentiality of such information must be maintained and is not subject to the Freedom of Information Act, 5 U.S.C. 552, as amended.

#### G.6. How must the State maintain records?

(a) The State must establish a single location where all records of every voluntary or involuntary foster care, preadoptive placement and adoptive placement of Indian children by courts of that State will be available within seven days of a request by an Indian child's tribe or the Secretary.

(b) The records must contain, at a minimum, the petition or complaint, all

substantive orders entered in the proceeding, and the complete record of the placement determination.

Dated: February 19, 2015.

Kevin K. Washburn,  
Assistant Secretary—Indian Affairs.

[FR Doc. 2015-03925 Filed 2-24-15; 8:45 am]

BILLING CODE 4310-4J-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-PWR-PWRO-17253;  
PX.PD0771601.00.4]

### Draft Environmental Impact Statement for Alcatraz Ferry Embarkation Plan, San Francisco County, California.

AGENCY: National Park Service, Interior.  
ACTION: Notice of availability.

**SUMMARY:** The National Park Service (NPS) has prepared a Draft Environmental Impact Statement (DEIS) for the Alcatraz Ferry Embarkation project. The project would establish a new, long-term ferry embarkation site for passenger service between the northern San Francisco waterfront and Alcatraz Island. It would also establish occasional special ferry service between the selected Alcatraz ferry embarkation site and the existing Fort Baker pier, as well as between Fort Mason and other destinations in San Francisco Bay.

**DATES:** All comments must be postmarked or transmitted not later than 90 days from the date of publication in the *Federal Register* of the Environmental Protection Agency's notice of filing and release of the DEIS. Upon confirmation of this date, we will notify all entities on the project mailing list, and public announcements about the DEIS review period will be posted on the project Web site (<http://parkplanning.nps.gov/ALCAembarkation>) and distributed via local and regional press media.

**FOR FURTHER INFORMATION CONTACT:** Please contact the Golden Gate National Recreation Area Planning Division at (415) 561-4930 or [goga\\_planning@nps.gov](mailto:goga_planning@nps.gov).

**SUPPLEMENTARY INFORMATION:** The purpose and need for the project is driven by the following factors: (1) Alcatraz Island ferry service has been subject to location changes every 10 years, which has led to visitor confusion, community concerns, and inconsistency in visitor support services. The site and associated connections should be a consistent feature for visitors to Golden Gate National Recreation Area (GGNRA). (2)

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

## 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 Environmental Resource Board's FY '17 1st quarter report.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1. <input type="text" value="ERB FY '17 1st Quarter 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: Chad Wilson, Project Manager / Environmental Resource Board  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Marlene Garvey, Chairwoman / Environmental Resource Board  
Name, Title / Dept.

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

1st quarter report for FY '17 for the Environmental Resource Board

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

***ENVIRONMENTAL RESOURCE BOARD***  
***FY '17 1st Quarter Report: October, November, December***

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 October 6:

- Motion to approve recommendation for bag limits at Onyota'a:ka lake of 5 bluegill, 2 catfish, and 1 walleye with possession limits being double those amounts.
- Motion to approve feast permit for community event.

Hearing on October 18

- Citation hearings regarding violations of Domestic Animals Ordinance & Hunting, Fishing, and Trapping Law.

Action Taken November 3:

- Motion to approve draft law and draft regulations for Hunting, Fishing and Trapping developed in coordination with Conservation and Attorney Krystal John.

Hearing on November 17

- Citation hearings regarding violations of Domestic Animals Ordinance & Hunting, Fishing, and Trapping Law.

Action Taken December 1:

- Motion to approve extension of feast permit for community event.

FINANCIALS

Tribal Contribution	\$ 258,910.00
Period 01 October	\$ 18,411.90
Period 02 November	\$ 21,253.01
Period 03 December	\$ 21,329.39

## SUMMARY OF ACTIVITIES

- ERB holds ***citation hearings*** to ensure the enforcement of health and safety measures for the Oneida community.
- Development of ***citation database*** for improved tracking and collection of citations and associated fines.
- Continue work on ***Hunting, Fishing, and Trapping Law and Regulations*** to streamline law and separate regulations from the law; and attendance at public hearing for the law.
- Communication on ***Public Use of Tribal Lands Law*** and promotion of natural areas for community use.
- ***Onyota'a:ka Lake*** management activities, planning for Phase II, annual report draft, and review additional recreation amenities.
- Participation in the initiatives of the ***Wellness team*** to improve nutrition, recreation, and flex-time for fitness opportunities.
- ***Back Forty Mine*** conference and review of issues related to siting of mine in Menominee County, MI.
- ***Silver Creek Project Team*** coordination meetings for implementation of non-point strategies to reduce phosphorous inputs to streams from agricultural fields.
- Multi-year planning for ***Soil Health and Enhanced Nutrient Management*** via Oneida Sustainable Resource Advisory Council (OSRAC), to promote environmental quality and economic vitality on Oneida farm lands, and to assist on preliminary draft Agriculture Plan.
- Participate with the ***DOE Solar Deployment Grant*** review team.
- 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	Provide the Oneida community with environmental education through community events and educational outreach. 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 commitments.
3	Continue updates and reviews of the Hunting, Fishing, and Trapping Law and 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 natural areas.	Provide coordination with EH&SD, Engineering, and Planning.	Ongoing	1
2	Creation of Citations Database to better manage and track violations and fine payments.	Interdepartmental coordination	January, 2017	2
3	Hearing body for citations issued for Hunting, Fishing, and Trapping Law and Domestic Animals ordinance.	Providing a reliable and dependable hearing structure	5 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: 01 / 26 / 17

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept Oneida Library Quarterly Report for Oct. Nov. Dec. 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:

Liaison: Fawn Billie

Primary Requestor:

Dr. Carol A. Cornelius, secretary Oneida Library Board

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

**ONEIDA COMMUNITY LIBRARY BOARD  
QUARTERLY REPORT Oct. Nov. Dec. 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  
Jennifer Hill, Member

**BC LIAISON:** Fawn Billie

**MINUTES:**

The following meeting minutes have been approved by the Oneida Community Library Board and sent to Kathy Metoxen and Fawn Billie:

Oct. 12, 2016, Nov. 16, , 2016, Dec. 21, 2016

**ACTION TAKEN:**

The Board meets at the Library, the second Wednesday of the month at 4:30 p.m.

**HIGHLIGHTS OF THE LIBRARY**

**October, 2016**

\* National Literacy Month celebrated on the 24th with an event called Fiesta Day with games, prizes and craft shared by families with 58 community members enjoying the festivities. The Library participated in the "Big Apple Fest" with about 1,200 kids stopping at the library stand to do crafting. Great job library staff!! Green Earth is working with Head Start and Kim was invited to Head Start's family fest on Oct. 22nd. Green Earth is starting to get new patrons from recommendations at Barnes & Nobles.

\* Setting up a committee to plan the advertizing for the Elder CD interviews donated by Madeline Genskow

\*Update on OWLSNET resolution to send outstanding bills over \$50.00 to a collection agency This has passed at the OWLSNET level. This is being checked over by the Oneida Law office. Current Library procedures include sending a letter of notification, and if no response then a bill is sent.

\*Patron count: 3,050, plus 1,200 from "Big Apple Fest" total: 4,250

**Nov. 2016**

Brooke Beltran and Lou Williams attend ATALM (Association of Tribal Archives, Libraries, and Museums) convention in Arizona Oct. 9-12. The theme: Culture Builds Communities. Brooke Beltran gave a presentation on the workshops she attended: Super Like Me for youth and marvel comic books using Native themes; Protecting staff, visitors, collections; Engaging tribal communities with film and media; Choctaw beading station, Seed paper making embedded seeds to plant next spring which includes the persons wishes and dreams, Culturally responsive summer reading programs; Engaging youth with aerosol art; Bridging the gap of time and culture using on- line games which includes making a story board of the community on the computer; Create coding for on-line games including events.

\*Lou Williams attend workshops on Protecting staff, visitors and collections; Native Knowledge 360 by Director of National Museum of American Indians on their creation of a web-based platform for new resources

that will feature multi-media classroom materials and on line educational programs to support traditions and contemporary initiatives by Native people themselves. This web-site supports STEM, language arts, math, science in history, geography, civics, economics, science and engineering.

www.AmericanIndian.si.edu/education. Developing a Culturally appropriate Children's Literature Collection; History in 4D: Digital training thru share memory, Engaging tribal Communities to start film and media programs.

\*Kim Cackowski from Green Earth presented information on [code.org](http://code.org) which is a world-wide initiative to interest kids in computer science and computer engineering. There is a high school AP class on computer science with 30,000 student taking the class only 17 Native American females, and 109 Native American males taking the class. Computing jobs are #1 source of new wages in the U.S. STEM: 71% of jobs are in computers. She showed photo's of a 6 year old girl and several boys creating coding on the computer. They also participate in Robotics creating commands and the Robotics carries out the command. Green Earth will be connected to fiber optic very soon which will triple the speed on computers.

Patron Count: 3,108

## Dec. 2016

\* 5 boys were involved in a sling shot incident which resulted in a pebble damaging a computer screen valued at \$150.00. Procedures are to write an incident report, then call OPD (if necessary), sent letter to parents, can be suspended from using the library for a number of days.

\* DPW completed a required building evaluation. The Library is the seconded oldest building on their list. They found a few leaks, a few small safety issues, and there's definitely not enough room for everything and the meeting room should be cleared out.

\* An idea was raised to work with the Elders to provide a mobile library. A meeting is set for second week in January to discuss.

\* Regular weekly events are well attended including Oneida Language Class, Toddler Tuesday program for story and crafts, Wednesday net night bring in kids, Three Sisters has been using their field trips to visit the main library.

\*November event was "Swa nah nu" (We all fill it) meaning eating, Louis Williams Jr. talked about some longhouse traditions.

\*Free books were handed out to those interested.

\* Library staff continues to take classes at NWTC, and on-line to improve their knowledge.

\*Green Earth has had six classrooms visit this month during National Native American Heritage month. They watched video on three sisters garden and white corn by Oneida Digital Media on YouTube. They read Brown Bear, Brown Bear utilizing Oneida language as they studied bears habits. Flying Leaf community Center works with the Green Earth with Minecraft and outreach for STEM with legos. They celebrate native American Heritage Month with Children's Native American Literature Story time, corn husk doll making, and a beading circle.

\*Code.org was introduced to share computer engineering skills and the children code their own games.

\* The Library Board discussed ideas for informing the community and having them listen to the Elder Interview tapes donated by Madeline Genskow. The number of tapes for each person:

Ruth Baird 4 tapes

Isaiah Cornelius 2 tapes

Anna John 2 tapes

Amos Christjohn 8 tapes and Oneida language lessons

Ideas: Eventually put on Library Web site. Kymberly updates this site.

Schedule listening sessions

Boom boxes for listening are available

It would be nice to have a visual picture of each person interviewed and a biography, perhaps this could become a power point.

Next step is to clarify the permission statements if they are available at the Museum.

Patron Count: 3,102

**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: 1) climate change with the Environmental department; 2) Longhouse, Tradition, History and Protocol, and, 3) Elder interview tapes.

**PERSONAL COMMENTS:**

The Library Board would like to acknowledge the dedicated staff at the Library who continue to increase their knowledge and skills by taking classes and attending workshops and conferences.  
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: 01 / 26 / 17

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Acceptance of 1st Quarter Report for the Oneida Personnel Commission  
October 2016-December 2016

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

ONEIDA PERSONNEL COMMISSION  
 FY 2017- Quarterly Report First Quarter  
 October, November and December 2016  
 Submitted by: Yvonne Jourdan

**NAMES**

Officers: Yvonne Jourdan, Chairperson  
 Gary Smith, Vice-Chairperson  
 Sharon Alvarez, Treasurer  
 Tomas Escamea, Secretary

Members: Bradley Graham  
 Richard Elm-Hill  
 Jennifer Hill  
 Leland Wigg-Ninham  
 Eric Krawczyk  
 Pearl Webster  
 Carol Smith

**MINUTES**

All approved minutes have been submitted to the Office of the Tribal Secretary.

October 18, 2016	Regular Meeting	(Approved)
November 15, 2016	Regular Meeting	(Approved)
November 16, 2016	Emergency Meeting	(Approved)
December 20, 2016	Regular Meeting	(Not Approved)

**FINANCIAL**

See attached R&E statements for the months of October, November and December 2016.

**SPECIAL EVENTS AND TRAVEL**

No out-of-state travel/training occurred during this quarter.

**LOCAL TRAINING**

Training for the first quarter of this fiscal year included standard initial reviews, grievance hearings, and grievance decisions training which took place in October, November and December.

**ACTIVITY REPORT-Oneida Personnel Commission**

Activity	October	November	December	Totals
Pre-Screens	26	14	17	57
Interviews	20	18	18	56
Reassignments	9	10	9	28
Initial Reviews	2	2	3	7
Grievances	2	2	1	5
Deliberations	4	0	2	6

Decision Writing	2	1	2	5
Motion Decisions	1	0	1	2
Regular Meetings	1	1	1	3
Special Meetings	0	1	0	1
Training*	6	2	2	10
Non-Gaming Employees with an advocate	1	0	1	2
Non-Gaming Employees without an advocate	0	1	1	2
Gaming Employees with an advocate	1	0	0	1
Gaming Employees without an advocate	0	1	0	1
Non-Gaming Management with an advocate	0	0	0	0
Non-Gaming Management without an advocate	1	1	2	4
Gaming Management with an advocate	1	1	0	2
Gaming Management without an advocate	0	0	0	0

- The numbers within the Reassignment boxes, are the numbers of employees that were reassigned into different positions for that specific month.

Training could mean attending out-of-state, local training, or in-house training. New commissioners are mentored by existing commissioners during Initial Reviews, Grievance Hearings, Decision Writing, Hearing Officer Responsibilities, and Motion Decisions. This type of involvement is also considered training.

**PERSONAL COMMENTS - Yvonne Jourdan, Chairperson - OPC**

This Commission has continued to review the proposed Employment Law (draft #21), that is currently at the Legislative Operating Committee (LOC). We have taken the position that this new Law is not favorable to the employment base. Although there have been numerous changes to each draft, one of the issues that this Commission has is that the main area that contributed to the drafts of this proposed law has been the Human Resource Department.(HRD) The proposed law allows HRD to make changes to a proposed law that ultimately affects HRD and provides enormous latitude in the hiring process with absolutely no checks or balances. As a Commission that has been created by General Tribal Council, this is a serious concern. On December 8, 2016, this Commission received notice from Geraldine Danforth, HRD Area Manager, and Marianne Close, Compensation and Employment Director that they will now be reporting in their

quarterly reports, Personnel Commission attendance, late/tardy, failed to show, didn't notify HR and didn't find a replacement. This Commission will be reporting to General Tribal Council, the same with regard to overbooking Commissioners, not calling Commissioners, failure to ensure interview and pre-screening is in compliance with the Oneida Tribes Blue Book, unusual or deviation from the hiring process without justification. Concerns, on November 9, 2016, two new Commissioners were scheduled for interview certification, the place of training was changed without any notice to the Commissioners, forcing those two Commissioners to wait an additional 3 months to receive this training. Additionally on November 3, 2016, an HRD specialist over booked a Commissioner for interviews and provided him with the wrong dates for interviews, thus causing an extra stipend to be paid for those interviews. On December 22, 2016, there was a second prescreening for a position where prescreening was originally conducted on December 16, 2016. The HRD specialist had prescreened on her own, prior to informing the assigned OPC Commissioner, and scheduled interviews with the potential candidates prior to having the Commissioner prescreen the position for a second time. This is unusual due to the fact that prescreening applicants does not occur minutes prior to the interviews. No justification or rationale has been provided as to why this was initiated by HRD.

We have taken the position that we would inform General Tribal Council (G.T.C) of the Commission's perspective and bring awareness to both G.T.C. and the employment base, we are doing this through our articles placed in our Tribal newspaper. This Commission has requested verbally that once the Oneida Business Committee establishes a date for General Tribal Council to meet and decide whether or not they support this Law, we would like to present our perspectives, issues and concerns regarding the proposed Employment Law.

This Commission had filed a complaint regarding some unfair and unethical hiring practices that were allowed and controlled by the Human Resources Department, to date, that complaint has been unfounded by the Human Resource Departmental Manager, and it is now in the hands of the Oneida Business Committee. As of the date of this report, the Oneida Business Committee has yet to resolve this complaint. The complaint was filed in July 2016.

The Commission continues to review current policies that have been approved and passed by the Oneida Business Committee (OBC) along with the Human Resource Department, (HRD) with the expectation that there can be improvements and discussion with both the OBC and HRD. The Personnel Commission continues to review the by-laws, SOP's, and the training manual for accuracy and relevance to the laws and policies of the Oneida Tribe. We have completed work on updating the qualifications for future Commissioners, which will be reflected in our By-Laws, and are currently pending at the LOC. In the future Quarterly reports, starting with the first Quarter of FY 2017, this Commission will report inconsistencies in the application of policies and procedures regarding hiring practices within HRD, this will include grievance matters that have come before this Commission.

#### **GOALS AND OBJECTIVES – FY2017**

1. Personnel Commission By-Laws	REVISIONS
2. Training Manual	IN PROGRESS
3. Updating Qualifications for Commissioners	REVISIONS PENDING AT LOC
3. Interdepartmental Relationships	NEEDS IMPROVEMENT
4. Updating Personnel Commission SOP's	IN PROGRESS

### **OBJECTIVE STATEMENT – FY 2017**

1. Optimize organizational efficiency and effectiveness
2. Learning and growth perspective
3. Owner/customer/stakeholder perspective

### **MEETING REQUIREMENTS**

*Oneida Personnel Commission By-Laws, Article III. Meetings.*

3-1 *Regular Meetings.* The OPC officers shall establish a schedule of regular meetings for the upcoming year beginning in November. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Administrator. Robert's Rules of Order shall be used as a guideline for conducting meetings.

3-2 *Special Meetings.* Special meetings shall be called not less than three (3) days prior to the date of the special meeting.

3-3. *Emergency meetings.* Emergency meetings shall be scheduled as needed and provide details of the emergency.

3-4 *Legislative Sessions.* When considering revisions or suggestions to the OPC regarding the labor laws of the Tribe, a Legislative Session may be scheduled to devote a focused exclusive convened working meeting of the OPC to specifically address amendment or revision of existing or proposed labor laws of the Tribe. An internal OPC SOP may be drafted governing the procedures to be followed in implementing such Legislative Session.

3-5 *Quorum.* A quorum shall consist of a majority of the OPC members. In the absence of the Chairperson and the Vice-Chairperson, the members present at the meeting shall elect a Chairperson *Pro Tem* to preside over the meeting.

### **FOLLOW-UP**

- Meeting with the Personnel Commission's alternate Liaison, David Jordan, Tribal Councilman, regarding issues and concerns of the Commission.

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
October 18, 2016 – NOON  
East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary: Rochelle A. Powless (NOT PRESENT)

A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:00p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Eric Krawczyk	Member
Jennifer Hill	Member
Leland Wigg-Ninham	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney
David Jordan	OBC Liaison

**EXCUSED:**

Rochelle A. Powless	Secretary
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**MOTION:** Bradley Graham motioned to approve the attendance excusing Rochelle

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:

**New Business** – Delete F.1.b

**SECOND:** Pearl Webster seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

C. Review\Approval of Minutes: September 20, 2016, OPC Regular Meeting  
(Rochelle Powless 10 minutes)

**MOTION:** Bradley Graham motioned to approve the September 20, 2016, OPC Regular Meeting Minutes, with corrections.

**SECOND:** Sharon Alvarez seconded the motion.

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

October 18, 2016 – NOON

East Wing Conference Room

**MOTION CARRIED UNANIMOUSLY****D. Tabled Business (none)****E. Old Business (4)**

1. Draft article for the Kahliwisaks (entire commission 10 minutes)  
FYI, update was given, Commissioner were sent email correspondence regarding this issue, deadline for response is October 25, 2016
2. **Internal Audit Request-UPDATE**  
**No Update**
3. **Employment Law Draft 21-UPDATE**  
No Update, draft was distributed
4. **Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion\*\*\***

MOTION: Bradley Graham moved to go into executive session

SECOND: Pearl Webster

TIME: 12:48PM

MOTION CARRIED UNANIMOUSLY

MOTION: Eric Krawczyk moved to come out of executive session

SECOND: Gary Smith

TIME: 1:16PM

MOTION CARRIED UNANIMOUSLY

MOTION: Gary Smith moved to submit a letter to the Pro-Tem Commission assigned to this case and request documents, testimony, evidence as protected information.

SECOND: Leland Wigg-Ninham

OPPOSED: Bradley Graham

MOTION CARRIED

**F. New Business(4)**

1. **Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)**

MOTION: Bradley Graham motioned to go into executive session

SECOND: Pearl Webster Time: 1:23PM

MOTION CARRIED UNANIMOUSLY

MOTION: Eric Krawczyk motioned to come out of executive session

SECOND: Tomas Escamea Time: 1:30PM

MOTION CARRIED UNANIMOUSLY

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
October 18, 2016 – NOON  
East Wing Conference Room

**a. Resignation of Rochelle Powless**

**MOTION:** Eric Krawczyk moved to accept the resignation of Rochelle Powless.

**SECOND:** Carol Smith

**MOTION CARRIED**

**MOTION:** Bradley Graham moved to send notice to the Oneida Business Committee to post this vacancy

**SECOND:** Pearl Webster

**MOTION CARRIED UNANIMOUSLY**

**b. Request from Leland Wigg-Ninham to waive training**

DELETED FROM AGENDA

**c. 3<sup>rd</sup> Quarterly Report-status**

**MOTION:** Bradley Graham moved to post both the Quarterly report, 2<sup>nd</sup> and 3<sup>rd</sup> quarter, in the Kahliwisaks to apprise General Tribal Council of the reports.

**SECOND:** Pearl Webster

**ABSTAIN:** Carol Smith

**MOTION CARRIED**

**2. Financial Report August 2016**

**MOTION:** Gary Smith motioned to approve

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

**3. Activity Report August 2016**

**MOTION:** Gary Smith motions to approve

**SECOND:** Carol Smith

**MOTION CARRIED UNANIMOUSLY**

**4. By-Laws**

**MOTION:** Tomas Escamea moved to approve and send to the LOC

**SECOND:** Sharon Alvarez

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Gary Smith moved to adjourn

**SECOND:** Carol Smith

**MOTION CARRIED UNANIMOUSLY**

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
October 18, 2016 – NOON  
East Wing Conference Room

A handwritten signature in black ink, appearing to be 'Gina Buenrostro', is written above a horizontal line.

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**Minutes taken for the secretary by Gina Buenrostro**

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
November 15, 2016 – NOON  
East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary:

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Jennifer Hill	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney
David Jordan	OBC Liaison

**EXCUSED:**

Eric Krawczyk	Member
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**UNEXCUSED:**

Leland Wigg-Ninham Member

**MOTION:** Bradley Graham motioned to approve the attendance excusing Eric Krawczyk and unexcusing Leland Wigg-Ninham.

**SECOND:** Tomas Escamea seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:  
**New Business** – F.1.h. (schedule special or emergency meeting) and Old Business, 4, will move to the end of the agenda.

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. Review\Approval of Minutes: October 18, 2016, OPC Regular Meeting  
(Gina Buenrostro, 10 minutes)

**MOTION:** Gary Smith motioned to approve the October 18, 2016, OPC Regular

## ONEIDA PERSONNEL COMMISSION REGULAR MEETING

November 15, 2016 – NOON

East Wing Conference Room

Meeting Minutes.

**SECOND:** Gary Smithy seconded the motion.**MOTION CARRIED UNANIMOUSLY****D. Tabled Business (none)****E. Old Business (4)****1. Draft article for the Kahliwisaks (entire commission 10 minutes)**

No update

**2. Internal Audit Request-UPDATE****No Update****3. Employment Law Draft 21-UPDATE**

FYI only. Will schedule special meeting to address this issue

**4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion, this issue will move to the end of the agenda\*****F. New Business(4)****1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)****MOTION:** Sharon Alvarez moved to go into executive session**SECOND:** Pearl Webster**TIME:** 12:25PM**MOTION CARRIED UNANIMOUSLY****MOTION:** Bradley Graham moved to come out of executive session**SECOND:** Carol Smith**TIME:** 12:30PM**a. 3<sup>rd</sup> quarterly Report Status**

FYI

**b. Status of Attorney Sweeney Contract****MOTION:** Bradley Graham moved to move this issue to the top of the Oneida Business Committee at the November 23, 2016 meeting, do not want liaison to do an E-Poll, all commissioners must attend this meeting.**SECOND:** Pearl Webster**MOTION CARRIED UNANIMOUSLY****c. Status of Vacancies**

FYI

**d. Appoint Secretary****MOTION:** Gary Smith moved to appoint Tomas Escamea as the Secretary.

ONEIDA PERSONNEL COMMISSION REGULAR MEETING

November 15, 2016 – NOON

East Wing Conference Room

SECOND: Carol Smith  
MOTION CARRIED UNANIMOUSLY

**e. Room (space) for Petitioners and Respondents**

FYI

**f. By-Laws (status)**

MOTION: Pearl Webster moved to deny the request from Leland Wigg-Ninham to increase the amount of stipends.

SECOND: Gary Smith  
MOTION CARRIED UNANIMOUSLY

**g. Stipends**

FYI

**h. Schedule Special Meeting**

MOTION: Pearl Webster moved to schedule special meeting to November 16, 2016 to finalize the Annual Report.

SECOND: Sharon Alvarez  
MOTION CARRIED UNANIMOUSLY

**2. Financial Report October 2016**

**MOTION:** Gary Smith motioned to approve.

**SECOND:** Carol Smith  
**MOTION CARRIED UNANIMOUSLY**

**3. Activity Report October 2016**

**MOTION:** Gary Smith motions to approve.

**SECOND:** Tomas Escamea  
**MOTION CARRIED UNANIMOUSLY**

**Old Business. 4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update-(Entire Commission)\*Carol Smith recused herself from discussion, this issue will move to the end of the agenda\***

**MOTION:** Pearl Webster moved to go into executive session.

**SECOND:** Sharon Alvarez  
**MOTION CARRIED UNANIMOUSLY**

**TIME: 1:16pm**

**MOTION:** Bradley Graham to come out of executive session.

**SECOND:** Carol Smith  
**TIME: 2:06pm**  
**MOTION CARRIED UNANIMOUSLY**

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
November 15, 2016 – NOON  
East Wing Conference Room

MOTION: Bradley Graham moved to have the Chair send a letter to Chairwoman, Cristina Danforth requesting the status of the complaint, and to have Attorney Sweeney file a motion to consolidate cases regarding this matter with the Oneida Judiciary and also file a motion for a declaratory ruling.

SECOND: Pearl Webster

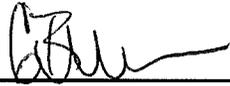
MOTION CARRIED UNANIMOUSLY

MOTION: Bradley moved to adjourn.

SECOND: Sharon Alvarez

MOTION CARRIED UNANIMOUSLY

TIME: 2:09pm



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**Minutes taken for the secretary by Gina Buenrostro**

ONEIDA PERSONNEL COMMISSION SPECIAL/EMERGENCY MEETING  
November 16, 2016 – NOON  
East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary:

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Jennifer Hill	Member
Eric Krawczyk	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	Attorney

**EXCUSED:**

Jennifer Hill	Member
Leland Wigg-Ninham	Member

**UNEXCUSED:**

Leland Wigg-Ninham Member

**MOTION:** Sharon Alvarez motioned to approve the attendance.

**SECOND:** Bradley Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Eric Krawczyk motioned to approve the agenda with changes.

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- C. **Review\Approval of Minutes:** None

D. **Tabled Business:** None

E. **Old Business:** None

- F. **New Business:** (3)

ONEIDA PERSONNEL COMMISSION SPECIAL/EMERGENCY MEETING  
November 16, 2016 – NOON  
East Wing Conference Room

1. **Oneida Personnel Commission Annual Report 2017.**

**MOTION:** Gary Smith moved to approve the report with the suggested changes.

**SECOND:** Bradley Graham

**MOTION CARRIED UNANIMOUSLY**

2. Meeting with the LOC regarding changes to the Administrative Court Rules

**MOTION:** Sharon Alvarez moved to approve the date of November 29, 2016, from 1:00 pm to 3:00 pm.

**SECOND:** Gary Smith

3. Sign off Authority

**MOTION:** Bradley Graham moved to change the sign off authority of the Chair, to Division Director status, which is 50,000 budgeted, and 10,000 unbudgeted.

**SECOND:** Gary Smith

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Eric Krawczyk moved to adjourn.

**SECOND:** Tomas Escamea

**MOTION CARRIED UNANIMOUSLY**

**TIME:** 1:05pm



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**Minutes taken for the secretary by Gina Buenrostro**

ONEIDA PERSONNEL COMMISSION REGULAR MEETING

December 20, 2016 – NOON

East Wing Conference Room

Mission Statement: To develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government.

Secretary:

- A. Call to Order: Attendance (12:00p.m.) Gate Keeper: Yvonne Jordan, Chairwoman, called the meeting to order at 12:02p.m.

Yvonne Jourdan	Chairwoman
Gary Smith	Vice-Chair
Sharon Alvarez	Treasurer
Carol Smith	Member
Tomas Escamea	Member
Bradley Graham	Member
Pearl Webster	Member
Jennifer Hill	Member
Eric Krawczyk	Member

Also Present:

Gina Buenrostro	Administrator
Bridget Cornelius	Executive Assistant
Robert Sweeney	OPC Attorney
David Jordan	OBC Liaison

**EXCUSED:**

Leland Wigg-Niham	Member
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**MOTION:** Bradley Graham motioned to approve the attendance excusing Leland Wigg-Ninham.

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

- B. Approval of Agenda (5 minutes)

**MOTION:** Bradley Graham motioned to approve the agenda with changes:  
**New Business** – F.l.e. Reassignment Checklist Form and F.l.f RFP for Attorney.

**SECOND:** Gary Smith seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
December 20, 2016 – NOON  
East Wing Conference Room

**C. Review\Approval of Minutes: November 15, 2016, OPC Regular Meeting**

**MOTION:** Eric Krawczyk motioned to approve the November 15, 2016, OPC Regular Meeting Minutes.

**SECOND:** Bradly Graham seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

**Review\Approval of Minutes: November 16, 2016 OPC Special Meeting**

**MOTION:** Pearl Webster motioned to approve the November 16, 2016, OPC Special Meeting Minutes.

**SECOND:** Sharon Alvarez seconded the motion.

**MOTION CARRIED UNANIMOUSLY**

**D. Tabled Business (none)**

**E. Old Business (4)**

**1. Draft article for the Kahliwisaks**

No update

**2. Internal Audit Request-UPDATE**

**No Update**

**3. Employment Law Draft 21-UPDATE**

FYI - Will schedule special meeting to address this issue

**4. Status of Complaint regarding the Area Manager of Fitness, Parks and Recreation-Update**

**MOTION:** Brady Graham moved to go into executive session

**SECOND:** Pearl Webster

**TIME:** 12:25PM

**MOTION CARRIED UNANIMOUSLY**

**MOTION:** Sharon Alvarez moved to come out of executive session

**SECOND:** Eric Krawczyk

**TIME:** 12:30PM

\*Carol Smith recused herself from discussion\*

**F. New Business(3)**

**1. Scheduling Initial Reviews, Grievances, Reassignments and Housekeeping-(Gina Buenrostro 10 minutes)**

**MOTION:** Sharon Alvarez moved to go into executive session

**SECOND:** Brady Graham

**TIME:** 12:25PM

**MOTION CARRIED UNANIMOUSLY**

ONEIDA PERSONNEL COMMISSION REGULAR MEETING  
December 20, 2016 – NOON  
East Wing Conference Room

MOTION: Gary Smith moved to come out of executive session  
SECOND: Brady Graham  
TIME: 12:30PM

**a. 4<sup>th</sup> quarterly Report Status**

MOTION: Carol Smith moved to approve quarterly report.  
SECOND: Gary Smith  
MOTION CARRIED UNANIMOUSLY

**b. Decision Writing**

FYI

**c. Hearing Process and Behavior**

FYI

**d. Letter from HRD**

FYI

**e. Reassignment Checklist Form**

MOTION: Pearl Webster approved the revision of the reassignment  
Checklist Form  
SECOND: Gary Smith  
MOTION CARRIED UNANIMOUSLY

**f. RFP for OPC Attorney**

FYI

**2. Financial Report November 2016**

MOTION: Gary Smith approved the report  
SECOND: Carol Smith  
MOTION CARRIED UNANIMOUSLY

**3. Activity Report November 2016**

MOTION: Gary Smith approved the report  
SECOND: Tomas Escamea  
MOTION CARRIED UNANIMOUSLY

MOTION: Eric Krawczyk moved to adjourn.  
SECOND: Bradley Graham  
MOTION CARRIED UNANIMOUSLY  
TIME: 1:55pm

**Minutes taken for the secretary by Tomas Escamea**



YEAR TO DATE

CURRENT MONTH

CLASS DESCRIPTION	PRT-ACCT#-SUB	ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
REVENUE							
TRIBAL CONTRIBUTION	000-458100-000	19,559.17	27,677.00	8,118	19,559	27,677	8,118
TOTAL REVENUE		19,559.17	27,677.00	(8,118)	19,559	27,677	(8,118)
EXPENSES (LABOR/PAYROLL)							
PERSONNEL							
WAGE ACCRUAL EXPENSE	000-502100-000	7,667.64	7,609.00	(59)	7,668	7,609	(59)
SALARIES - TRAINING	000-502100-999	(1,404.28)		1,404	(1,404)		1,404
PAID TIME OFF	000-504000-000	27.73		(28)	28		(28)
FRINGE BENEFIT	000-505000-000	1,452.64		(1,453)	1,453		(1,453)
FRINGE ACCRUAL EXPENSE	000-505000-999	3,707.00	3,146.00	(561)	3,707	3,146	(561)
TOTAL LABOR/PAYROLL EXP.		10,865.51	10,755.00	(112)	10,867	10,755	(112)
EXPENSES (PURCHASES)							
TOTAL PURCHASES							
EXPENSES (EXTERNAL & INTERNAL)							
SUPPLIES & MATERIALS							
COPY CHARGES	000-700001-000	107.53	30.00	(78)	108	30	(78)
TRANSP. & PER DIEM	000-701000-000		36.00	36		36	36
OUTSIDE SERVICES	000-702010-000	(23.25)	163.00	163	(23)	163	163
LEGAL SERVICES	000-702400-000		67.00	90		67	90
TRAINING & EDUCATION	000-705010-000		3,500.00	3,500		3,500	3,500
RENTAL USAGE	000-705202-000	128.59	163.00	163	129	163	163
HEAT & LIGHTS	000-705211-000	229.70	94.00	(35)	230	94	(35)
WATER & SEWER	000-705212-000		375.00	145		375	145
TELEPHONE	000-705213-000	37.78	5.00	5	38	5	5
BUSINESS EXPENSE	000-705300-000	47.36	13.00	(4)	47	13	(4)
I/T SUPPLIES & MATERIALS	000-705500-000		55.00	8		55	8
I/T PRINTING	000-750009-000		12.00	12		12	12
I/T RENT EXPENSE	000-755201-000		288.00	288		288	288
I/T UTILITIES EXPENSE	000-755210-000	.08					
I/T DEPRECIATION ALLOCATION	000-755216-000	286.87		(287)	287		(287)
INDIRECT COSTS	000-758300-000	1,500.25	1,204.00	(296)	1,500	1,204	(296)
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	(221.25)		221	(221)		221



273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/TIME: 11/14/2016 15:20:58

ONEIDA TRIBE OF INDIANS OF WISCONSIN

CBRUNE01  
 01OCT/2017

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 10/31/2016

CURRENT MONTH

YEAR TO DATE

CLASS DESCRIPTION	PRT-ACCT#-SUB	ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
STIPENDS	100-705305-000	2,500.00	6,731.00	4,231	2,500	6,731	4,231
STIPENDS	400-705305-000	500.00	688.00	188	500	688	188
STIPENDS	500-705305-000	2,900.00	2,902.00	2	2,900	2,902	2
STIPENDS	600-705305-000	700.00	550.00	(150)	700	550	(150)
TOTAL EXT./INT. EXPENSES		8,693.66	16,922.00	8,227	8,695	16,922	8,227
TOTAL EXPENSES		19,559.17	27,677.00	8,115	19,562	27,677	8,115
NET TOTALS					(3)		(3)



273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 EPORT RUNDATE/TIME: 12/13/2016 11:12:00  
 ONEIDA TRIBE OF INDIANS OF WISCONSIN  
 4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 11/30/2016

CBRUNE01  
 02NOV/2017

CLASS DESCRIPTION	PRT-ACCT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
REVENUE							
TRIBAL CONTRIBUTION	000-458100-000	21,765.22	27,678.00	5,913	41,324	55,355	14,031
TOTAL REVENUE		21,765.22	27,678.00	(5,913)	41,324	55,355	(14,031)
EXPENSES (LABOR/PAYROLL)							
PERSONNEL							
WAGE ACCRUAL EXPENSE	000-502100-000	5,810.39	7,606.00	1,796	13,478	15,215	1,737
SALARIES - TRAINING	000-502110-000	728.60		(729)	(676)	676	676
PAID TIME OFF	000-504000-000	1,508.02		(1,508)	28	(28)	(28)
FRINGE BENEFIT	000-505000-000	2,965.61	3,141.00	175	2,961	6,287	(2,961)
FRINGE ACCRUAL EXPENSE	000-505000-999	296.14		(296)	6,673	289	(386)
TOTAL LABOR/PAYROLL EXP.		11,308.76	10,747.00	(562)	22,175	21,502	(673)
EXPENSES (PURCHASES)							
TOTAL PURCHASES							
EXPENSES (EXTERNAL & INTERNAL)							
SUPPLIES & MATERIALS	000-700001-000	416.22	30.00	(386)	524	60	(464)
COPY CHARGES	000-700010-000		34.00	34		70	70
TRANSP. & PER DIEM	000-701000-000		167.00	167		330	330
OUTSIDE SERVICES	000-702010-000	12.71	63.00	50	(11)	130	141
LEGAL SERVICES	000-702400-000		3,500.00	3,500		7,000	7,000
TRAINING & EDUCATION	000-705010-000		167.00	167		330	330
RENTAL USAGE	000-705202-000	128.59	96.00	(33)	257	190	(67)
HEAT & LIGHTS	000-705211-000	243.84	375.00	131	474	750	276
WATER & SEWER	000-705212-000	18.11	5.00	(13)	18	10	(8)
TELEPHONE	000-705213-000	32.99	36.00	3	71	30	(1)
BUSINESS EXPENSE	000-705300-000		17.00	17		30	30
INSURANCE	000-705500-000	47.36	55.00	8	95	110	15
I/T SUPPLIES & MATERIALS	000-750001-000		8.00	8		20	20
I/T - PRINTING	000-750009-000		8.00	8		20	20
I/T RENT EXPENSE	000-755201-000		292.00	292		580	580
I/T UTILITIES EXPENSE	000-755210-000	.08					
I/T DEPRECIATION ALLOCATION	000-755216-000	286.87		(287)	574		(574)
INDIRECT COSTS	000-758300-000	1,200.20	1,209.00	9	2,700	2,413	(287)
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	119.49		(119)	(102)		102



4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 11/30/2016

CLASS DESCRIPTION	PRI-ACCT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
STIPENDS	100-705305-000	3,250.00	6,729.00	3,479	5,750	13,460	7,710
STIPENDS	200-705305-000	350.00		(350)	350		(350)
STIPENDS	400-705305-000	400.00	692.00	292	900	1,380	480
STIPENDS	500-705305-000	3,700.00	2,898.00	(802)	6,600	5,800	(800)
STIPENDS	600-705305-000	250.00	550.00	300	950	1,100	150
TOTAL EXT./INT. EXPENSES		10,456.46	16,931.00	6,475	19,150	33,853	14,703
TOTAL EXPENSES		21,765.22	27,678.00	5,913	41,325	55,355	14,030
NET TOTALS					(1)		(1)



273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/TIME: 1/12/2017 11:10:08  
 ONEIDA TRIBE OF INDIANS OF WISCONSIN  
 4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 12/31/2016

CBRUNE01  
 03DEC/2017

CLASS DESCRIPTION	PRT-ACCT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
REVENUE							
TRIBAL CONTRIBUTION	000-458100-000	19,515.42	27,678.00	8,163	60,840	83,033	22,193
TOTAL REVENUE		19,515.42	27,678.00	(8,163)	60,840	83,033	(22,193)
EXPENSES (LABOR/PAYROLL)							
PERSONNEL	000-502100-000	6,813.89	7,606.00	792	20,292	22,821	2,529
WAGE ACCRUAL EXPENSE	000-502100-999	(1,097.35)		1,097	(1,773)		1,773
SALARIES - TRAINING	000-502110-000				28		(28)
PAID TIME OFF	000-504000-000	2,378.48		(2,378)	5,339		(5,339)
FRINGE BENEFIT	000-505000-000	3,712.35	3,141.00	(571)	10,385	9,428	(957)
FRINGE ACCRUAL EXPENSE	000-505000-999	(444.80)		445	(734)		734
TOTAL LABOR/PAYROLL EXP.		11,362.57	10,747.00	(615)	33,537	32,249	(1,288)
EXPENSES (PURCHASES)							
TOTAL PURCHASES							
EXPENSES (EXTERNAL & INTERNAL)							
SUPPLIES & MATERIALS	000-700001-000		30.00	30	524	90	(434)
COPY CHARGES	000-700010-000	277.18	34.00	(243)	277	104	(173)
TRANSP. & PER DIEM	000-701000-000		167.00	167		497	497
OUTSIDE SERVICES	000-702010-000		63.00	63	(11)	193	204
LEGAL SERVICES	000-702400-000		3,500.00	3,500		10,500	10,500
TRAINING & EDUCATION	000-705010-000		167.00	167		497	497
RENTAL USAGE	000-705202-000	128.59	96.00	(33)	386	286	(100)
HEAT & LIGHTS	000-705211-000	88.16	375.00	287	562	1,125	563
WATER & SEWER	000-705212-000	9.07	5.00	(4)	27	15	(12)
TELEPHONE	000-705213-000	37.97	36.00	(2)	109	106	(3)
BUSINESS EXPENSE	000-705300-000		17.00	17		47	47
INSURANCE	000-705500-000	47.36	55.00	8	142	165	23
I/T SUPPLIES & MATERIALS	000-750001-000		8.00	8		28	28
I/T - PRINTING	000-750009-000		8.00	8		28	28
I/T RENT EXPENSE	000-755201-000		292.00	292		872	872
I/T UTILITIES EXPENSE	000-755210-000	.09					
I/T DEPRECIATION ALLOCATION	000-755216-000	286.87		(287)	861	3,622	(861)
INDIRECT COSTS	000-758300-000	1,507.53	1,209.00	(299)	4,208		(586)
INDIRECT COST ACCRUAL EXPENSE	000-758300-999	(179.97)		180	(282)		282



273007 - PERSONNEL BOARD  
 STATEMENTS PRODUCED PRIOR TO PERIOD CLOSING DATES ARE SUBJECT TO CHANGE  
 REPORT RUNDATE/TIME: 1/12/2017 11:10:08

ONEIDA TRIBE OF INDIANS OF WISCONSIN

CBRUNE01  
 03DEC/2017

4273007 - PERSONNEL BOARD  
 REVENUE AND EXPENSE SUMMARY  
 FOR THE PERIOD ENDING: 12/31/2016

CLASS DESCRIPTION	PRT-ACCT#-SUB	CURRENT MONTH			YEAR TO DATE		
		ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
STIPENDS	100-705305-000	2,750.00	6,729.00	3,979	8,500	20,189	11,689
STIPENDS	200-705305-000				350		(350)
STIPENDS	400-705305-000	450.00	692.00	242	1,350	2,072	722
STIPENDS	500-705305-000	2,650.00	2,898.00	248	9,250	8,698	(552)
STIPENDS	600-705305-000	100.00	550.00	450	1,050	1,650	600
TOTAL EXT./INT. EXPENSES		8,152.85	16,931.00	8,778	27,303	50,784	23,481
TOTAL EXPENSES		19,515.42	27,678.00	8,163	60,840	83,033	22,193

NET TOTALS



# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Requesting approval of Police Commissions 1st Quarterly Report - October, November, December 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: Bernard Stevens, President  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Sandra Reveles, Vice President  
Name, Title / Dept.

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

Oneida Nation  
Oneida Police Commission  
3759 W Mason St  
Ridge view Plaza Suite 4  
Oneida WI 54155



sdfBernard Stevens, President  
Sandra Reveles, Vice President  
Beverly Anderson, Secretary  
Twylite Moore, Member  
Lois Strong, Member

Lisa Summers, Liaison

**Oneida Police Commission**  
**1st Quarterly Report - October, November, December 2016**  
Due Jan 17, 2017

CONTACT FOR REPORT

Sandra Reveles/Carol Silva

MINUTES

All approved meeting minutes are submitted to the Tribal Secretary's office quarterly from January 2016 to September 2016. Meetings are held the 4<sup>th</sup> (fourth) Wednesday of the month at 5:00PM at Ridge View Plaza, Suite 4. Meetings are open to the public except for Executive Session.

SPECIAL EVENTS/MEETINGS

The Police Commission participated in the Standing Rock Fundraise held at Colonial Lanes in Freedom and donated a gift box from the Oneida Cannery. The Police had representation at the Budget Showcase held at Thornberry Creek on November 16, 2016

Budget: As of November 2016 amount spent was \$10,990.75. The Commission remained in compliance with the budget constraints due to GTC not passing the FY 2017 budget. At the time of submission of this report we have not received the December Revenue and Expense amounts, therefore, the amount may be less.

**1. Staffing**

The following is a list of positions that the Police Department is authorized and the amount that are staffed as of November 2016.

<u>Position</u>	<u>Authorized</u>	<u>Staffed</u>	<u>Action</u>
Chief	1	1	
Assistant Chief	1	1	
Lieutenant	1	1	
Sergeant	3	3	
Detective/Sergeant	1	1	
Patrol Officer	12	12	(2) Field Training
DARE Officer	1	1	
PSLO	1	1	
Community Resource Officer	1	1	
Office Manager	1	1	
Admin Assistant	1	1	
Dispatch Supervisor	1	1	
Dispatcher	5	5	(1) Field Training
Gang Task Force Coordinator	<u>1</u>	<u>1</u>	
<b>Total</b>	<b>31</b>	<b>31</b>	

Patrol (Sergeants and Police Officers) and Dispatch (Dispatch Supervisor and Dispatcher) work a rotation of 5 days on, 3 days off. Shifts are 6a-2p, 2p-10p, and 10p to 6a. There are 2-3 officers per shift and 1-2 Dispatchers per shift.

Chief, Assistant Chief, Lieutenant, Detective Sergeant, DARE, PSLO, Office Manager, and Admin Assistant work normal business hours. Community Resource Officer and Gang Task Force Coordinator work normal business hours, but is available at different times due to programming in the community that may need to be attended.

**2. BUDGET/GRANTS**

**FY 16 Budget - \$3,700, 456 (97% tribal contribution, 2.5% BIA funding, 0.5% grants)**

YTD UNDERSPENT: \$ (1,238.00)  
 Personnel overspent: \$12,687.00  
 Other expenses underspent: \$10,705.00

**3. Grants-November**

- Submitted County Tribal Grant applications and are preparing for the Coordinated Tribal Assistance Solicitation (CTAS). That submission is due February.



4. Incident Type	Qtr 4 Oct - Dec 2015	Qtr 4 Oct- Dec 2016	% Change
CRIME PREVENTION	901	1211	34%
TRAFFIC STOP	703	340	-52%
MOTORIST ASSIST	145	114	-21%
ASSIST	124	186	50%
ANIMAL	92	68	-26%
WELFARE CHECK	92	97	5%
MEDICAL	74	86	16%
ACCIDENT	62	66	6%
ALARM	55	34	-38%
SUSPICIOUS SITUATION	52	43	-17%
SUSPICIOUS VEHICLE	51	59	16%
BUILDING SECURITY	46	63	37%
911 HANG UP	40	36	-10%
CIVIL PROCESS	37	34	-8%
THEFT	34	31	-9%
TRAFFIC HAZARD	30	20	-33%
RECKLESS DRIVING	30	29	-3%
DISTURBANCE	29	39	34%
MISCELLANEOUS	30	28	-7%
DAMAGE TO PROPERTY	28	10	-64%
WARRANT	28	40	43%
CIVIL MATTER	24	30	25%
DOMESTIC DISTURBANCE	24	11	-54%
DRUGS	23	38	65%
TRESPASSING	23	15	-35%
JUVENILE COMPLAINTS	20	16	-20%
LOST / FOUND	15	9	-40%
HARASSMENT	14	16	14%
TRANSPORT	14	13	-7%
RUNAWAY	14	10	-29%
BURGLARY	12	7	-42%
SUSPICIOUS PERSON	11	18	64%
DISORDERLY CONDUCT	9	4	-56%
ORDINANCE	8	7	-13%

PARKING COMPLAINT	8	0	-100%
911 ASSIST	7	6	-14%
FRAUD	7	6	-14%
VIOLATION OF COURT ORDER	6	3	-50%
TRUANCY	5	4	-20%
SEX OFFENSE	5	4	-20%
FIRE ALARM	5	5	0%
FIRE CALL	5	3	-40%
OPEN DOOR	4	5	25%
ABANDONED VEHICLE	4	11	175%
BATTERY	4	6	50%
WEAPON	4	7	75%
ALCOHOL	3	8	167%
NOISE COMPLAINT	3	2	-33%
EMERGENCY COMMITTAL	3	0	-100%
ACCIDENT WITH INJURY	2	2	0%
CARBON MONOXIDE	2	3	50%
AUTO THEFT	2	5	150%
DISTURBANCE WITH WEAPON	1	0	-100%
FORGERY	1	1	0%
MISSING PERSON	1	1	0%
ROBBERY	1	0	-100%
TRAFFIC SAFETY INCIDENTS	0	45	100%
RETAIL THEFT	0	4	100%
DEATH	0	2	100%
FIREWORKS	0	2	100%
BOMB THREAT	0	1	100%
<b>TOTAL</b>	<b>2977</b>	<b>2964</b>	<b>0%</b>

## 5. CUSTODIAL ARRESTS

Brown County: 147      Alcohol Related: 37      Drug Related: 62      Gang Related: 0  
Year to Date: 519      144      152      2

Outagamie County: 48      Alcohol Related: 9      Drug Related: 19      Gang Related: 0  
Year to Date: 216      64      50      1

Note: Some may be both drug and gang related arrests and these only show the number of arrests, but may be counted twice.

## 6. CITATIONS

Brown County:	47	Outagamie County:	10
Year to Date:	326	Year to Date:	78
Tribal Citations:	5		
Year to Date:	23		

## 7. RESPONSE TIMES

Emergency:	5:37 minutes	Non-emergency:	8:34 minutes
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## 8. MUTUAL AID

All the sworn staff is deputized in Brown County – if a request is made for our Officers to respond off the Reservation, we are able to do so within Brown County. We are able to request Mutual Aid from other jurisdictions outside the reservation in time of need.

In Outagamie County, the Officers are deputized within the reservation boundaries – the Officers are not able to respond outside of the boundaries of the reservation. We are only able to request assistance from Outagamie County and if additional assistance is required, the Outagamie County Sheriffs Department would have to make the request.

Wisconsin State Statute allows for Tribal Law Enforcement to request and provide Mutual Aid without restrictions, but have to provide additional information to the Wisconsin Department of Justice for authorization. Attorney Jim Bittorf, Risk Management Director Bob Keck, and Chief Van Boxtel are working on meeting the requirements per state statute.

## 9. Activity/Training

One dispatcher has started field training. Officers Donovan Duggan and Ralph Powless graduated the academy and have begun the field training process.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

**2. General Information:**

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

Other - Quarterly Report

Agenda Header: Reports

Accept as Information only

Action - please describe:

**3. Supporting Materials**

Report     Resolution     Contract

Other:

- 1. Honor The Youth Pow-wow Flyer
- 2. 4th of July Pow-wow Flyer
- 3.
- 4.

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: Tonya Webster, Pow-wow Committee Chair  
Your Name, Title / Dept. or Tribal Member

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

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

**Oneida Pow-wow Committee Quarterly Report**  
January 2017

Chair – Tonya Webster  
Vice Chair – Wayne Silas Jr.  
Treasurer – Rosa Laster  
Secretary-Yaziman Metoxen  
Vicki Cornelius – Committee Member  
Jeremy King – Committee Member  
William King – Committee Member  
Teresa Schuman – Committee Member  
Wordon “Shane” Webster

OBC Liaison: Fawn Billie

**MEETING REQUIREMENTS**

The Powwow Committee shall be appointed by the OBC. The regular meeting time, place, and agenda shall be determined at a regular meeting. If no designation is made by the Powwow Committee, the regular meeting shall be the first Tuesday of the month. Our meetings are always held at the Skenandoah Complex in Conference Room C at 4:45PM. Stipends are currently \$50 per month. During Powwows there is a stipend of \$200 per day for members in charge of or working at services. (Security, carts, parking, tabulations, registration, admissions, concessions, etc.)

**MINUTES**

Our monthly minutes and meeting announcements shall be sent to the Powwow Committee, Tourism, OBC Liaison and alternate.

**POW-WOWS**

**Three Sister’s Pow-wow**

We had our annual Three Sister’s Pow-wow at the Radisson in the three clan’s ballroom on November 5, 2016. The pow-wow was bit slower than normal. There were 3 other pow-wows going on in the State of Wisconsin on the same day. We offered a drum split and had 7 drums show up which is not a lot compared to other pow-wows where we have had as much as 20 drums. We had 106 registered dancers. We had 13 craft vendors and 1 education vendor which is always good for our customers and our revenue line item. There was a Green Bay Packer function also going on across the hall from the pow-wow and our Security did an awesome job of keeping people clear of their area. Overall the pow-wow went well.

### **Upcoming Honor the Youth Pow-wow – February 18, 2017**

- Contract with the Radisson is all set
- Our supply Advance has been approved and submitted
- Our Sound Systems is being contracted currently
- All of our Head-staff, Head-dancers, & Specials are confirmed – Flyer attached
- We will have two meetings yet before the pow-wow to make any final changes and/or additions.
- Preparation will continue until the pow-wow is here.

### **UPCOMING**

- Our flyer design has been finalized. We will fill in all the text including prize money, head-staff, specials etc – Please see flyer attached.
- We have all of our head-staff selected and confirmed.
- We have our prize money finalized.
- We have hotel rooms reserved for all of our head-staff.
- Preparation will continue until the pow-wow is here.

### **ACTIONS TAKEN**

Fundraising will become a priority throughout the fiscal year. We already had two fundraising sessions this past fall at the Oneida Bingo Hall. We currently have one more scheduled for this spring. At these fundraisers we get donations for raffles and have bake sales.

### **GOALS AND OBJECTIVE**

Our main goal is to coordinate three annual powwows with our approved tribal budget and fundraising efforts.

A second goal is to generate revenues thru raffles, concessions, admissions, (July only), donations, and vendor booth sales.

# Honor the Youth POW WOW

**Saturday, February 18, 2017**

**Radisson Hotel & Conference Center**

**Grand Entry 1 PM & 7 PM**

**Public Welcome**

**Minors are required to be accompanied by an adult**

**Registration Closes at 4:30 PM Sharp! No Exceptions**

**All Drums Welcome – Drum Split**

**Invited Drums: Bear Cub & Red Deer**

**MC - Artley Skenandore**

**Arena Director - Floyd King**

**Smoke Dance Singer - Tracy Stevens**

**Head Dancers - 1st Session Kaliyah Bear & Jaynoah Johnson**

**2nd Session Argina Blackowl & Dawson Grignon**

**Specials: 1st Session Jr. Boys & Jr. Girls**

**2nd Session Teen Boys & Teen Girls**

*Sponsored by Oneida Pow-wow Committee*

**Honoring Women's Smoke Dance +18**

*Sponsored by Kaliyah Bear Family*

**Owl Dance Special**

*Sponsored by Argina Blackowl*

*Artwork by Argina Blackowl & Joss Metoxen*

**Vendors Welcome**

**All vendors will be assigned a spot after payment is received.  
First come first assigned for payments please call: 920-496-5311.**

**Please call 920-494-7300 to reserve a room at the Radisson.  
Please ask for Pow-wow Room Block.**

**For more information please contact: Tonya Webster at 920-362-5425  
or Rosa Laster at 920-548-0122**





**45th  
ANNUAL**

# **Gonella**

**POW-WOW**

**June 30 - July 2, 2017**

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Requesting approval for Oneida Nation Veterans Advisory Committee (ONVAC) 1st Quarterly Report - October, November, December 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: Michael Hill, Chairman  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: John L. Breuninger, Secretary  
Name, Title / Dept.

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

Oneida Nation  
 Oneida Veteran Affairs Committee  
 134 Riverdale Dr.  
 Oneida, WI 54155



Michael Hill – Chairman  
 James Martin – Vice Chairman  
 John L. Breuninger, Secretary  
 Arthur Cornelius  
 Gerald Cornelius  
 Floyd J. Hill  
 Kenneth House  
 Nathan Smith  
 Carol Silva

Kerry Metoxen – Veterans Service Officer  
 Carolyn Miller – Benefits Specialist  
 Jennifer Webster – OBC Liaison

## ONVAC

1st Quarterly Report  
 Oct, Nov, Dec 2016  
 Due Jan 17, 2017

MEETINGS: October 11, 2016  
 November 8, 2016  
 December 13, 2016

*Purpose:* The purpose of the ONVAC is to serve as an advisory body to the Oneida Veterans Service Office in all matters related to the Oneida Tribe Veteran's rights and benefits and veterans affairs issues, and to protect the honor and integrity of the Oneida Tribe and all veterans who served honorably in the United States Armed Forces. It shall be the purpose of the ONVAC to provide advice and constructive input to the veterans Service Office Director on all veterans' affairs and/or issues in order that the Office can formulate veteran services and programs for the Oneida Veterans. ONVAC coordinates veteran events with the assistance of the Veterans Service Office and other organized groups that are representatives of Oneida Veterans and the Oneida Tribe.

Summary Points October 2016 thru December 2016

**BUDGET:** As of December 31, 2016, ONVAC has spent approximately \$1,200.00 which is in compliance with the Treasure's Memorandum regarding FY2017 budget. At the time of this submission, the December R&E has not been received and this amount is an estimate.

**JOSIAH POWLESS MEMORIAL:** The ONVAC has included the grandchildren of Dr. Powless (Roy Huff and Betty Bins) in several meetings within which the proposed memorial has been discussed. We are working on information for an engraved plaque, and/or a "head-stone" type monument similar in comparison of the one for Dr. Minoka Hill, currently located at the Oneida Community Health Center. Presently working with the Health Center Executive Committee on this project.

In addition, still working on the previous medal to upgrade to Medal Of Honor. Takes approximately 5 years to go thru the process. John L. Breuninger to continue to work on this project.

LAND MANAGEMENT: ONVAC & Veterans Service Officer, Mr. Kerry Metoxen are still working with Land Management regarding transferring or allocating the Veterans Memorial site to the Veterans Department. The Oneida Land Commission has approved this transfer of land and the necessary paperwork is currently being completed by the Land Management staff.

VETERAN SERVICE OFFICE: ONVAC continues to work with the VSO on :

1. The development and implementation of an Oneida Veteran Data Base. Our intent is to get an accurate as possible listing of all of our Oneida Veterans.
2. Assisting our Communities' Veterans and Veteran Organizations.
3. Continuous upgrading and maintenance on the Veteran's Memorial Site along HWY 54. The ONVAC wishes to thank the Department of Public Works (DPW) and the Tourism Department for their continued support with our efforts.
4. Selling and acquiring and installation of "pavers" for Veterans at the Memorial Site. As of 4-12-16 we have a total of 247 pavers.
5. ONVAC continues to work with the VSO to have all Civil War headstones replaced at all local cemeteries. This is a continuing process.
6. The ONVAC and VSO continue to collaborate with all of the Oneida Veterans Organizations in serving as Honor and Color Guards for GTC and other Organizational Meetings, external Veterans Activities, meetings, funerals, etc.
7. ONVAC and the VSO are also communicating and coordinating Veteran Events with the SEOTS Veterans organization.

### SPECIAL EVENTS

WILD GAME FEAST: Mr. George Greendeer met the necessary criteria, was selected and actually had a successful "bear hunt" in September. On November 22,2016 the Oneida Nations Veterans hosted a "Wild Game Feast" for the Oneida Community. The menu consisted of Bear meat donated by Mr. Greendeer, Venison, Duck, Goose, fry bread, corn soup and multiple desserts. Many Community members donated and participated in the Feast.

The ONVAC prepared food boxes for fourteen of our Veterans who are currently in the Anna John Nursing Home. These boxes were delivered personally to our "vets" by our members.

With the positive action by the ONVAC, VSO, Oneida Business Committee and the Legislative Operating Committee, the Oneida Nation Flag Policy is now ready for OBC approval. Our “thanks” go to all who have been involved in this most important legislation. Implementation plans will begin ASAP and the Veteran’s Flag Protocol will also be developed ASAP.

ONVAC remains engaged in extracurricular activities within our Oneida Community and have assisted the Veterans Service Officer with Veterans Meetings, celebration meals, etc. Attendance at these events have been very good and it is great to have our Community Veterans participating in these events, along with their respective families.

### **GOALS AND OBJECTIVES**

It is the Mission of ONVAC to ensure the Oneida Veterans are provided with quality service and assistance in the delivery of entitlement and benefits due the Oneida Veteran and their families. ONVAC accepts the responsibility to advocate for Oneida Veterans and their families, while protecting the integrity of the Veteran Community of the Oneida Nation

### **MEETING REQUIREMENTS**

ONVAC meetings are held the second Tuesday of each month at 5:00 pm at the Oneida Veterans Office at 134 Riverdale Drive, Oneida.

ONVAC also holds “special meetings” as appropriate, to conduct business on issues of immediate concern and/or is directed by the Oneida Business Committee.

All meetings are open to the public.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Quarterly reports to OBC is required of ONCOA.

**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.

**ONCOA FY17 Q1 REPORT TO OBC**

**January 2017**

**Period: October, November, December 2016**

**MISSION: ONCOA ADVOCATES FOR ALL SERVICES THAT PLACE PRIORITY ON THE WELL-BEING OF OUR ELDERS**

**ONEIDA NATION COMMISSION ON AGING**

- |                                          |                               |
|------------------------------------------|-------------------------------|
| Patricia Lassila, Chairwoman             | Carol Elm, Member             |
| Arlie Doxtator, Vice Chairman            | MaryAnn Kruckeberg, Member    |
| Dale Webster, Secretary                  | Lois J. Powless, Member       |
| Shirley Barber, Member                   | Dorothy J. Skenandore, Member |
| (Position available July, 2017 Election) |                               |

Melinda Danforth, OBC Liaison; and Lisa Summers, Alternate OBC Liaison.

**Primary Focus Areas for ONCOA**

- **Long Term Care Services & Support** – Alzheimer’s & Other Dementia Diseases; Affordable & Accessible Elder Housing; Adult Day Services; Personal Care Agency
- **Communication** -- Tribal Elders, Elder Service Staff and Community
- **Training & Education** -- ONCOA and staff

<b>ONCOA Meetings October, November, December 2016</b>		
October 13 October 25	November 8 November 22	December 13 December 27

**FINANCIALS**

According to the financial report for period ending November 30, 2016, ONCOA is on schedule for meeting our budget projections.

**MINUTES**

All approved minutes are submitted to the office of the Tribal Secretary monthly.

**PROJECTS/TRAINING/EDUCATION**

- **Treasurer’s Budget Planning – FY2017, FY2018, and FY2019.** Monthly meetings are held to gain understanding of guiding strategies: Vision, Mission, Core Values, Four Strategic Directions, Seven Practical Visions and Value Based Budgeting.
- **American Indian & Alaska Native 2016 Long-Term Services and Supports Conference.** The conference focus was on Home and Community Based Services which provides support and services in the tribal community so tribal members can remain in their homes and communities for as long as health and safety factors permit.
- Long-term care services and supports are as varied as the number of tribes in the United States. You develop and grow services that your tribe needs by researching and assessing the needs of your tribe.

**ONCOA FY17 Q1 REPORT TO OBC**  
**January 2017**  
**Period: October, November, December 2016**

- **Oneida Dementia Care Specialist, Debra Miller**, addressed the topic of dementia friendly communities at a plenary session. Oneida is one of three Wisconsin Tribes to receive a two year “Dementia Care Specialist” grant for two years in the amount of \$80,000 annually.
- **“Where are we in Indian country regarding Alzheimer’s disease and related dementias”** was a central theme of presentation by **Carey Gleason, University of Wisconsin School of Medicine & Public Health, and Wesley Martin, Oneida Elder**. Both participants mentioned the need for more statistical information on Native Americans in clinical trials. ONCOA and the UW-Madison Research center are working together to establish a satellite center in the Green Bay area where all Native Americans would have better access to registering for clinical trials to begin to determine the prevalence of Alzheimer’s in Native Americans.
- **Elder Tree**. The Elder Tree project is an effort to spread technology that will help older adults remain independent, living in their home as long as possible. Participants will be provided an IPAD and WIFI access along with training to use the IPAD and WIFI service. This project was developed at the University of Wisconsin-Madison.
- Ten adult champions from the Oneida Community have been selected to be trained on Elder Tree to help build a base of users in the community.
- Elder Services and ONCOA are collaborating with University of Wisconsin - Madison to develop a Baldwin Grant which will provide access to Computer/Internet Technology and the Elder Tree Website for 25 elders who are Members of the Oneida Nation in order to improve communication; access to tribal information; establish a group of community Elder Tree Coaches; and spread the Oneida Elder Tree experience to the other 10 tribes in Wisconsin.
- **Status:** The Baldwin Grant request was submitted in December, 2016, and grant recipients will be notified in February 2017.
- **Elder Village – Redesign of Phase II of ten Cottages**. Affordable and accessible housing for our elders is a priority need in our community. To address this need, ONCOA played a major role in identifying the Elder Village Concept as a neighborhood that would enhance “Quality of Life” principles for elders. The cottages are unique with materials, varied layout, and are in a park-like setting with ample green space surrounding the homes. There is a trail connection to other Oneida areas like Site I, Turtle School, AJRCCC, Elder Services, Oneida Health Center, and eventually Site II. The Elder Village Homes meet the minimum ADA standards.
- A project team has been formed to redesign Phase II of the next ten cottages. Representatives include the following areas: ONCOA, Oneida Housing Authority, Senior Architect, Planning and Solar Energy,
- The plan is to start over with the redesign instead of modifying the existing plan and to take into account the best Quality Of Life needs for the elder. There will be some minor adjustments for the future cottages as well as considering smaller units to keep cost down. Solar panels for future homes were discussed. The bedrooms and garages need ADA clearance. We need to have a discussion about the total costs of the cottages. It’s not just about the design. For example, the bidding package could be broken down so we get more potential contractors working at the same time.

**ONCOA FY17 Q1 REPORT TO OBC**  
**January 2017**  
**Period: October, November, December 2016**

- **Status:** The request for proposals notice for the architectural design was advertised. In January, the project team evaluated the proposals and submitted the results for final tabulation.
- **Adult Day Care Services.** ONCOA has identified the need for Adult Day Care Services and garages for the Tribal Elder Apartments. The Adult Day Care Service was deleted from the original ORCCC project and slated for a future development CIP. These projects are related to the development of the Lee McLester II Complex. ONCOA will be working with Elder Services to support moving these projects forward.
- ONCOA will start researching adult day care programs.
- **Status Adult Day Care Services:** ONCOA and Elder Services continue to work with Leanne Doxtator, Planning Office, to prepare a concept paper and CIP plan.
- **Tribal Elder Apartment Garages.** In **February 2005**, Elder Services started the plans for a capital improvement project request for garages for tenants occupying the Elder Service apartments. Project justification continues to be for health and safety issues. Because the existing building is located on top of a hill, it can be extremely windy with harsh weather conditions. Elders are especially susceptible to health problems caused by these conditions and it can be very difficult for elders to get to and from their vehicles in inclement weather.
- **Status Apartment Garages:** The GSD Division Director has approved and signed off on the CIP package and the project now needs approval at the OBC level. Currently there is approximately \$48,000 available to continue planning for this project.
- **Alzheimer's Awareness and Research Initiative.** In **December 2014**, ONCOA connected with the Wisconsin Alzheimer's Disease Research Center after meeting representatives at the Annual Wisconsin Alzheimer's conference. The UW-Madison's Alzheimer Disease Research Center is one of the Nation's leading research centers providing scientific research, resources, and expertise in Alzheimer's disease and related illnesses. ONCOA supports Oneida tribal members to expand their awareness of Alzheimer's disease and other dementias and to participate in the national effort to end Alzheimer's.
- In **May 2015**, Dr. Dorothy Farrar-Edwards, Dr. Carey Gleason, Fabu Carter, and Carol Hutchinson from the University of Wisconsin School of Medicine and Public Health Alzheimer's Disease Research Center (ADRC) met with Oneida Elders and others at the mealsite to provide Alzheimer's Disease Information.
- ONCOA held a meeting with Dr. Dorothy Edwards and Dr. Carey Gleason to discuss the potential collaboration between Oneida and UW-Madison's Alzheimer's Disease Research Center. Potential areas of collaboration are: Training Dementia Care Specialist; Community Education; Promoting Timely Recognition of Memory Disorders; Connecting to Oneida Health Center and Anna John RCCC. The Green Bay area has a large Native population and would be ideal for a satellite center for a UW-Madison Alzheimer's Resource Center.
- **Alzheimer's Clinical Trials--** ONCOA continues to work on encouraging tribal members to become participants in Alzheimer's Clinic Trials. There is very little information on Native Americans that would indicate how prevalent the disease is in Indian Country. We can fight this disease by becoming research volunteers who provide

## ONCOA FY17 Q1 REPORT TO OBC

January 2017

Period: October, November, December 2016

critical data needed to move science forward. Several Oneida volunteers have already signed up and are encouraging others to participate.

- **Status:** The UW-Madison Research Team submitted a grant for developing Oneida or Green Bay as an Alzheimer's Research Satellite Center for Native Americans. We will be notified in February, 2017 when the grant recipients are notified.
- **Long Term Care Group.** A Long Term Care (LTC) group consisting of representatives from Oneida Health Center, Governmental Services, Elder Services, and ONCOA has been formed to develop a strategic LTC-Services and Supports Plan for Oneida. Out of this larger group a Core Team has been formed.
- Lately, the Core Team (Health Center, GSD, Elder Services, ONCOA, Law) have been meeting to work on the **Tribal Only Waiver**. The Tribally operated Medicaid (low income) Home and Community Based Services (HCBS) Waiver is an option for Wisconsin American Indian Tribes to provide long term supports for adults with long-term care needs in Wisconsin. This waiver is important because it aligns administration with the unique authorities of Tribal Governments, and assures that services will meet the unique needs of tribal members when meeting their long term care needs.
- During the past months the Waiver Plan was changed to Tribally Operated Waiver. It is expected that solutions will be developed to narrow the health care gap in critical risk areas experienced disproportionately among American Indians.
- The Tribal Only Waiver will allow for 100% reimbursement at the Federal level directly to tribes. The State will then not have to pay a percentage of the eligible service. We have not received any notification that the Tribal Only Waiver has been approved.
- **Status:** The **Tribal Long Term Care Study Group**, consisting of State and Tribal representatives, continues to work with CMS to get the Tribal Waiver approved. These are monthly meetings.
- **Money Follows the Person (MFP) Tribal Initiative.** The Centers for Medicare and Medicaid Services is offering states and tribes between \$850,000 and \$1.93 million in grant funding in order to build sustainable community-based Long Term Services and supports specifically for Tribal Members. Wisconsin must have an active partnership with the participating tribes or tribal organizations in order to be eligible for the grant.
- The project Oneida has selected to develop is a **Tribal Personal Care Agency** along with needed infrastructure to deliver Long Term Care services to Oneida Tribal Members. Having a Personal Care Agency will allow **Elder Services and Oneida Health Center** to obtain Third Party Billing Payments through Medicaid for In-Home Care and Home Chore Services. Currently, Oneida provides In-Home Care and Home Chore Services that are paid through Tribal Contribution. In the future, Elder Services could potentially increase these services utilizing the third party reimbursement received by the Tribe.
- ONCOA supports having a Personal Care Agency **to help defray Tribal Contribution costs to the Elder Service budget**. The reimbursement will come from those services provided to clients who meet low income eligibility (Medicaid) and are eligible for the COP program. The COP program will expire in December, 2017, and those services will then come through managed care.
- **Status:** A Long Term Care Core group meeting was held in January, 2017. David Larson, OCHC Ancillary Services Director, is the main person in charge of this grant for Oneida. He mentioned he has received no information to move forward.
- **Great Lakes Native American Elders Association (GLNAEA).** GLNAEA meetings are held quarterly and membership is comprised of elders from the eleven Tribes in Wisconsin. Each tribe takes a turn at sponsoring a meeting on their reservation. Tribal news and current issues in Indian country are discussed at the meetings.

**ONCOA FY17 Q1 REPORT TO OBC**  
**January 2017**  
**Period: October, November, December 2016**

- Social interaction between the tribes is an important aspect of the association that keeps members participating in the meetings. These meetings are held quarterly with various host tribes. Each tribe handles their own notifications of dates and locations.
- **Webinars and Training.** ONCOA attends webinars that are held in the Elder Services Conference Room. These webinars pertain to services for Elders.
- Efforts are made to seek local training offered in Oneida and in Wisconsin to keep training expenses to a minimum.
- Webinars: Fighting Amphetamine & Pharmaceutical Abuse in Indian Country; AI/AN Health Marketplace Scenarios; Adaptive products for people with Vision Loss.
- The Active Shooter Training was mandatory and held within the Tribal system. ONCOA and staff attended.
- **Wisconsin Tribal Aging Directors Association .** ONCOA members participate in these monthly meetings. All eleven tribes belong to this association and meet to discuss Aging Issues in Indian Country and to formulate ways to best meet the needs of our Native Elders. This is a very informative meeting.
- This is a collaborative relationship that ONCOA has maintained with Elders Services and the other tribes since the inception of the organization.
- **Elder Service Staff Meetings.** Elder Service Staff Meetings are held on the first Tuesday of each month. Updated monthly calendar of events, speakers, and staff information comprise the agenda. There is at least one ONCOA Representative in attendance to provide a status of ONCOA Activities.
- **Title V – Senior Community Service Employment Program (SCSEP).** SCSEP is Elder Job Training funded through a grant from the U.S. Dept. of Labor.
- ONCOA has employed Title V staff for the past 8 years and we have always had great success working with the Title V program. Since our budget is limited we seek out resources to assist us in meeting our administrative needs.
- **Status:** We have one applicant who is going through the approval process with the Title V program through National Indian Council on Aging (NICOA).
- **Other Activities/Projects.** Elder Gardens – Landscaping project as memorial garden for elders
- **ONCOA Bylaws** – In the process of revising ONCOA Bylaws.

#### **Meeting Requirements**

ONCOA meets on the second and fourth Tuesday of each month at 1:00 p.m. in the Elder Services, Conference Room. Special Meetings are held during the month to address specific topics related to the goals and objectives of ONCOA. Meetings are open and community members are encouraged to attend. Dates and times of meetings are published in the DRUMS.

**ONCOA FY17 Q1 REPORT TO OBC  
January 2017  
Period: October, November, December 2016**

**GOALS**

<b>GOAL I</b>	<b>ONCOA will create policies and work together with Elder Services in an effort to improve the quality of life of our Elders.</b>
<b>GOAL II</b>	<b>ONCOA will communicate with Elders on issues, policies and services in order to increase their awareness and participation.</b>
<b>GOAL III</b>	<b>ONCOA will advocate at all levels (tribal, local, state, national) for resources to provide for elder services</b>

**COMMENTS**

Each commissioner, along with the ONCOA staff, brings with him/her a varied background of employment, life experiences, education, and community/state/national involvement to work toward a common goal of advocating for services that place emphasis on our elders. The following list demonstrates the extent of current community/state/national involvement for the ONCOA commissioners and staff:

- Oneida Nutrition Board
- Oneida Child Protective Board
- Oneida Police Commission
- National Indian Child Welfare Association
- Veterans of Foreign Wars (VFW) Auxiliary
- National Indian Council on Aging (NICOA)
- Anna John Resident Centered Care Community Board
- Great Lakes Native American Elders Association, members

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

## 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 OGC 1st Qtr 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:

Mark A. Powless Sr., OGC Chairman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Tamara Van Schyndel, Executive Director

Name, Title / Dept.

Additional Requestor:

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

**ONEIDA GAMING COMMISSION QUARTERLY REPORT**

FY 2017 First Quarter: October, November, and December

*Prepared on January 09, 2017*

**Article I. Purpose**

The purpose of the Oneida Gaming Commission (OGC) is to protect the assets and integrity of Oneida Gaming through regulatory oversight. The OGC regulatory oversight leads to current and consistent regulatory practices within the gaming operation.

**Article II. Names**

2-1. There are four (4) full time Commissioners which include: Chairman- Mark A. Powless Sr., Vice Chair- Matthew W. Denny, Secretary- R. Tom Danforth, and Commissioner Barbra Erickson. The OGC also has an Executive Director who oversees eleven (11) staff members and the OGC also oversees thirty-eight (38) Surveillance personnel.

2-2. Report is submitted by the Oneida Gaming Commission Executive Director, Tamara Van Schyndel. The Oneida Gaming Commission can be reached by calling 920-497-5850.

2-3. The Oneida Business Committee Liaison for the Oneida Gaming Commission is Brandon Yellowbird-Stevens.

**Article III. Meetings & Reports**

**OGC Meetings**

October	10/03/16 Regular
	10/17/16 Regular
November	11/14/16 Regular
	11/28/16 Regular
December	12/19/16 Regular

**Security Joint Meetings**

October	Joint mtgs have been changed to qrtly
November	
December	

**Gaming Joint Meetings**

October	10/18/16
November	CNX
December	12/19/16

**Employee Investigations and Vendor Licensing**

	License Investigations	Temporary Licenses (Work Permits) Approvals/Denials	New Employee Orientation & Spectra	Vendor Work Permits
October	19	116/09 Denials	19/0	57/0 Denials
November	18	77/07 Denials	12/0	20/0 Denials
December	09	89/05 Denials	5/0	58/0 Denials

**Employee Licensing and Hearings**

	Employees Licensed	Hearings
October	1140	1
November	77	2
December	89	3

**Surveillance Reports**

	# of Reports
October	56
November	37
December	46

**October**

- State FY17 Handle Payment (10/12/16)
- NIGC Vulnerability Assessment
- Surveillance System RFP Release (10/11)
- Surveillance System Tours (weeks of 10/24 and 10/31)
- Circuit City Tour/Walk Through for Potential Office Relocation (10/31)

**November**

- WGRA Planning Meeting in Redcliff (11/01/16 & 11/02/16)
- Surveillance System Tours (week of 11/01)

**December**

- State Payment Audit (12/12/16)
- 1st Quarter NIGC Payment (12/20/16)
- Surveillance System Demonstration (week of 12/26)

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

## 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 Election Board FY2017 1st quarter report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Racquel Hill, Election Board Chairperson

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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

**ONEIDA ELECTION BOARD QUARTERLY REPORT**  
**October - December 2016**  
**January 16, 2017**

**Report Submitted By:** Racquel Hill, Chairperson  
[Election\\_Board@oneidanation.org](mailto:Election_Board@oneidanation.org)

**Board Members:** Teresa Schuman, Vice Chairperson  
 Sunshine Wheelock  
 Gina Buenrostro  
 Vicki L. Cornelius  
 Constance Danforth  
 Lori Elm  
 Candace House  
 Tonya Webster

**BC Liaison:** Melinda J. Danforth, Vice Chairwoman  
 Alternate Lisa Summers, Tribal Secretary

**Meetings:**

	Regular Meeting	Special Meeting	GTC Meeting
October	1	0	1
November	0	1	1
December	1	0	0

**Highlights for the quarter:**

1. Provided proposed General Election date to Secretary's Office for Annual GTC meeting (per Election Law: 2.9-1. *In accordance with Article III, Section 4 of the Tribal Constitution, elections shall be held in the month of July on a date set by the General Tribal Council. The General Tribal Council shall set the election date at the January annual meeting, or at the first GTC meeting held during a given year.*
2. Orientation for newly appointed Board members provided at regular meeting in December. The two (2) vacancies were due to one person elected declining the seat and a vacancy remained as three (3) seats needed to be filled with only two (2) candidates running in the 2016 Special Election. The Board has not had a Secretary since the fourth quarter of 2016; however we are happy to announce Sunshine Wheelock as the Election Board's new Secretary.

**Goals and Objectives (Remain consistent):**

- ❖ Conduct Tribal Elections in compliance with Tribal law.
- ❖ Develop, adopt, and review applicable standard operating procedures.
- ❖ Strive to serve the Oneida membership fairly while being fiscally responsible.

**Meeting requirements:** The Oneida Election Board is required to meet once per month with special meetings scheduled as needed. A special meeting was held in November to review the shared folder as a whole, and for the Board to determine what documents/information should be retained. and to review and approve draft annual report for submission.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

## 2. General Information:

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

Other - type reason

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**

**1st QUARTER REPORT**

October 1, 2016 to December 31, 2016

Submitted by Dakota Webster, LCC Secretary 920-228-0623

**LAND CLAIMS COMMISSIONERS:**

Officers: Chairperson- Vacant, Vice Chair-Loretta V. Metoxen, Secretary/Treasurer-Dakota Webster

Commissioners: Jay Rasmussen, Donald McLester, Chris Cornelius, Tomas Escamea, Charles Wheelock

LCC Liaison: Jennifer Webster

**PURPOSE:**

The Oneida Land Claims Commission will make informed thoughtful recommendations to the General Tribal Council and Business Committee on issues pertaining to all Oneida land claim issues. We also encourage active participation from the membership.

**MISSION:**

Actively pursuing education, recommendations, and resolutions to all land claim settlement offers; honoring our ancestors, treaties, and the seven generations.

**OBJECTIVES:**

The Oneida Land Claims Commission is an elected governing body to meet the needs of the General Tribal Council. The Land Claims Commission is working to develop a better understanding between themselves the Business Committee and the Land Commission. The Land Claims Commission is in the process of approvals for the updates to the Land Claims Commission By-Laws. The Land Claims Commission is in the beginning stages of setting up a

website so information involving land claims is accessible to the tribal membership. The Land Claims Commission is exploring ways to generate more interaction with General Tribal Council.

#### **MEETINGS:**

October 13<sup>th</sup> (regular), 18<sup>th</sup> (subcommittee), 20<sup>th</sup> (regular)

November 3<sup>rd</sup> (regular), 10<sup>th</sup> (regular), 17<sup>th</sup> (special)

December 1<sup>st</sup> (regular), 14<sup>th</sup> (regular)

The Land Claims Commission meets twice a month on a regular basis as scheduled; the first and third Thursday of every month at 5:30 p.m. Meeting location to be announced.

#### **FOLLOW UP:**

The Oneida Land Claims Commission, with the assistance of Steve Webster, has completed the uploading of all land claims sensitive documentation to the OnBase computerized system. New mission and purpose statements were developed and approved. Land Claims Commission By-Laws were updated and we are waiting on approvals. The Commission has been waiting for the BC appointment for the vacant position. The deadline for submission of applications was November 4, 2016 the position has still not been appointed. Emails and requests have been sent to the BC and we are waiting on a response. The Land Claims Commission has requested Loretta Metoxen be appointed. Loretta Metoxen submitted her application within the deadline and she was the only applicant. The Commission has publicly acknowledged the Anniversary of the Treaty of Canandaigua on November 11 with an article that was submitted to the Kalihwisaks. On November 16<sup>th</sup> an informational booth was set up for the showcase at Thornberry Creek at Oneida. The Land Claims Commission is looking forward to the summit between themselves the Oneida Business Committee and Land Commission the summit was to be held in January but was postponed till February.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

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 for deferral

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: Jay Rasmussen, Land Commission Secretary

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Due to a realignment of reporting structure between the Land Commission and Department of Land Development this report is coming late. I am currently gathering the required information and will submit in a timely manner for the next Business Committee meeting. I take full responsibility for this report being late. Please accept my apologies.

- 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: 01 / 26 / 17

## 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 '17 1st quarter report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Debra J Danforth / School Board Chair  
Your Name, Title / Dept. or Tribal Member

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

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

**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

January 18, 2017

**BOARD:**  
**MEMBERS:** Oneida Nation School Board  
 Debra Danforth, Chair  
 Fred Muscavitch, Vice Chair  
 Rhiannon Metoxen, Secretary  
 Melinda K. Danforth, Member  
 Todd Hill, Member  
 Shanna Torres, Member  
 Margaret Ellis, Member  
 Neset Skenandore, Member

**CONTACT PERSON:** Rhiannon Metoxen  
**OBC LIAISON:** Fawn Billie

**MINUTES:** October 2016  
 November 2016  
 December 2016

### UPDATES

October 2016 – December 2016 student enrollment: K-8 = 336    9-12 = 133    Total = 469

The Language Grant submitted by the Language House was not approved due to needing additional specific information and community involvement. The Oneida Nation School Board will continue to collaborate with the Language House on finding funding to enhance the language and culture program in the school system.

The Oneida Nation School Board held a special meeting on January 14, 2017 with the school board's attorney and school administration to discuss the needs and changes of the Education Code [Law]. This meeting has been one of many continuous meetings of reviewing and re-developing of policies and procedures to guide and enhance the education as a whole from birth to grave of our community members.

The School Board has also been meeting with Planning Department staff to further expand the Oneida Nation School System. Future meetings will be scheduled to discuss location, size, costs, and an updated comprehensive plan.

**FINANCIAL**

The Oneida School System had been awarded a settlement from the class action law suit between BIE and the Ramah Navajo Tribe. The school will be utilizing this money to enhance the education and tools to create a better and up-to-date teaching environment for students and staff. In addition, a portion of this awarded money will be invested for future improvements. The Oneida Nation School Board will be presenting a summary of this information to the Oneida Business Committee after a meeting with the Trust Enrollment Department.

The Food Service employees in the Oneida Nation School System were denied worker's compensation during the summer months in 2016; they did not receive any wages for the entire summer. The School Board has been meeting with the school board attorney to find legal and justifiable ways to compensate these employees.

**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 School System is also trying to fulfill vacant teaching positions.

**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. Meetings are open to the public. Special meetings are called by the School Board Chair when deemed necessary.

Oneida Nation School Board  
Regular Meeting Minutes

Date: Monday, October 3, 2016

Time: 5:00 p.m.

Place: ONES Library

The Oneida Nation School Board is committed and accountable to students, parents, families, staff, and community members to provide regulatory oversight for a safe, positive, culturally diverse, holistic, learning atmosphere based on Onlayoté a'ka values. We will provide the expectations, resources, and educational opportunities to encourage students to be productive.

PRESENT: Debra J. Danforth, Sharon Mousseau, Melinda K. Danforth, Fred Muscavitch, Rhiannon "RC" Metoxen, Neset Skenandore, Shanna Torres, Artley Skenandore, Yvette Peguero, Linda Jenkins, John Bestul, Jacquelyn Daigle, Fay LeMense

EXCUSED: Todd Hill

OTHERS: Tina Jacobson, Micheal Troge

OPENING: Artley Skenandore

Call to Order by: Debra J. Danforth

Time: 5:09 p.m.

**I: Approval of Agenda:**

*RC Metoxen moved to approve. Neset Skenandore seconded. Motion carries.*

**II: Special Presentation – Short Program Graduates**

A: High School Graduates

*Neset Skenandore moved to approve High School graduates: Kathryn Bell, Asha Wasmund, Dennis Johnson III. RC Metoxen seconded. Motion carries.*

**III. Minutes**

A: Regular Meeting- August 1, 2016

*RC Metoxen moved to approve the regular meeting Minutes of August 1<sup>st</sup>. Neset Skenandore seconded. Motion carries.*

B: Special Meetings – None

C: Ratification of Board Polls

1. August 22, 2016 Resignation  
*RC Metoxen moved to ratify. Neset Skenandore seconded. Motion carries.*
2. August 24, 2016 FACE travel  
*Fred Muscavitch moved to ratify. RC Metoxen seconded. Motion carries.*
3. September 22, 2016 Hiring of Special Education Co-Teacher  
*Neset Skenandore moved to ratify. Melinda K. Danforth seconded. Motion carries.*

**IV: Tabled Business:**

A: None

**V: Old Business / Follow-Up:**A: Standing Agenda Items:

1. CIP – High School – Planning Department  
*No update.*
2. Language Program  
*Sheri Mousseau: Couple of staff are going to NM for a training and will provide a report upon their return. The Language Grant was not received this year. Neset moved to accept update. Melinda Danforth seconded. Motion carries.*
3. Staff Recognition Program  
*BC has quarterly recognitions.*
4. Athletics – Update from Artley Skenandore  
*Reviewing and making corrections with form that parents will need to sign for middle and high school athletics. Working on middle school coaches' handbook. RC Metoxen moved to accept update. Neset Skenandore seconded. Motion carries.*
5. JOM Program – Schedule attached from September packet.  
*JOM requested to provide a \$30.00 gift card for Parent / Teacher conferences this Thursday. Follow up request to have a list of everything asked for from JOM such as Bylaws, Minutes, Budget Breakdown, and reasoning behind what they find for criteria for funding. Neset Skenandore moved to accept update. Melinda K. Danforth seconded. Motion carries.*

B: Follow-up

1. Solar Panels – Mike Troge  
*RC Metoxen moved to defer this item until follow up with Jackie Boyle is made to obtain input from DPW. Melinda K. Danforth seconded. Fred Muscavitch opposed. Motion carries.*
2. Youth Risk Behavior Surveillance System (YRBSS) – Tina Jacobson  
*RC Metoxen moved to defer item until updated version and link is received. Melinda K. Danforth seconded. Motion carries.*
3. Ramah Navaho Settlement  
*A letter was sent to the Business Committee based upon Fred Muscavitch's action last November that no cut to our tribal contribution was to be made and that official action from the Business Committee be made. Letter is on the October 12, 2016 BC Agenda. RC Metoxen moved to accept the update. Neset Skenandore seconded. Motion carries.*

**VI: New Business:**A: Board Vacancies

*Melinda K Danforth moved to post two vacancies. Seconded by RC Metoxen. Motion carries.*

B: Chaperones for Homecoming

*Seeking chaperones for two-hour blocks from 1am – 7a.m. at the O.N.E.S. gym for school lock-in this coming weekend.*

C: Add-On: Boo Bash

*Seeking donations for 700 wrapped treat or prizes and volunteers to dress in costumes. Shanna Torres volunteered to be present. Melinda K. Danforth moved to accept. RC Metoxen seconded. Motion carries.*

**VII: Reports****A: Superintendent's Report – September and October**

1. Calendar Adjustment Change - Approval requested  
*Requesting to approve an amended calendar to include the Kahliwiyo ceremonies so staff can participate without having to use personal time. RC Metoxen moved to approve the calendar change. Neset Skenandore seconded. Motion carries.*

*RC moved to accept Superintendent report. Melinda K. Danforth seconded. Motion carries.*

**B: Administrative Staff Reports – September and October**

1. Business Manager
2. K-8 Principal
  - a. Assistant Principal
  - b. Gifted and Talented
3. 9-12 School Principal
4. Special Education
5. Technology
6. FACE

*Melinda K. Danforth moved to accept Administrative Staff reports. Neset Skenandore seconded. Motion carries.*

**VIII: Executive Session: None.**

**IX: Recess/Adjourn:** *RC Metoxen moved to adjourn at 6:19 p.m. Neset Skenandore seconded. Motion carries.*

Respectfully submitted,



Rhiannon Metoxen  
Secretary  
Oneida Nation School Board

approved / corrected

01.03.2017

Date



Oneida Nation School Board  
Regular Meeting Minutes

Date: Monday, November 7, 2016

Time: 5:00 p.m.

Place: ONES Library

The Oneida Nation School Board is committed and accountable to students, parents, families, staff, and community members to provide regulatory oversight for a safe, positive, culturally diverse, holistic, learning atmosphere based on On̄oyoté a'ka values. We will provide the expectations, resources, and educational opportunities to encourage students to be productive.

**PRESENT:** Debra J. Danforth, Todd Hill, Melinda K. Danforth, Rhiannon "R.C." Metoxen, Shanna Torres, Fred Muscavitch

**EXCUSED:** Neset Skenandore

**OTHERS:** Sharon Mousseau, Linda Jenkins, Fay LeMense, John Bestul, Artley Skenandore, Yvette Peguero, Tracy Christensen, Dorothy Skenandore, Carol Moore, Jackie Danforth, Sarah Wunderlich, Dennis Gullickson,

**OPENING:** Artley Skenandore

Call to Order by: Debra J. Danforth

Time: 5:03 p.m.

**I: Approval of Agenda:**

*R.C. Metoxen motioned to approve the agenda with the additional information of the Solar Panel to be added under V: Old Business / Follow Up letter B, and to move the Kitchen Staff letter from New Business to the Executive session; and add School Logo History to #3 New Business, and add GTC Petition to Executive session.*

*Melinda K. Danforth seconded. Motion carried.*

**II: Special Presentation – Short Program Graduates**

A: High School Graduates

*Melinda K. Danforth motioned to approve two graduates: Christian Brocker, Taliah Walker. R.C. Metoxen seconded. Motion carried.*

**III. Minutes**

A: Regular Meeting – October 3, 2016

*Melinda K. Danforth motioned to approve minutes. R.C. Metoxen seconded. Motion carried.*

B: Special Meetings – November 2, 2016

*R.C. Metoxen motioned to defer November 2, 2016 Special Meeting minutes to December meeting. Melinda K. Danforth seconded. Motion carried.*

C: Ratification of Board Polls

1. October 17, 2016 accept resignation and approve art teacher job posting

*Melinda K. Danforth motioned to ratify. R.C. Metoxen seconded. Motion carried.*

**IV: Tabled Business:**

A: None

**V: Old Business / Follow-Up**

A: Standing Agenda Items:

1. CIP / High School – Planning Department  
*Leanne Doxtater was not present. Melinda K. Danforth motioned to contact supervisor in the Planning Department for follow-up. R.C. Metoxen seconded. Motion carried.*
2. Language Program – Update by Superintendent, Sheri Mousseau  
*Melinda K. Danforth motioned to accept the update. Shanna Torres seconded. Motion carried.*  
*Discussion: Priscilla Belisle and Tracy Williams are requested to come before the School Board for a follow-up presentation to prepare for the next grant that comes around.*
3. Staff Recognition program – Update by Superintendent, Sheri Mousseau  
*The Business Committee will be recognizing three (3) school staff for years of service during the 9:00 a.m. meeting on November 23, 2016. School Board members are encouraged to be present for the school staff recognition.*  
*R.C. Metoxen motioned to accept the update. Shanna Torres seconded. Motion carried.*
4. Athletics – Update from Artley Skenandore  
*Coaches will complete the second round of CPR training. Meetings have already been completed. Coaches, students, and parents were set up to use a free text application for direct communication.*  
*Melinda K. Danforth motioned to accept update. Todd Hill seconded. Motion carried.*
5. JOM Program – Update by Superintendent, Sheri Mousseau
  - a. July 2016 letter addressed to JOM
  - b. September Minutes
  - c. 2016 Budget
  - d. Meeting dates  
*There was not any meeting in October due to not having any item on the agenda. Next JOM meeting will be on November 17, 2016 at 5:00 p.m.*  
*Melinda K. Danforth motioned to continue to leave the JOM Program as a Standing Agenda update. R.C. Metoxen seconded. Motion carried. R.C. Metoxen motioned to accept the update. Melinda K. Danforth seconded. Motion carried.*

B: Follow-up

1. Solar Panels – FYI  
*Melinda K. Danforth motioned to not move forward with this Solar Panel request due to lack of funding at this time. Shanna Torres seconded. Motion carried.*  
*Discussion: Jacque Boyle did not recommend moving forward and was not able to provide an official report, but is working on providing one.*
2. Ramah Navaho Settlement – Update by Chairperson, Debra. J. Danforth  
*R.C. Metoxen motioned to accept the update. Melinda K. Danforth seconded. Motion carried.*

*R.C. Metoxen motioned to proceed with a Special Meeting in December with just the School Board and Administration on the results of the assessment prior to the meeting with the Business Committee. Melinda K. Danforth seconded. Motion carried.*

*R.C. Metoxen motioned to schedule a Special Meeting for just the Board to review the assessments once they're completed in December. Melinda K. Danforth seconded. Motion carried.*

3. Youth Risk Behavior System (YRBS)  
*R.C. Metoxen motioned to defer item to December meeting and request Tina Jacob's presence. Melinda K. Danforth seconded. Motion carried.*

#### **VI: New Business:**

1. Letter from Kitchen Staff / Memo from Attorney Joanne Harmon-Curry  
*[item moved to Executive Session]*
2. Vision & Hearing Screening Summary – FYI handout  
*Melinda K. Danforth motioned to accept the summary. R.C. Metoxen seconded. Motion carried.*
3. School Flag / History of School Logo – FYI  
*Melinda K. Danforth motioned to accept the update on the logo history and to add item to January 14, 2017 Retreat Agenda with School Board attorney, and for administration to bring back options of a logo and seal. R.C. Metoxen seconded. Motion carried.*
4. GTC Kindergarten Retention Petition – [Add-on]  
*[item moved to Executive Session]*
5. Election of School Board Officers – [Add-on]  
*Melinda K. Danforth motioned to defer the election of officers until January 2017 meeting.*

#### **VII: Reports**

##### **A: Superintendent's Report**

*Melinda K. Danforth motioned to accept report. Todd Hill seconded. Motion carried.*

##### **B: Administrative Staff Reports**

1. Business Manager
2. K-8 Principal
  - a. Assistant Principal
  - b. Gifted and Talented
3. 9-12 School Principal
4. Special Education
5. Technology
6. FACE

*R.C. Metoxen motioned to accept reports. Melinda K. Danforth seconded. Motion carried.*

##### **C: November / December Calendar – handout**

*Melinda K. Danforth motioned to accept calendar. R.C. Metoxen seconded. Motion carried.*

**VIII: Executive Session:** *R.C. Metoxen motioned to adjourn at 6:08 p.m. to go into Executive Session at 6:09 p.m. with request of presence of Superintendent, Sheri Mousseau and Principals, Artley Skenandore and Yvette Peguero. Melinda K. Danforth seconded. Motion carried.*

*R.C. Metoxen motioned to come out of Executive Session at 6:28 p.m. Melinda K. Danforth seconded. Motion carried.*

1. Letter from Kitchen Staff / Memo from Attorney Joanne Harmon–Curry  
*Melinda K. Danforth motioned to have Administration look at placing the kitchen employees under contract and to review the financial impact and bring back to the Board by either E-Poll or by the December meeting. R.C. Metoxen seconded. (1) abstention. Motion carried.*  
*Discussion: Communicate with the Kitchen Staff of status of request and with Joanne Harmon-Curry about the School Board’s intent.*
  
2. GTC Petition  
*R.C. Metoxen motioned to direct Superintendent respond with compiled data of Kindergarten retention numbers, retention procedure and policies with an E-Poll to the School Board of the information. Melinda K. Danforth seconded. (1) opposed. Motion carried.*  
*Discussion: Request to resend letter reminding Oneida Business Committee of the School Board’s autonomy.*

**IX: Recess/Adjourn:** *R.C. Metoxen motioned to adjourn at 6:40 p.m. Melinda K. Danforth seconded. Motion carried.*

Respectfully submitted,

Rhiannon Metoxen  
Secretary  
Oneida Nation School Board

approved / corrected

\_\_\_\_\_  
Date

Oneida Nation School Board  
Regular Meeting Minutes

Date: Monday, December 5, 2016

Time: 5:00 p.m.

Place: ONES Library

The Oneida Nation School Board is committed and accountable to students, parents, families, staff, and community members to provide regulatory oversight for a safe, positive, culturally diverse, holistic, learning atmosphere based on Onʌyoté a'ka values. We will provide the expectations, resources, and educational opportunities to encourage students to be productive.

PRESENT: Debra J. Danforth, Rhiannon "RC" Metoxen, Fred Muscavitch, Todd "Moon" Hill, Shanna Torres [arrived at 5:11 p.m.]

EXCUSED: Melinda K. Danforth, Neset Skenandore

OTHERS: Brandon Yellow-Bird Stevens, Fawn Billie, Priscilla Belisle, Fay LeMense, John Bestul, Yvette Peguero, Artley Skenandore, Tracy Christensen, Leanne Doxtater, Tracy Williams, Tina Jorgensen, Cathy Bachhuber

OPENING: Artley Skenandore

Call to Order by: Debbie Danforth Time: 5:00 p.m. Meeting start time: 5:11 p.m.

[not enough members to have a quorum at 5:00 p.m.; needed one more board member]

Shanna Torres arrived at 5:11 p.m.

**I: Approval of Agenda:** *RC Metoxen motioned to approve the agenda with the following changes. Move CIP/Planning department presentation to first item; the Language Program update moved to second item, and the Youth Risk Behavior System moved as the third item.*

**II: Special Presentation – Short Program Graduates**

A: High School Graduates – NONE

**III. Minutes**

A: Regular Meeting – October and November [corrected]

1. High School graduate names requested to be added into Regular Meeting Minutes November minutes to be corrected from Debra J. Skenandore to Danforth.

*RC Metoxen moved to approve corrected October and November minutes to include the addition of the High School graduate names within the minutes. Fred Muscavitch seconded. Motion carried.*

B: Special Meetings – November 2, 2016.

*Fred Muscavitch motioned to approve. Shanna Torres seconded. Motion carried.*

C: Ratification of Board Polls

1. [add-on]: KG retention data

*RC Metoxen motioned to ratify. Todd Hill seconded. Motion carried.*

**IV: Tabled Business:**

A: None

**V: Old Business / Follow-Up**

A: Standing Agenda Items:

1. CIP / High School – Planning Department – Leanne [moved to first item on Agenda]  
 Planning department recommends updating CIP package.  
*Fred Muscavitch motion to accept update and encourage the Planning Department to continue working on it and know that we are in support and want to proceed. Shanna Torres seconded. Motion carried.*
2. Language Program – Tracy Williams and Priscilla Belisle [moved to second item on Agenda] [add-on]: ANA Grant update – Areas for Improvement  
 Partnered with Oneida Nation School Board and Oneida Grants. The two grants were applied for but denied due to needing more community involvement and more detailed information using the curriculum. The Language Preservation and Maintenance grant would produce six certified language teachers using current language curriculum in practice. Language Department is currently working with College of Menominee Nation to develop a curriculum similar to the Language Preservation Maintenance grant. ANA regional grant training is in Feb 1 and 2, 2017. Priscilla Belisle and Tracy Williams are scheduled to attend.  
*Fred Muscavitch motioned to accept update. RC Metoxen seconded. Motion carried.*
3. Staff Recognition program – Update by Sheri Mousseau  
 Three ONSS staff were recognized by the Business Committee and received a blanket.  
*RC Metoxen motioned to accept update. Fred Muscavitch seconded. Motion carried.*
4. Athletics – Update from Artley Skenandore  
 This past Saturday was the 1<sup>st</sup> of 3 clinics that is being done with 28 participants in grades 1 thru 4 in first group and grades 5-8 in the second group. An exhibition of skills learned from the clinics will be set up during two basketball halftime games with grades 1-4 first night and grades 5-8 during second night. Foster / Parent Supply Night scheduled at the High School scheduled the first week of February during varsity games. Everyone who brings something that night will get into game free. Cancer awareness night is in January; everyone wearing the color Orange will get in free. Elementary and Middle School wrestling is currently being worked on with anticipation of having tournaments this year and schedules for next year for High School level.  
*RC Metoxen motioned to accept update. Fred Muscavitch seconded. Motion carried.*
5. JOM Program –
  - a. November minutes
  - b. Budget*Fred Muscavitch accepted update. RC Metoxen seconded. Motion carried.*

**B: Follow-up**

1. Ramah Navaho Settlement
  - a. Two Special Meetings to be held in December prior to January meeting with B.C.
    - i. December 12, 2016 at noon with Administration
    - ii. December 19, 2016 at noon (school board)
  - b. Requests from school board members submitted to R.C.

- [add-on]: List of items from members
- i. Digital Recorder for School Board meetings
  - ii. Ipads/SurfacePro/BoardPac for the Board
  - iii. Years of Service awards for the Board comparable to the O.N.E.S. awards
  - iv. Athletic Pictures/Awards/Banquet/Pizza party
  - v. Funds to attend training on specific laws, rules, and regulations of School Boards

*RC Metoxen motioned to direct Jolene to find a ToP facilitator for both December 12 and 19 meetings. Fred Muscavitch seconded. Motion carried.*

2. Youth Risk Behavior System (YRBS) – Tina Jacobson
  - a. Hyperlink to website for additional information
  - b. Memo to School Board from Quality of Life Committee

We need just a baseline created; what are issues; what are remedies to create a better safer learning environment. Tina – we just need to find out if there any drugs/alcohol/sexual/etc. – the school will receive the information from the survey and then the school board will decide how to proceed with the information, such as programs to create, whether grants are needed to fund programs, etc.

Tina is asking the board to approve survey questions that is evidence based towards the school system. Tina believes it should be all kids in school system and separate it out among other students in community not in this school system.

*Fred Muscavitch motion to direct administration to work cooperatively with the Quality of Life and Y.E.S to conduct a survey and to determine which survey to conduct for the Oneida Nation School System. Todd Hill seconded. 1 abstention. Motion carried.*

*Discussion: Melissa Nuthals has been assisting with providing information to Quality of Life. Artley Skenandore will set up a working group with Joanne Ninham to assist with the survey and putting it into action for spring 2017. Fred Muscavitch and Debbie Danforth volunteered to assist. Any other School Board members who would like to assist should contact Artley Skenandore.*

3. Retreat – Education Code retreat is scheduled on January 14, 2017 from 8:00 – noon.

## **VI: New Business:**

1. Kindergarten Retention policy and procedure sent to Chief Counsel – accept  
[add-on]: Additional data – ONES, Hauser, Fredrick & Andrew (2007), and Green Bay Public School District  
*Fred Muscavitch motioned to accept report. Todd Hill seconded. Motion carried.*
2. School Board Annual Report – accept  
*RC Metoxen motioned to accept annual report. Fred seconded. Motion carried.*
3. School Board Quarter 4 Report – accept  
*Fred Muscavitch motioned to accept report. RC Metoxen seconded. Motion carried.*
4. [add-on]: Memo to Kitchen Staff – accept  
*Fred Muscavitch motioned to accept. Todd Hill seconded. Motion carried.*

**VII: Reports****A: Superintendent's Report**

*Fred Muscavitch motioned to accept report. RC Metoxen seconded. Motion carried.*

**B: Administrative Staff Reports**

1. Business Manager
2. K-8 Principal
  - a. Assistant Principal
  - b. Gifted and Talented
3. 9-12 School Principal
4. Special Education
5. Technology
6. FACE

*RC Metoxen motioned to accept reports. Shanna Torres seconded. Motion carried.*

**C: [add-on]: Revised December monthly calendar – FYI – accept**

*RC Metoxen motioned to accept as any FYI. Fred Muscavitch seconded. Motion carried.  
RC motioned to go into executive session at 6:48 p.m. Fred Muscavitch seconded. Motion carried.*

**VIII: Executive Session: RC motioned to come out of executive session at 7:00 p.m. Todd Hill seconded. Motion carried.**

## 1. School Board member application

*Fred Muscavitch motioned to accept application. RC Metoxen seconded. Motion carried.  
RC motioned to repost vacant school board position. Fred Muscavitch seconded. Motion carried.*

## 2. [add-on]: School Board Attorney Joanne Harmon Curry

- a. Memorandum to School Board
- b. Red-lined proposed Food Service Contract
- c. Draft of proposed Food Service Contract

*RC Metoxen motioned to accept the contract as presented pending the wage analysis. Fred Muscavitch seconded. Motion carried.*

*Discussion: Fred Muscavitch supports the request to include that staff need approval the following strikethroughs on pages 2, part B, section on Duties; and page 4, part B, section on Indirect Compensation.*

**IX: Recess/Adjourn:**

*RC Metoxen motioned to adjourn at 7:06 p.m. Fred Muscavitch seconded. Motion carried.*

Respectfully submitted,

Rhiannon Metoxen, Oneida Nation School Board Secretary

approved / Corrected on \_\_\_\_\_

**Oneida Nation School Board  
Special Meeting Minutes**

**DATE:** Monday, December 12, 2016  
**PLACE:** ONES Admin Conference Room

**TIME:** 12:00 p.m.

The Oneida Nation School Board is committed and accountable to students, parents, families, staff, and community members to provide regulatory oversight for a safe, positive, culturally diverse, holistic, learning atmosphere based on Onayoté a'ka values. We will provide the expectations, resources, and educational opportunities to encourage students to be productive.

**PRESENT:** Debra J. Danforth, Melinda K. Danforth, Todd Hill, Fred Muscavitch, Rhiannon "RC" Metoxen, Shanna Torres

**EXCUSED:** Neset Skenandore

**OTHERS:** Sheri Mousseau, Yvette Peguero, Linda Jenkins, Fay LeMense, John Bestul, Artley Skenandore, Terry Hetzel (ToP Facilitator)

**OPENING:**

**CALL TO ORDER:** Debbie Danforth

**TIME:** 12:05 p.m.

- I. **Approval of Agenda**
- II. **Minutes – None**
- III. **Old Business**
- IV. **New Business – Ramah Navajo final settlement monies**
  1. **School-wide Survey Results**
  2. **School Board members' requests**

*Fred Muscavitch motioned to approve \$900,000 of total final settlement amount to be invested with the Trust Committee. Shanna Torres seconded. Motion carried.  
Amendment to motion: Fred Muscavitch motioned to recommend that \$900,000 be invested pending any critical request which will be prioritized at next meeting.*

*"RC" Metoxen motioned that Administration go back to O.N.S.S. staff, specifically to the Athletic Department including coaches, and anyone who didn't have an opportunity to submit a response and to tally results including ideas already addressed for next meeting on Monday, December 19, 2016. Fred Muscavitch seconded. Motion carried.*

*Discussion: Some areas needing responses from are the Kitchen Staff, Band Dept., Athletics Department (coaches, athletic recognitions), and input on playground. A list of all results from survey items (responses and from what funding source items will be taken from needs to be included in results to provide the School Board for next meeting.*

**V. Reports - None**

**VI. Executive Session**

*Fred Muscavitch motioned to enter into Executive Session at 12:40 p.m. Todd Hill seconded. Motion carried.*

*Fred Muscavitch motioned to come out of Executive Session at 1:14 p.m. Todd Hill seconded.*

**VII. Recess/Adjourn**

*Melinda K. Danforth motioned to adjourn at 1:35 p.m. Shanna Torres seconded. Motion carried.*

Respectfully submitted,

Rhiannon Metoxen  
Secretary  
Oneida Nation School Board

Approved / Corrected on \_\_\_\_\_  
Date

## Oneida Nation School Board Special Meeting Minutes

**DATE:** Monday, December 19, 2016  
**PLACE:** ONES Admin Conference Room

**TIME:** 12:00 p.m.

The Oneida Nation School Board is committed and accountable to students, parents, families, staff, and community members to provide regulatory oversight for a safe, positive, culturally diverse, holistic, learning atmosphere based on Onayoté a'ka values. We will provide the expectations, resources, and educational opportunities to encourage students to be productive.

**PRESENT:** Debra J. Danforth, Fred Muscavitch, Melinda K. Danforth, Todd Hill, Rhiannon "RC" Metoxen

**EXCUSED:** Neset Skenandore, Shanna Torres

**OTHERS:** Sheri Mousseau, Yvette Peguero, Artley Skenandore, Linda Jenkins

**OPENING:**

**CALL TO ORDER:** Debbie Danforth

**TIME:** 12:00 p.m.

**I. Approval of Agenda**

*Fred Muscavitch motioned to approve the agenda. Melinda K. Danforth seconded. Motion carried.*

**II. Minutes – December 12, 2106 Special Meeting**

*Moved to approve during January 2017 meeting. No vote.*

**III. Old Business**

**IV. New Business – Review and Approve School-wide needs-assessment**

**1. School-wide Survey Results**

**2. School Board members' requests**

*Fred Muscavitch motioned to approve \$70,000 for the Athletic Department; \$20,000 for the Playground; \$12,000 for the Spot Vision Machine; \$17,000 for Classroom furniture; \$8,000 for Fitness Room; \$35,000 for Oneida Language / Culture request; \$44,000 for Ten (10) Infocus Boards; \$30,000 towards field trips and meals, to match fundraisers that are approved by Administration, awards for Honors' Assemblies, and \$100 to staff for classroom supplies. Rhiannon "RC" Metoxen seconded. Motion carried.*

*Fred Muscavitch motioned to invest remaining amount with the Trust Committee for future use by the School System. Rhiannon "RC" Metoxen seconded. Motion carried.*

*Melinda K. Danforth motioned to schedule a Special Meeting with the Trust Committee to discuss the investment of the remaining Ramah Navajo final settlement money. Rhiannon "RC" Metoxen seconded. Motion carried.*

**V. Reports - None**

**VI. Executive Session**

*Rhiannon "RC" Metoxen motioned to go into executive session at 12:53 p.m. Fred Muscavitch seconded. Motion carried.*

*Rhiannon "RC" Metoxen motioned to come out of executive session at 1:05 p.m. Fred Muscavitch seconded. Motion carried.*

*Rhiannon "RC" Metoxen motioned to have Jolene Hensberger draft a letter on behalf of School Board in response to concern received regarding School Board and Administration meeting. Fred Muscavitch seconded. Motion carried.*

**VII. Recess/Adjourn – Melinda K. Danforth motioned to adjourn at 1:06 p.m. Todd Hill seconded. Motion carried.**

Respectfully submitted,

Rhiannon "RC" Metoxen,  
Secretary  
Oneida Nation School Board

Approved / Corrected on \_\_\_\_\_  
Date

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the FY17 1st Quarter Report.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Airport Hotel Corporation  
Radisson Hotel & Conference Center  
Quarterly Report  
For the quarter ended: December 31, 2016

## **Narrative Section**

### Business practice, market overview, place within market:

- STR report unavailable to show index variances YOY at time this report due
- Q1 Actual Budget numbers show YOY variance in Occupancy down -0.7%, but ADR up YOY by \$6.75 therefore showing Revenues up YOY by \$96,561
- Banquet and Catering Q1 Actual Budget numbers show YOY variance up by \$40,603
- Sales team attended Connect Faith in October with the CVB, attended Circle Wisconsin Annual meeting in December and Holiday Showcase in December. The sales team continues to network at events including Chamber Networking breakfasts monthly; BNI meetings weekly; Current luncheons/events monthly; Management Women events monthly; MPI event Quarterly; WSAE event quarterly; WBTA event quarterly – to gain leverage for the Radisson in the Green Bay market.

### Competitive analysis:

- Casino food outlets continue to be a source of competition for F&B revenue
- KI Expansion a source of competition for large convention groups

### Strategies for improved value:

- Developed packaging in Corporate/Association Meetings, Tour & Travel, Wedding, Travel Agents and Transient markets to gain short term bookings for need months
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition
- Working with Aimbridge Regional properties to gain leverage and recognition
- Working closely with Green Bay CVB in all Sales markets to keep top of mind and participate in all sales initiatives

### Material changes or developments in market/business:

- Appleton will be adding a Convention Center on land near the Radisson Appleton; this will add 33,000 square feet of meeting space, groundbreaking end of Sept 2016 – due to open September 2017
- Radisson Appleton will undergo full renovation – in our STR comp set
- Ramada Plaza due to change to a Marriott Delta – in our STR comp set
- Holiday Inn Appleton due to change to a Marriott product – in our STR comp set

Market growth:

- Northland Hotel started construction on 140 room hotel downtown to compliment the KI Convention Center expansion, due to open June 2017
- Residence Inn 100 room property opened end of November 2016
- 4 Star Lodge Kohler property being built on Packer property near the stadium with 200 rooms – due to open July 2017
- Home 2 Suites to be built on Holmgren Way across from Grainger
- TBD property online to be built downtown on Broadway near The Cannery

Pending legal action:

- Nothing at the moment

Oneida Airport Hotel Corporation  
Three Clans Airport, LLC  
Quarterly Report  
For the quarter ended: December 31, 2016

Business practice, market overview, place within market:

- The Wingate continued to change its focus in the first quarter to growing rate over occupancy. The Wingate was able to grow rate by 12.7% and lost -9.73% in occupancy.
- The Wingate averaged a 66.11% occupancy for the first quarter.

Competitive analysis:

- The competitors ran a REVPAR of \$61.80 to Wingate's \$98.11 for the first quarter.
- The competitive set had an occupancy of 67.4% to the Wingate's 66.11%.

Strategies for improved value:

- The Wingate is focused on growing rate for the fiscal year.
- The Wingate's strategy is to yield rates sooner especially on high demand dates and to offer less heavily discounted rates on slow dates.
- The Wingate continues to use all 3<sup>rd</sup> party booking channels to increase bookings on low demand dates but is not using opaque rates as often and has increased the opaque to focus on its growing rate strategy.
- The Radisson Sales team continues to cross sell the hotel. The Radisson sales team uses the Wingate to sell to large convention groups as an overflow property.

Material changes or developments in market/business:

- The Wingate continues to see increases in the corporate business traveler and is starting to see the corporate business traveler using travel agents again while shying away from the third party websites.
- We also were able to negotiate rates with some new local companies to add to the Wingate's preferred list.

Market growth:

- Revenues for the first quarter were \$454,451 which were up from prior year by \$13,070.

Pending legal action:

- Nothing at the moment

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the OGE 1st Quarter Report for FY2017

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Janice Skenandore-Hirth, OGE Agent  
Your Name, Title / Dept. or Tribal Member

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

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

**Oneida Golf Enterprise Corporation****Fiscal year-To-Date Reporting for period Ending:****September, 2016**

The Oneida Golf Enterprise Corporation (OGEC) is a corporation of the Oneida Nation established to oversee and manage the business known as Thornberry Creek at Oneida.

**Narrative Report****Business Practice, Market Overview, Place Within Market:**

- Thornberry Creek at Oneida (TCO) is a 27 hole premier golf course settled in a rural, prestigious housing development on the Oneida reservation.
- TCO is the Official Golf Course of the Green Bay Packers.
- TCO Legends Course was ranked #10 in the state by *GolfAdvisor* in 2016.
- TCO along with the Radisson, Wingate and Casino was ranked "Best Golf and Casino Resorts" in 2016 by *Golf Vacation Insider*.
- TCO Legends Course was ranked "Best of the Bay" 2016 best golf course by *Green Bay Press Gazette*.
- TCO is considered a leader in charitable golf event hosting and a leading choice for future brides.
- Thornberry Creek at Oneida has 7,000 square feet of flexible banquet space with large windows and spectacular views. This space will accommodate 300 guests at round tables. We also feature a porch room that accommodates up to 40 people. Included in this space is the Cupola available for smaller wedding ceremonies and intimate gatherings.
- Thornberry Creek at Oneida also offers a full range of conference equipment and amenities for the corporate client.
- TCO hosted 55 special events in the first quarter for a total of 55 special events in the FY 2017.
- TCO hosted 5 golf events in the first quarter with 3 Stay and plays in October.

**Competitive Analysis:****GOLF**

- Competitive analysis is scheduled to be completed in the 3<sup>rd</sup> and 4<sup>th</sup> quarters.

**Strategies for Improved Value:**

- We continue to cobrand the Thornberry Creek LPGA Classic, Thornberry Creek at Oneida and the Oneida Nation including TV commercials, social media, print with advertising starting before the holidays. We will see another major push 6 to 8 weeks prior to the event. All of our print ads and social media are cobranded to benefit the Oneida Nation, Thornberry Creek at Oneida and the Thornberry Creek LPGA Classic.
- Ads have been placed in the *Packer Gameday* publication as well as the *Wisconsin Badger Yearbook*; the expected circulation of both publications will be in excess of 1 million
- Working with CBS the Thornberry product was featured via commercial in all golf telecasts in 2016; the aerial footage from DroneHub will be used to create captivating imagery for our potential guest and client.
- TCO continues to maximize opportunities with golf outings, weddings and special events throughout the summer months.
- Our brand image continues to be elevated as we're seen and heard across all the major networks: FOX, CBS, NBC and WIXX.
- Our new point of sale system IBS has been a great help with reporting and efficiency for day to day operations.
- IBS allows OGE the opportunity to collect immediate feedback and package departments together to better offer value to our guest.
- We are scheduled and preparing for a wedding trade show as well as 4 golf trade shows in the 2<sup>nd</sup> quarter. Due to the trade shows we have seen an increase in Stay and Plays over the years and we have already begun to get inquiries on Stay and Plays for 2017.
- TCO continues to be a major supporter in donations and giving within the community.

#### Material Changes or Developments in Market/Business:

- OTIE has started the basement renovation; OTIE has been a pleasure to work with thus far. This includes an addition of an elevator, finishing the locker rooms and renovating the area so that it is up to code and useable for Player Dining. The area is expected to be complete by the beginning of June giving us plenty of time before the LPGA. We are already planning to utilize the space for golf outings and other events to generate revenue that is lost due to the upstairs being sold out for weddings or golf outings.
- OTIE is on schedule with the basement renovation.
- OGE has started a new Team Member recognition program and has experienced exceptional feedback regarding the program.
- Due to our seasonality TCO is significantly down in team members with an average of 60 during the 1<sup>st</sup> quarter. The quality of candidates still proves difficult in the market due to compensation packages and an extremely low unemployment rate.
- We continue to create alignment in our branding efforts in all marketing campaigns and print materials onsite; this process will continue for the next few years.
- The Pub continues to struggle outside of the golfing season and the expectation of growth is minimal unless major changes are made to the concept and product offered.

Market Growth:

- Our social media presence continues to grow, up 5% in the 1<sup>st</sup> quarter of FY2017 and up 18% from beginning of FY2016.
- Although revenues are up to budget and to prior year numbers so are expenses; some due to increased service efforts and operational costs from equipment breaking or needing to be replaced and preparation for the Thornberry Creek LPGA Classic.
- Pass holder sales continue to grow year over year; up 7% from FY2016.
- Weddings are up 33% in the 1<sup>st</sup> quarter and we are projected to have 40 weddings in FY 2017 and they are still booking! Our wedding business is up 30% for FY 2017 from prior year, accounting for dates that are booked with deposits.
- We have sold out all Saturdays in 2017 from mid-April to October except for 3 weekends and beginning to book multiple wedding weekends. With the addition of the practice tee and basement renovations we will be able to offer outdoor ceremonies in 2017 and beyond thus creating additional revenue to the facility.

Pending Legal Action:

- No litigation pending.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

**2. General Information:**

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

Agenda Header:

Accept as Information only

Action - please describe:

**3. Supporting Materials**

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

**4. Budget Information**

Budgeted - Tribal Contribution

Budgeted - Grant Funded

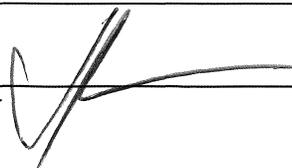
Unbudgeted

**5. Submission**

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:

Your Name, Title / Dept. or Tribal Member



Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

## Oneida Business Committee Agenda Request

### 6. Cover Memo:

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

Bay Bank is presenting its quarterly corporate report to the BC in Open Session. Management of Bay Bank will provide a summary of the Bank's financial results for the quarter ended 12/31/16.

- 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)

**Bay Bank**  
**QUARTERLY REPORT**

Quarter ended December 31, 2016

A. **BAY BANK**

Submitted by: Jeff Bowman, Board Member  
Directors: Nathaniel King, Fern Orie, Bob Jossie  
Jeff Bowman, Pete King, Elaine Skenandore-Cornelius

Oneida Business Committee Contact: Tina Danforth

B. **MINUTES**

None Submitted

**ACTION TAKEN**

No Tribal Policy change.

D. **FINANCIAL**

Note that various financial reports

December 31, 2016 is Bay Bank's fiscal year end.

E. **SPECIAL EVENTS AND TRAVEL**

None

F. **PERSONAL COMMENTS**

Bay Bank account numbers as of December 31, 2016:

1,146	Checking Accounts
362	Business Checking Accounts
70	Money Market Accounts

1,583	Savings Accounts
369	Certificates of Deposit
90	Commercial Real Estate Loans
803	Residential Real Estate Loans
169	Business Loans
591	Consumer Loans
41	Oneida Small Business 2000 Loan Program Loans

The Oneida Small Business Loan Program 2000 that is administered by Bay Bank started on May 1, 2002. As of this date over \$ 11.4 million in new loans have been made to over 124 new or growing Oneida tribal member owned businesses.

The Section 184 mortgage loans serviced under FHLB MPF program totaled \$58.0 million at December 31, 2016. There are 497 loans in the program currently.

#### G. GOALS AND OBJECTIVES

##### 2016 GOALS:

GOAL A: Bay Bank will strive to attain a minimum 0.50% Return on Assets for the year ending December 31, 2016. Return on Assets (ROA) is a common measurement of a bank's profitability. This ratio informs you how well the bank is managing and investing the bank's assets.

2016 ROA Goal	2016 YTD ROA Actual	2016 Peer Group Average
0.50 %	1.34%	0.82%

GOAL B: Bay Bank will strive to attain a minimum 6.00 % Return on Equity for the year ending December 31, 2016. Return on Equity (ROE) is the measurement of how well the bank is performing for its stockholder.

2016 ROE Goal	2016 YTD ROE Actual	2016 Peer Group Average
6.00 %	9.48 %	6.87 %

Bay Bank had budgeted total loans for the quarter ended December 31, 2016 in the amount of \$ 56.6 million. Total loans at December 31, 2016 were \$ 54.8 million or \$ 1.8 million less than projected. Loans increased \$ 3.7 million over the 12-month period ended December 31, 2016.

Bay Bank had budgeted total deposits for the quarter ended December 31, 2016 in the amount of \$ 71.3 million. Total deposits at December 31, 2016 were \$ 66.8 million or \$ 4.5 million less than projected balances. Deposits increased \$ 1.8 million for the past twelve months, the result of increase in transaction and savings accounts offset to a lesser degree by a decrease in time deposits.

H. MEETINGS

Monthly meeting on the third Thursday of each month. Well attended.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval of report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Jacquelyn Zalim, OESC Chairwoman of the Board

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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

# **Oneida ESC Group, LLC**

**1<sup>st</sup> Quarter Report – FY 2017**

**January 10, 2017**

**OESC Board of Managers:**

**Jacquelyn Zalim, Chair**

**John L. Breuninger**

**Leslie Wheelock**

Oneida ESC Group, LLC (OESC), was formed in 2012 as the catalyst for continued growth for Oneida owned firms doing business in Construction NAICS codes for federal government contracts. Oneida Total Integrated Enterprises (OTIE) has exceeded the \$33.5M limit in certain NAICS codes and is unable to bid and obtain contracts that fall within these NAICS codes as a prime contractor under the small business or 8(a) business categories in the federal procurement process. OESC and its subsidiaries are positioned to bid and pursue small business or 8(a) contracts where OTIE has exceeded size standards.

OESC and its subsidiaries are supported by OTIE with general management and administrative functions, including accounting and contracting management, human resource management, IT support, overall management, and marketing, bid and proposal. Below is a summary of OESC and its subsidiary's activities.

### **Narrative Report**

#### **a. Explanation of the core of the Corporation's business practices and market overview**

OESC was created to serve as a holding company for subsidiary companies with an 8(a) certification. This type of holding company structure is modeled after the Alaskan Native Corporations (ANC) and other Native American Tribes that have created similar entity structures. This holding company structure allows ANCs and Native American Tribes to perpetually establish different 8(a) companies with different primary NAICS codes.

OESC currently has two subsidiaries, Mission Support Services (MS2) and Sustainment & Restoration Services (SRS). MS2 obtained its 8(a) certification in 2013. SRS received its 8(a) certification in 2014.

As part of the overall strategic plan for continued growth, and the resolutions from 2013, OTIE was moved under OESC as of January 1, 2017.

#### **b. Explanation of the Corporation's current place within the market**

MS2 is focused on construction contracts with a size standard not to exceed \$33.5M. SRS is pursuing contracts with a size standard not to exceed \$14.5M. Only firms with less than \$33.5M or \$14.5M on average over a 3-year period can compete as a prime contractor. Since OTIE can no longer compete as a prime contractor under the small business or 8(a) business category under that size standard, OESC and its subsidiaries are strategically positioned to compete with OTIE support.

OTIE is currently focusing on developing both MS2 and SRS. The financial and technical resources that OESC needs are provided by OTIE.

#### **c. Explanation of the outlines of strategies by the Corporation for improved value in the market**

OESC's strategy is to develop its subsidiaries. The initial pursuits will take advantage of OTIE's existing networking capability and MS2's and SRS' key personnel who have existing relationships with federal clients. These federal clients have various federal facilities nationwide.

OTIE has been supporting MS2 and SRS to recruit several employees including managers or staff that have proven past performance and existing working relationships with many federal clients. OTIE has led MS2 and SRS to their existing clients. Those clients have the work and usually will procure under the small or 8(a) category under the applicable NAICS code. This advantage will help MS2 and SRS to develop their capabilities rather quickly.

Currently MS2 is working in California, Florida and Illinois. MS2's current projects include sustainment, restoration, and modernization (SRM) projects for general facilities, asset/energy management and safety consulting. Additional projects will be pursued in civil construction, utilities, energy management, and general facilities engineering requirements. More competencies will be added as opportunities are sought.

SRS is currently pursuing work to provide waste management services for multiple clients in California. SRS established an office in Santa Barbara to pursue this opportunity. SRS established an office in Chicago, Illinois for pursuit of a US EPA Region V 8(a) START contract proposal and SRS was awarded this contract in November 2015.

**d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market**

OESC and its subsidiaries are start-up companies. It will be difficult for them to compete with established small businesses that are active in the industry market. To offset this disadvantage, OTIE will support and lead OESC and its subsidiaries to take advantage of existing relationships already built by MS2's and SRS' key employees or from OTIE's networking. While competition will be very challenging for OESC and its subsidiaries, OTIE's support will help to overcome those challenges through the years. With OTIE's support, OESC can reach a point where its subsidiaries can become more competitive and sustainable in their industries.

**e. Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period**

None.

**f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same**

Opportunities continue to exist in geographies where OTIE, MS2, or SRS key personnel have successful past performance, and where personnel involved in such projects have established strong relationships with teaming partners and clients in those locations. Downstream opportunities continue to emerge based on MS2 project performance and combined efforts of OTIE and MS2's marketing and sales efforts. Target clients continue to include Vandenberg AFB, NAVFAC SW, NAVFAC SE, NAVFAC Great Lakes, and NAS Pensacola.

Additional new target clients include Naval Base Ventura County, USACE Jacksonville, the US Army Joint Munitions Command (JMC), Edwards AFB, the Air Force Civil Engineering Center (AFCEC).

With SRS' recently awarded work, SRS target clients include EPA Region V and Naval Station Great Lakes. Additional new targets include USACE LA District, EPA Region VI and USACE Tulsa.

OTIE is supporting MS2 and SRS on many marketing and proposal efforts. MS2 and SRS have been introduced by OTIE to many potential government clients, and as a result, more opportunities are within reach so that they can recruit more capable people to support each federal agency's mission as well as increase their technical capabilities. The following is the assistance that OTIE has provided to MS2 and SRS:

- MS2 and SRS have performed some projects as a subcontractor to OTIE.
- MS2 has submitted proposals and has been awarded projects which have sustained staff at Vandenberg AFB to date and additional work is expected.
- OTIE's senior managers continue to introduce MS2 and SRS to different federal facilities in different states and continue to help M2 and SRS pursue several contract opportunities.

MS2 has been awarded contracts by the following clients: NAVFAC SE (Naval Station Pensacola), NAVFAC Mid-Atlantic (Great Lakes Naval Station), NAVFAC SW (Naval Base Ventura County), Army Contracting Command (Joint Munitions Command), USACE Omaha, USACE Albuquerque, Edwards AFB and USACE Tulsa. We continue to receive task orders under some of these contracts because of the quality of MS2's work and reputation.

MS2 was able to win several contract vehicles called Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts in which MS2 will receive task orders (projects). In the 1<sup>st</sup> Quarter, MS2 received the following task orders:

- ID/IQ USACE Tulsa – received a Performance Oriented Construction Activity (POCA) ID/IQ contract to provide general SRM activities, primarily at Tinker AFB in Oklahoma. Seed project is for limited paving and replacement of a washroom roof at a civil works asphalt paving project.
- MS2-MEC JV had won 6 requests for proposals (RFP) in Q1.
- ID/IQ NAVFAC SW Joint Operations Center (JOC) –MS2 completed two more task orders on the contract. We have won 21 task orders over the life of the contract, totaling \$3,079,373.
- MS2-Belonger JV IDIQ for Naval Station Great Lakes –MS2 has won 7 task orders to date totaling \$9M for MS2 portion.

In addition to ID/IQ contracts, MS2 has also been awarded stand alone, single project contracts from our government clients that we are currently executing.

- Army Contracting Command – Joint Munitions Command (JMC) Umbrella Contract which is a contract to support JMC Safety office at Rock Island Arsenal.
- NAVFAC Mid-Atlantic – Fort Snelling, MN – received a contract for security upgrades and fencing improvements. This utilized our Design-Build MACC contacts at Great Lakes Naval Station. This is a new client for MS2.

- Army Contracting Command, Joint Munitions Command – ARC Flash Project – contract to provide ARC Flash services at Pine Bluff Arsenal in Little Rock, AR and Bluegrass Army Depot in Lexington, KY. Kicked off field work during the 1<sup>st</sup> Quarter of 2017.
- Army Contracting Command, Joint Munitions Command – Safety Support – contract to provide 1 year of safety support at the JMC Safety office at Rock Island Arsenal.
- Pine Bluff Arsenal-High Speed Deluge System – Completed installation of deluge system modifications into an Ammo Production building at Pine Bluff Arsenal.

SRS has been awarded contracts by the following clients: US EPA, NAVFAC Mid-Atlantic (Great Lakes Naval Station), USACE Los Angeles District and US Fish & Wildlife Services. We continue to receive task orders under some of these contracts because of the quality of SRS's work and reputation.

SRS was able to win several contract vehicles called Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts in which SRS will receive task orders (projects). In the 4<sup>th</sup> Quarter, SRS received the following task orders:

- US EPA START ID/IQ contract – issued 3 new task orders to include USS lead soil, USS lead tap water and Toledo Tie EE/CA. USS Lead soil is a soil remediation project that includes providing technical support, contractor oversight and air monitoring and soil clean up sampling. USS lead tap water includes collecting tap water samples before and after soil remediation. Toledo Tie EE/CA is a complete characterization of hazardous waste project with a technology evaluation and cost estimates for technologies. These sites accounted for \$500K of revenue for the 1<sup>st</sup> Quarter.

In addition to ID/IQ contracts, SRS has also been awarded stand alone, single project contracts from our government clients that we are currently executing.

- NAVFAC Mid-Atlantic (Great Lakes Naval Station) – Phase II Navy Hazmat Refurbishment Project storage lockers will be transported to a facility in Oak Creek, WI to be cleaned, refurbished, repaired, painted and then reinstalled at their point of origin. Also includes installation of new storage lockers. The project was kicked off in the 1<sup>st</sup> Quarter and SRS plans were approved by the client.
- US Fish and Wildlife – Crab Orchard removal and abandonment of 150 monitoring wells was successfully completed during the 1<sup>st</sup> Quarter of 2017.
- Naval Base Great Lakes –SRS is assisting MS2-Belonger JV on the renovation of Building 3200.

**g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies**

The primary strengths at the outset will be personnel-related. MS2 and SRS key personnel understand federal construction and construction-related professional services, and have strong knowledge of competitors, target clients, and strong business relationships in several geographies.

The primary risk includes lack of immediately available resources and bonding capacity, limited availability of cash on hand, and demonstrated past performance. These must be off-

set or mitigated by client knowledge of key MS2 and SRS personnel, pursuit of realistic project opportunities, and timely support from the owners or parent company with respect to bonding requirements.

**h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks**

Same as (g) above.

**i. Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)**

As a start-up organization, OESC and its subsidiaries intend to grow organically through the methods identified above.

**j. Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.**

OESC ASSETS
<p><b><u>Financial (On Balance Sheet)</u></b>  Cash –Checking Account  Work In Process on Current Projects  Fixed Assets such as Vehicles, Furniture and Fixtures, and Miscellaneous Equipment  Other Assets such as Prepaid Expenses, Investment</p> <p><b><u>Employees</u></b>  OESC - 1 employees  MS2 - 20 employees  SRS - 14 employees</p> <p><b><u>Customers</u></b>  95% of Revenue from Federal clients.</p>

**k. Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.**

No current pending legal action.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Business Committee approval of report

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Jeff House, OTIE Board Member

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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

# Oneida Total Integrated Enterprises

## 1<sup>st</sup> Quarter Report 2017 January 10, 2017

*Prepared by:*

Nick Ni, PE, President

*Submitted to:*

OTIE Board of Managers: Jackie Zalim, Interim Chairwoman,  
Jeff House, Wayne Metoxen, Leslie Wheelock

OTIE Report 01-20170110



## Narrative Report

### a. Explanation of the core of the Corporation's business practices and market overview

Five core services contribute a majority of OTIE's backlog in response to federal and state project requirements, changing infrastructure demands, and the often accompanying regulatory challenges. OTIE provides:

- Environmental services
- Remediation
- Construction and demolition
- Engineering design and studies
- Munitions response services

We deliver these diversified services to government agencies, as well as commercial clients in the United States and across the world. OTIE has staff worldwide, continuing an upward trend of growth measured by staff count while some firms in our space have shrunk due to weaker financial performance.

Our business posture is configured to consistently provide solutions that offer our customers cost-effective mission support while adapting to evolving procurement strategies and budgetary pressures. Core service growth has established OTIE as vastly more diversified than ever before to win contracts that require multi-dimensional capabilities.

As a service-based company, OTIE revenue is primarily derived through the labor-based professional services, plus construction projects that can potentially return higher margins. On both pro-services and construction projects, we forego pursuit on opportunities with capital-intensive requirements and the accompanying buildup of depreciating assets. Instead, our growth is achieved by: retaining clients and attracting new ones; providing quality and responsive value-oriented project management at competitive rates; and retaining high-performing, dedicated employees.

#### ***Market overview***

Markets continue to change and our business is evolving to address these changes. Environmental services and Munitions Response Services (MRS) continue to see declining potential due to market saturation and bundling of sites/service delivery requirements. OTIE succeeds by focusing our efforts on core and emerging sectors, well-funded service types, and reliance on partnerships to deliver high-dollar projects.

Regarding infrastructure engineering services, years of deferred maintenance by customers has created appreciable opportunity for OTIE serving federal agency customers, whose budgets have undergone belt-tightening and a corresponding requirement to "do more with less." Along with our competitors, OTIE strives to



capture the high labor projects that government spending on infrastructure improvements demands.

Broader economic recovery and industry confidence has created renewed investment through construction, and this creates value and opportunity in construction and demolition, driven by the energy/efficiency requirements and technology updating. While the adjectives “slow and steady” remain prominent, headwinds are dropping to help stimulate recovery. Construction and construction management (including Title II) services represent a significant portion of OTIE’s revenue potential over the next five years.

As reported in prior Annual Reports, the market for our services remains highly competitive. An abundance of Architecture / Engineering / Construction (AEC) firms provide similar services offered by OTIE. Competitive factors for our success include performance reputation, price, geographic location and availability of technically skilled personnel. We are pleased with our accomplishments which reinforce our market leadership as a small business competitor.

### *Operational tactics in the marketplace*

OTIE directs our primary business pursuits from a stable customer base concentrated in federal, State and municipal government entities. We progressively develop and position for federal opportunities and target large program offerings at state, municipal and tribal levels.

As a technical consultancy, we provide studies, design and engineering together with project management skills for a growing roster of clients. Added resilience occurs through prospecting for projects in other regions/with other tribes, and in adjacent technical services. Our tribal business, aerospace industry (commercial), and electric utility company contracts are exceptions to OTIE’s heavy reliance on government contracts, and in all cases our customer base offers outstanding opportunity for securing projects and targeting:

- long-term, high-dollar contracts to offer steady and profitable backlog
- low risk contracts to stabilize the Company’s business base
- capturing market share in emerging or expanding growth markets

Our strategy focuses on maintaining our top-tier position with select federal agency customers; realizing the opportunities arising from infrastructure investment; and from the budgetary spend in environmental programs. OTIE’s transportation, tribal and munitions response capabilities provide added diversity within our core services.

Our operational excellence continues to improve the underlying processes of the business, ensuring increased time to focus on our clients’ needs and project delivery.



**b. Explanation of the Corporation's current place within the market**

OTIE is a Native American, tribally-owned, SBA-certified 8(a) small disadvantaged business (SDB). Other small business categories in the marketplace include: HUB-Zone; Woman-owned; Veteran-owned; Service Disabled Veteran-owned; Alaskan Native Corporation; Native Hawaiian Owned; and Native American-owned.

OTIE operates in a fiercely competitive, expanding market that seeks diversity and economic vitality through government contracting. Our advantage over emerging small business competitors is maintained through steadfast conformance with quality, safety and contracting/acquisition requirements and regulations imposed by the federal government. We pride ourselves in offering “no drama” project performance, and continued requests for OTIE project leadership occurs.

Looking at the 8(a) market, OTIE is clearly distinguished from others by our size and longevity as a company. Now in our third decade of business operations, we are a mature, tested and proven small business with infrastructure that rivals many large businesses. We believe that our present size and diversified service offerings - relative to the smaller, niche companies - are advantageous to OTIE.

The company's position in the marketplace remains healthful and configured for future success. To sustain and expand our place within the market, OTIE budgets and expends significant funds in Bid & Proposal (B&P), marketing, and conference participation. We limit expenditures on trade shows and conferences to events wherein OTIE holds a present market position and potentials growth can be directly tied to attendance.

Our financial and project performance are coequal metrics that are tracking along gradual improvement vectors, and are indicative of steady growth instead of punctuated spikes that are harder to sustain. With the hard work and support of a diverse and talented workforce around the world, we have confidence in our strong position within the marketplace, and that we can make a difference to the world we live in. OTIE remains appropriately configured for the year ahead despite continued uncertainties in some of our markets with the new administration in the White House.

**c. Explanation of the outlines of strategies by the Corporation for improved value in the market**

Improving our value and position in the marketplace directly corresponds to delivering profitable growth for the Oneida Nation. OTIE strategically identifies opportunities with government and other customers where funding is reliable and alignment with our core competencies is commensal. Examples include engineering services, Munitions Response Services (MRS), and design/construction contract management.



More specifically, the following elements drive our strategy going forward:

- 1) **Pursuing larger contract opportunities.** With continued development of a strong infrastructure and expanded engineering capabilities, we focus on pursuing larger prime contracts and expanding our pool of opportunities. We continue to strengthen our relationships with other firms to create teaming arrangements that better serve our clients, but our goal remains prime contracts instead of team-sub positions.
- 2) **Leverage opportunities and advantages of our 8(a) status before graduation**—we will pursue two avenues: (1) compete for 8(a) set aside contracts and (2) aggressively solicit sole-source 8(a) contracts from existing and new customers. When OTIE graduates the 8(a) developmental program, we will continue to push for 8(a) direct awards with our “sister” companies.
- 3) **Partnering with well-qualified incumbent firms** —OTIE will carefully choose whom to partner with on task orders and new contracts. We will leverage the long-standing relationships that we have nurtured, and we will insist on support for proposal preparation and delivery.
- 4) **Leveraging of our services.** OTIE has diverse services to offer to a growing customer base. The combination of our multiple skill sets and broad service offerings allows us to work efficiently in a crowded market, whether selling services, or via effective use of our design and construction management skills supporting DoD and bridging such skills to other customers.
- 5) **Expanding our international footprint.** OTIE is one of AFCEC’s select, “go-to” AE firms for Title I and Title II services. Our forward operating presence in Guam has strengthened OTIE’s position in Asia/Pacific. Based on superior OCONUS performance the AFCEC awarded the OTIE-RS&H JV a Task Order in Qatar for AE Services at Al Udeid Air Base.
- 4) **Investing in our people.** We are committed to building on our employee’s accomplishments while expanding our reach through new hires. Continued profitable growth is projected to occur through our carefully executed hiring strategies. OTIE attracts and hires staff who improves our resource depth and competitive position in the marketplace.
- 5) **Geographic and client expansion through acquisition.** We will direct an active acquisition strategy focused on expanding our ability to offer our technical services in new geographic areas and with new clients through the acquisition of complementary businesses. While we continue to invest in our people, we must continue to methodically pursue potential acquisitions. Being disciplined in valuing and structuring the transactions, OTIE avoids acquisitions merely for the sake of revenue.



Overall, OTIE’s strength in the market is built on relationships with key customers, and our ability to discover new opportunities early in the acquisition cycle and respond with discipline and direction. OTIE’s strategy is to:

- Get in front of the right people
- Present compelling information and arm the company with winning tactics
- Partner with proven industry leaders preferred by the customer
- Reinforce our sales tactics with proven past performance.

By marketing to the right decision-makers, and conducting objective determinations on potential for success, OTIE fiercely competes when probability for success is high, and we forego opportunities where we see minimal chance of success. Using this focused approach reduces costs and improves our win percentage, both of which are key components of building value in the marketplace.

OTIE is optimistic that federal funding will remain durable. Our long term ID/IQ contracts should provide outstanding pipeline and backlog generation. Our simplified organizational structure will deliver improved efficiency and, coupled with volume growth, will support margin improvement.

**d. Explanation of the Corporation’s relative performance vs. competitors and identification of key competitors within the market**

As presently classified, OTIE is an SBA-approved 8(a) SDB and our competitors include: Alaskan Native Corporations (ANCs); Native American, tribally-owned small businesses; and Native Hawaiian Organizations (NHOs). Each of these business concerns is treated in a category of small businesses that may be awarded prime contracts without competition. OTIE also competes against other 8(a) firms for set-aside acquisitions, including small businesses that are categorized as Woman-Owned, HUBZone, Service Disabled Veteran Owned small business, and others.

Typical competitors for OTIE include:

- Small Business firms with fewer than 750 employees in NAICS 562910 (e.g. Baywest, EA, Conti, Versar, Severson and others) plus regional transportation engineering firms in Wisconsin.
- Current 8(a) small businesses (Ahtna, Bristol, Prudent Technologies, CIRI, companies like Northwind, and others).
- 8(a) “graduates” (e.g., Bhate, CAPE, ERRG, HGL, Nobis, Tidewater, and others). These small businesses are now mature businesses developing past performance and earning customers that keep them “entrenched” in specific situations.

In April 2017 OTIE will be an 8(a) graduate and Small Business under the size standards for NAICS 562910. We will no longer receive 8(a) direct award contracts, which has been a mainstay for our business growth and diversification. However,



OTIE is already viewed by other small businesses as extremely competitive on major ID/IQ prime acquisitions. Our federal agency customers have commended OTIE on the high quality of our ID/IQ contract proposals, as well as the ease of negotiations and businesslike interactions. This reputation and competitive edge provides substantial confidence for OTIE's long-term success as an 8(a) graduate.

OTIE has struggled against other Small Business competitors to win work under Multiple Award Task Order Contracts (MATOC). On balance we fair better under Best Value procurements and tend to lose out on opportunities awarded based on Low-Price, Technically Acceptable evaluations. We will continue to focus on improved processes to win competitive task orders on all of OTIE's MATOC tools.

One of our best prospects for market expansion remains in the Perfluorinated Compounds (PFCs) arena, where OTIE has a significant advantage having entered early in this emerging and high-profile business area. Several DoD agencies such as NASA and Naval Facilities Engineering Command (NAVFAC) are targets for customer diversification in PFC site investigation.

OTIE remains well positioned for continued DoD work overseas, especially in Asia/Pacific. The Defense Department's force posture in Asia aligns with OTIE's planned growth: We are pre-positioned for profitable contract performance in Japan, Guam and potentially Australia, where the DoD focus has pivoted, and we are reaping the rewards of the long-term vision and investments already made.

OTIE has garnered nationwide (and international) attention as a vigorous competitor. We have fended off competitors for AE Services in the Pacific like Jacobs and CH2M. We hold a wide variety of diverse federal contracts, and our superior performance on these contracts makes OTIE very hard to out-compete.

e. **Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period**

There has been little change in the market since the last reporting period. However, we anticipate there to be changes as the new administration in the White House emerges.

With last year's changes in the small business size standard and the new rules in the mentor protégé program, the competitive landscape continues to pressure OTIE. To counteract the increased competitive landscape, further fortification of the Oneida Nation's invested capital can help our "sister" companies become stronger, and better positioned to build a performance history to compete for more 8(a) direct awards. OTIE's strength has assisted Sustainment Restoration Services (SRS) to win an 8(a) direct award from the US Navy. With strengthened financials and a growing past performance history, each of the Oneida Nation's companies becomes more competitive and offers the ease of contracting options that our federal customers desperately need.



In spite of changes in our industry, our ability to adapt to the evolving needs of the marketplace has enabled us to build a resilient business that is closely aligned to the spending priorities of our federal clients. Our diversified portfolio steadies OTIE against market fluctuations and regulatory changes, as does the fact that a number of our most important markets remain well funded.

Because we are accustomed to competing against formidable small and large businesses, OTIE is configured to succeed in an atmosphere of increased competition and reduced budgets. Our business development strategies aim to collect early information on upcoming procurements, affording us time to develop winning strategies and allowing us to sharpen our pricing. Coupled with time-tested partnerships in industry, we form teams that are among the most formidable, value-adding propositions available to our customers.

- f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same

### ***Goals for OTIE***

Growth is the primary business goal for OTIE. Success for OTIE comes when we align and invest along growth profiles and manage/measure accordingly to make sure that our clients prosper.

At the end of FY16 and 1<sup>st</sup> Qrt of 2017 we had several large awards.

- Plumbrook Acid Area 1 Remediation working for United States Army Corps of Engineers (USACE) Huntington District -Conduct Remediation of Contaminated Soil at Acid Area 1. Planning documents consisting of a Quality Control Plan, Plan of Operations, and Accident Prevention Plan will be prepared. The field effort cover excavation of approximately 28,188 cubic yards of material, backfilling of the excavation with clean material, and on-site / off-site disposal. Of the 28,188 cy, 727 cy of soil is anticipated to be hazardous based on the concentration of PCBs being >50 mg/kg. This hazardous soil will be disposed of at a TSCA approved facility in Belleville, Michigan.
- Edwards Air Force Base (AFB) Concrete Crushing working for USACE-Los Angeles District to crush existing concrete slabs from building demolition and runway demolition for reuse as base material and backfill for future Edwards AFB projects.
- Vandenberg AFB Excavation & Closeout working for USACE Los Angeles District at Base sites ST216 and AOC221. Site remediation includes the excavation and removal of evaporation ponds, groundwater monitoring, and emulsified vegetable oil (EVO) injections. Site investigation includes soil and groundwater investigation related activities.



- TO13 Renovation of Dormitory for the Air Force under our DCS contract. OTIE will perform construction quality assurance and oversight for the Renovation of Dormitory 539 project at Misawa AB, Japan. OTIE will provide engineering reach back support and additional on-site engineering support. OTIE will also perform program/project management oversight.

#### Expansion of technical resource depth

Our design and engineering business has performed well during the year with strong volumes and high productivity, with new licensed professionals hired in disciplines such as mechanical, electrical and structural engineering. Under OTIE's USAF contracts we are now performing engineering studies, evaluations and reports with engineering recommendations on water, wastewater and asset management services.

Winning the AFCEC AE13DCS contract was a crucial first-step to retaining our position and relationship with our Air Force customers; we are expanding our resource depth and maximizing opportunity for growth and development under this contract. A healthy pipeline of AE services work remains throughout the 4-year ordering period and 7-year performance period together with our JV partner and supporting our US Air Force customer.

#### Geographic expansion

OTIE has embraced the challenges of expanding into new geographies by winning work in two remote/austere locations as follows:

- Under our Range AE Inspection Services (RAIES) contract with the US Air Force's 45<sup>th</sup> Space Wing, OTIE won a design for runway improvements on Ascension Island. The runway is located in very remote equatorial waters of the South Atlantic Ocean, around 1,000 miles from the coast of Africa 1,400 miles from the coast of Brazil, which is roughly midway between the horn of South America and Africa. The long term benefit of OTIE's work is direct, prime contractor experience on DoD runway and airfield design and improvement services, and in a very remote region.

Under the US Air Force's Design and Construction Services (DCS) contract with JV partner RS&H, OTIE will deliver Title I Design and Title II Construction Management services for twelve discrete projects at Al Udeid Air Base in Qatar. Al Udeid AB houses foreign coalition personnel and assets and is headquarters of United States Central Command in the Middle East. OTIE will feature this work experience to broaden our roster of DoD customers and experience working in hostile locations.



### ***Targets for OTIE***

OTIE will continue to meet our growth objectives following our time-tested strategy of focusing on: growth with current customers; “step out” geographic areas/customers; and “strategic services/customers.” Specific goals in 2017 are:

- Raise awareness of OTIE regarding our tenure in the industry, our growth and 8(a) graduation, plus our expanded service offerings
- Integrate our subsidiary companies for opportunity-driven marketing and business growth
- Implement an “Operational Sales” strategy to embolden responsiveness and follow up
- Attract, recruit and hire well qualified and well connected industry leaders to grow the business
- Compete for new ID/IQ contracts where we are qualified, positioned and fully cognizant of the competitive environment.

Our sustained presence in the Asia/Pacific theater provides outstanding opportunity for business growth with our US Air Force and US Navy customers. Having won impressive work in the Middle East, we will examine cost-effective marketing and Business Development strategies to create opportunities in this key geographic region, where our US Department of Defense continues to budget and spend.

**g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies**

Markets have changed and our business continues to evolve in to order uphold our value and competitive position. With 8(a) graduation approaching, three primary categories or “pillars” capture OTIE’s strategic focus over the next five years. All of the objectives and goals – *internal and external* – that we identify flow up to support one (or more) of the following three overarching pillars of our strategy:

Pillar	Description
Operational excellence	Objectives emphasize optimizing financial delivery on all our projects. Strategies and tactics to improve: corporate infrastructure critical to supporting operations; business development; quality and safety integration; and HR services improvements.
Portfolio optimization	To ensure configuration for future success, we create plans for each business in our portfolio, continuing to focus on smarter growth and higher margin activities. We establish areas of particular focus for investment, and monitor, measure and adapt over time.
Subsidiary and regional improvement	Our regions, Business Units and subsidiary companies have attractive growth prospects. Business maturation is a gradual, stepwise process that requires proactive strategies to becoming fully-fledged.



***Key elements for success include:***

Establishing and monitoring Key Performance Indicators (KPI) – Our KPIs measure past performance and also provide information and context to anticipate future events and, in conjunction with our detailed knowledge and experience in the markets in which we operate, allow us to act early and manage the business going forward. We track safety, staff turnover, profitability, efficiency, backlog and resource capacity.

Plotting and following strategies for service diversification – Within our project and program management functions, we identify actual or potential performance gaps, and we use these data to inform and advise how to re-shape the business, adapting to a changing customer base, contract type, or key skill set. We recognize and re-configure based on identified needs to delivery strategic growth.

Cross-selling OTIE services – Between OTIE regions, great diversity of project capabilities exists. Our challenge is to leverage the diversity that we enjoy and cross sell our services in other geographic areas.

Opportunity identification for subsidiary exploitation – If contract access is a concern for any customer, OTIE identifies and promotes our subsidiary company capabilities, either for self-performance or in partnership with another firm(s). We treat this as a key enterprise-wide goal for transferring 8(a) direct award opportunities to subsidiaries as a growth model.

Understanding and balancing risks between organic expansion and acquisition – As we seek further growth, we examine tactics to harness our speed to market. While organic growth may be safer (low risk) the drawbacks could come from lost opportunity. High risk acquisitions can more quickly configure us for service diversification and penetration into market, but integration and other explicit and embedded risks are examined and determined. Key to our success will be orderly and methodical procedures for exploring and proffering arrangements for acquisitions.

Increasing our geographic footprint and capabilities – In an expanding global marketplace, OTIE evaluates our strategies for expansion. For example, we are pre-positioned in Asia/Pacific with offices and past performance that eases the justification and approval process for source selection on several OTIE contracts.

Recalibrating corporate infrastructure to optimize operational efficiencies  
Understanding that BD feeds Operations, and our Contracts, Finance & Accounting are in a support posture to the operations group, OTIE understands and adapts our organizational structure for natural market-driven developments that trigger internal change. We understand these relationships, and we reorganize when necessary, and based on new hires, new technologies and raw growth of the enterprise.

To uphold and fulfill OTIE's value and position in the marketplace we focus on those opportunities where the federal government continues funding and that clearly align with OTIE's customers, such as engineering services, Munitions Response Services, and design/construction contract management. We also continue to focus on areas



that we believe offer attractive enough returns to our clients that they will continue to fund efforts, such as Military Family Housing design (Title I) and construction type services (Title II) including infrastructure improvements internationally, and studies and assessments for emerging contaminants like PFCs.

We have grown OTIE into an elite, highly capable small business, and we have out-competed small and large businesses for some of our industry's most prized contracts. As a very credible competitor, our staff growth and geographic distribution enhances our win potential and our resources to sustain and support our customers' mission. Going forward a challenge for our Regional Managers and Business Unit Managers is to identify and equip project-level staff to continue to grow the business. We are committed to sustaining internal efforts, such as investment in our people, such that "seller-doers" have the necessary training and tools to identify and win new work.

### ***Risk in the marketplace***

Our service lanes are sturdy, lucrative and rich in potential, and we anticipate much prosperity in the years to come. However, risks in business are a constant, and lasting companies endure risks with careful plotting for avoidance, and calculated mitigation once the risks are encountered. Acknowledged risks for OTIE include:

- We operate in highly competitive industries and contracting is often erratic and unpredictable; cancellations or delays in pending awards by government agencies could adversely affect us
- Our inability to win or renew government contracts could adversely affect us
- We expose the company to risks associated with operating internationally
- Our failure to properly manage projects may result in additional costs or claims
- An economic downturn may adversely affect our business
- In order to succeed we need to keep up with a variety of rapidly changing technologies
- We are highly dependent on key personnel
- The government may adopt new contract laws or regulations at any time.

Fundamental keys to success are our personnel, infrastructure, financial strength, and cost-consciousness. If any one of these requirements is neglected, OTIE will miss our goals and targets, and competitors may capitalize on weaknesses and gain market advantage. These key OTIE features mold our strategies and processes for identifying growth opportunities that align our business – services, customers, channels and geographic areas – and augment the largest proportion of revenue and profits.

### ***Business relations in the marketplace***



OTIE's organizational structure aligns with client expectations and industry standards. Being customer focused, we grow the business by implementing principles and strategies to:

- Organize work around results that customers consider valuable;
- encourage operational accountability and concentration on high-quality achievements;
- create streamlined and flexible relationships in response to customers' evolving needs; and
- provide employees with corporate support required to create opportunities and grow our company.

As an expanding small business enterprise, OTIE successfully strengthens our market position based on our systematic business development processes and our responsive value-added proposals. We generate revenue and profit after successfully winning work under our hard-fought proposals. And we provide an outstanding level of service delivery, which ultimately determines our customers' propensity and desire to continue a business relationship with OTIE.

### **OTIE Educational and Other Outreach Programs**

OTIE continues to implement its outreach programs with the Oneida community and membership that focuses on the Oneida youth education, elders and veterans. Our support in educational activities and opportunities for Oneida youth to encourage their consideration of careers in engineering and science will include: 1) sponsorship of up to two Oneida high school students to attend a Milwaukee School of Engineering summer camp session to learn more about engineering and a potential career in the engineering field; 2) award up to two \$5000 merit scholarships to an Oneida-member high school senior and/or a college-level senior for excellent academic performance and the desire to study the sciences for a potential career in engineering or environmental sciences; 3) sponsorship of math and technology activities for Oneida middle school students; 4) OTIE is exploring the opportunity to provide internship(s) for Oneida students.

OTIE will also continue to sponsor ongoing tai chi and chair yoga exercise classes for the Oneida elders to support the health and well-being of the elders. This sponsorship is accomplished with the assistance of Oneida Elder Services and the Oneida Fitness Center. OTIE has explored and identified available sponsorship options with Oneida Veterans groups.

- h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks

While a return to more tepid economic growth fills OTIE's sail, the uncertain status of the hotly-debated National Defense Authorization Act (NDAA) presents some



navigational challenges. Still, we are buoyed by our balanced and diversified business, plus our consistent delivery on revenue and profit to the Oneida Nation. In OTIE's backlog has grown and our utilization is very high — all indicators that being diversified safeguards the Tribe's investment.

We have successfully groomed long-term business relationships with key DoD agencies for services delivered in the Continental US and around the world. With a solidified agreement by the US Congress on federal budget initiatives, government contracting remains an exceptionally reliable market in terms of payment, stability, and growth opportunity. Our medium- and long-term prospects reinforce our projections for steady, sustained growth.

### ***Medium-term prospects***

OTIE's prospects in the two- to five-year term rely on our sturdy performance in engineering, science and construction to existing clients; adjacent clients/services and geographic areas; and new service offerings to new clients. OTIE's increased focus and investment in business development and talent acquisition has allowed us to significantly increase both new task orders and backlog going into FY17. We continue to strongly believe that OTIE's capabilities and strengths align well with the future needs and demands of our clients.

#### ***Existing Services/Existing Clients***

Maintaining quality service to existing clients is a top priority for OTIE. Our best business development comes through the customers we already serve, and this fundamental tenet of business operations will become gospel in all OESC companies. Outstanding performance allows our good reputation to flourish and paves the way for follow-on contracts, task orders and "cross-selling" potential.

OTIE will continue providing services to our existing customers, aiming to exceed expectations and become the preferred provider. Internationally and locally we see very strong alignment between our capabilities and the services our customers require, including WisDOT, Oneida Nation, DoD and EPA.

In FY16 we continued to reinforce key growth areas for DoD customers. Examples include: Munitions Response Services and environmental services; and strategic actions by the company that provide legitimate growth and align with our customers' spending trajectory.

- **Munitions Response Services (MRS)** – Our acquisition of OER equipped OTIE with broader capabilities in the MRS market, and with support from specialty providers, such as geophysics we are making steady progress growing our presence in this market. We will actively pursue customers that seek combined services as we leverage our capabilities into the changing MMRP environment.
- **Environmental Services** – Over the years, OTIE has managed more than 40 environmental ID/IQ contracts, ranging in value, each with as many as 30 or



more concurrent TOs. For example, on our AFCEC 4PAE08 contract for the USAF, we managed 29 projects, including 10 concurrent, across four CONUS time zones and OCONUS. We have performed over 400 TOs for the USAF. OTIE's performance history with the USAF, coupled with our technical experience and capabilities with groundwater monitoring, created the opportunity that led to a direct award for site investigations at USAF installations to characterize that nature and extent of PFCs in groundwater. Looking forward, this direct experience has OTIE uniquely positioned as a small business competitor in a growing field.

Customers will continue to rely on OTIE as integral to their success. We deliver their most valuable projects safely, on time, within budget, and to their quality requirements. In the two- to five-year term we will work closely with them to find practical and innovative solutions, adding tactical value.

#### *“Adjacent” Clients, Services and Geographic Locations*

Bridging out to new clients or offering new services to existing clients is an important component of our vision for growth. In FY16 we merged the skills we offer into new client groups and geographic areas. One such example is the 8(a) direct award that OTIE received from the US Navy's Expeditionary Warfare Center (EXWC), with justification and approval relying on our exemplary performance with EXWC's "parent" division, NAVFAC Southwest. In the two- to five-year term we will follow and build upon this success, competing for multi-year Navy contracts nationwide.

OTIE's two- to five-year strategy originates from our focus on current customers whom have strong strategic links to the core of our business. Meetings with the most creative/innovative customers can be a valuable source of potential opportunity for OTIE. For example, we met with leadership at Al Udeid AB in Qatar to replicate OTIE's success in PACAF for similar AE service offerings in the USAF Central Command. Exceptional opportunity exists to follow this model at other locations

#### *New/Strategic Services, Clients and Geographic Locations*

OTIE expanded to meet customer requirements by adding engineering disciplines in FY16 including electrical and mechanical engineering. We see these key areas as having growth potential in the near future with current and future clients.

An exciting growth opportunity has come about in Cocoa Beach, FL. OTIE will lead a design-build runway improvement in the remote Ascension Island. We are optimistic about building upon this experience to capture other AE services addressing airfields/runways.

In geographic regions like the US Southeast, OTIE is better positioned to find business growth in Atlanta by winning the Air Force Plant 6 groundwater monitoring and operations contract. In addition, we are teamed with some top-tier partners in this key geographic area for OTIE's growth.



These and other new customers and locations present outstanding opportunities for service growth and diversification. In FY17 OTIE will continue the drive to target customers and new markets for additional projects.

### *Long-term prospects*

OTIE envisions steady growth with our DoD and USEPA customers over the long term. Considering that over one-third of the federal budget is devoted to defense spending, OTIE delivers projects where funds historically flow and our competitive posture has continued to improve in the last decade. On one of our best contracts, the US Air Force's AE13DCS contract, our Joint Venture is currently ranked third by dollar volume of awarded task orders. This puts our performance ahead of some large engineering stalwarts, and this ranking could continue over the life of the contract.

Continued reliance on low-price awards is a known risk, and we continue to adjust OTIE's pricing structure to ensure that we remain competitive across all business segments, while remaining conscious of the need to deliver profitable performance. Similarly, we are concentrating our marketing efforts on maximizing our return on investment through expanding support for existing customers, developing tasks under existing contracts, and collaborating with firms that need either small business participation or our specialized expertise.

We believe that the five year period up to 2021 will be stable years for OTIE. Being well positioned in key markets and critical geographic locations, we are confident that the long-term strategy of diversifying our offerings, maintaining geographic reach, and focusing on our customers' business objectives will continue to serve us well. The prospects look particularly optimistic in the Asia/Pacific region, where OTIE has methodically expanded our presence and our service offerings. In addition, our early and effective penetration into the PFCs contamination market will allow OTIE to hold its position, capture more work, and expand our resource depth.

Graduation from 8(a) status presents potential risk for OTIE. We mitigate the graduation risk by virtue of having previously (and successfully) graduated the program when doing business as T N & Associates, Inc. We know from experience not to expect "graduation gifts" and that the best success strategy is to be prepared and to be experienced competing for work.

- i. **Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)**

As a top-tier contractor to the federal government, OTIE has a large and diverse blend of federal, State, municipal, tribal and commercial business customers. We provide science, engineering, construction, and specialized technical services to DoD, USEPA, WisDOT and other customer groups in support of a wide range of mission-critical programs.



Since inception of the company, OTIE's growth has been primarily organic or internally driven. Organic growth presents sales and BD potential only if we hire top-caliber employees with connections, knowledge and experience in the market.

In addition to internal or organic growth, our current strategy involves growth through additional acquisitions of complementary businesses, as well as growth from acquisitions that would diversify our current service offerings. We frequently engage in ad hoc evaluations of potential acquisitions which, if warranted are further explored. If consummated, new acquisitions could be significant to OTIE's growth.

Having expanded the volume of work performed for DoD customers outside the continental US, we see outstanding potential for market growth internationally and in the Continental US. We have established a solid presence in Asia/Pacific with offices in Hawaii and Guam, plus project offices in Japan. In the CONUS we are beginning to capture work with the Illinois Department of Transportation, and we view this neighboring state as ideal for prospecting based on our WisDOT history and performance. Lastly, our prospects for further growth in the Southeast US are attractive and promising for OTIE.



- j. Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.

### OTIE ASSETS

#### **Financial (On Balance Sheet)**

Cash – Checking Accounts  
 Accounts Receivable from Customers  
 Work In Process on Current Projects  
 Fixed Assets such as Vehicles, Furniture and Fixtures, Survey Equipment, Monitoring Equipment  
 Goodwill from the purchase of T N & Associates  
 Other Assets such as Prepaid Expenses, Investment in Joint Ventures

#### **Employees**

Total of 334 Employees  
 92 Engineers  
 81 Scientists  
 17 Construction Professionals  
 30 Technicians  
 6 Skilled Trades  
 45 Administrative  
 4 Land Surveyors  
 7 Marketing  
 40 MMRP/UXO Specialists  
 12 Military Base Security Specialists

#### **Customers**

77% of Revenue from our Federal clients, such as the Department of Defense, which includes the Air Force, Navy, and Corps of Engineers. Other Federal clients include the Environmental Protection Agency  
 6% Commercial – WE Energies, Raytheon  
 8% State and Municipal – WI Department of Transportation, California National Guard, Ventura County, City of San Marcos, Division of State Facilities  
 9% from Oneida Nation

- k. Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.

OTIE is named as a defendant in a lawsuit filed by the artist of a mural. This project and lawsuit has been cancelled and no further charges or actions are required of OTIE. The case is Kammeyer v. USACE. In 1976, Kammeyer painted a mural on a dam in California after winning a contest. The mural was painted as part of the bicentennial celebration. Over time, the paint began to flake off, thereby contaminating the environment around the dam. The USACE Los Angeles District recently determined that the paint used to create the mural was lead-based. OTIE was



hired by USACE to remove a mural to stop the lead-based paint contamination. Several months after the contract was awarded, Kammeyer filed a lawsuit against USACE and OTIE to prevent the destruction of the mural. Shortly after filing the lawsuit, Kammeyer filed a temporary restraining order against USACE and OTIE in June 2015, which was granted by a judge one day before OTIE was to begin removing the mural. OTIE demobilized from the site at USACE's direction.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

**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:

Pete King, III; Managing Agent  
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

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

Additional Requestor:

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



## Oneida Seven Generations Corporation

### **Narrative Report:**

#### **Explanation of the core of the Corporation's business practices:**

The purpose of Oneida Seven Generations Corporation (OSGC) is to promote and enhance economic diversification on behalf of the Oneida Tribe of Indians of Wisconsin. OSGC manages commercial developments such as the Bellin facility on Commanche Avenue, the Schneider facility on Glory Road, the Badger Sheet Metal Works facility on Partnership Drive, and the West Mason and Packerland malls. As of September 2016, we have three properties with lease space available; they are half of the former Tower Foods facility (as of our December report this facility has been leased out for the Oneida Food Pantry), the restaurant space at the Travel Center, and an office / retail suite on Packerland Drive. We have talked with potential tenants on the available spaces. There are fifteen properties under OSGC's management; with over thirty leasable areas.

#### **Explanation of the Corporation's market information:**

*Property Management:* OSGC employs one part-time tribal elderly member who assists in managing approximately 30 tenant leases. In addition to monitoring the leases, the leasing person assists in making sure the corporation buildings are insured and that tenants insure their occupancy, implementing property management procedures, and compiling data information.

#### **Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same:**

The vision for OSGC is to increase the profitability of the company's income real estate base by searching for development opportunities. The primary goal is to promote the benefits of the Free Trade Zone and the HUB Zone properties that are available through OSGC.

The progress we have made towards this goal: working with local Chambers of Commerce to pursue potential tenants.

We are also marketing our properties through Facebook and other social media outlets. We have seen an increase in properties being marketed through the internet which is less costly and has the ability to reach more businesses looking for space. In order to remain competitive we are moving into this market area.



## Oneida Seven Generations Corporation

### Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given present status, strategies and risks:

Our medium to long range goals includes the following:

- To dissolve OSGC, per the GTC motion, once it's economically feasible due to the current lawsuits.

### Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets:

**Financial / Physical:** Checking accounts; Buildings; Other Business Ventures

**Employees:** OSGC has two employees; one full-time and one part-time.

**Main Customers:** Bellin Health Systems; Schneider National; Badger Sheet Metal Works; United States Postal Services and Oneida Nation.

### Summary and status update of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject:

OSGC has won in the appeal process in the WI State Supreme court against the City of Green Bay regarding our rescinded permit. OSGC is now pursuing all business and legal options to recoup its investment due to the company as a result of illegal revocation of CUP by the City of Green Bay.

OSGC has filed a complaint against the City of Green Bay in an effort to recoup damages suffered from the illegal revocation of the Conditional Use Permit.

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Defer Community Development Planning Committee FY '17 1st quarter report to the next regular Oneida Business Committee meeting on February 8, 2017.

## 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

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:

**\*\*Status\*\***

The Community Development Planning Committee FY '17 1st quarter report is in the process of being completed in coordination with staff from the Development Division. The report will be on the February 2, 2017, CDPC agenda for approval. Following approval by CDPC, the report can be forwarded to the full Business Committee for acceptance.

**\*\*Requested Action\*\***

Defer Community Development Planning Committee FY '17 1st quarter report to the next regular Oneida Business Committee meeting on February 8, 2017.

- 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: 1 / 26 / ~~17~~

## 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 FY17 First Quarter LOC 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: 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)



## FY17 1st Quarter Report October 1, 2016- December 31, 2016 Legislative Operating Committee

### SUMMARY OF FIRST QUARTER AGENDA ITEMS

<b>Sponsor</b>	<b>Items</b>
<b>Brandon Stevens, LOC Chair</b>	<ul style="list-style-type: none"> <li>-Eviction and Termination (completed)</li> <li>-Employment Law</li> <li>-Business Committee Meetings Law</li> <li>-Budget Management and Control Law</li> <li>-Rules of Administrative Procedure</li> <li>-Corporate Laws</li> <li>-Conflict of Interest (permanent amendments)</li> <li>-Petition: Debraska Per Capita Distribution</li> </ul>
<b>Tehassi Hill, LOC Vice Chair</b>	<ul style="list-style-type: none"> <li>-Election Law Amendments</li> <li>-Tobacco Ordinance Amendments</li> <li>-Leasing (completed)</li> </ul>
<b>Fawn Billie</b>	<ul style="list-style-type: none"> <li>-Drug and Alcohol Free Workplace Policy Emergency Amendments</li> </ul>
<b>David P. Jordan</b>	<ul style="list-style-type: none"> <li>-Landlord-Tenant Emergency Amendments</li> <li>-Community Support Fund Amendments</li> <li>-Real Property Amendments</li> <li>-Back Pay Amendments-(completed)</li> <li>-Per Capita Amendments</li> </ul>
<b>Jennifer Webster</b>	<ul style="list-style-type: none"> <li>-Drug and Alcohol Free Workplace Policy Emergency Amendments</li> <li>-Oneida Nation Seal and Flag</li> </ul>

### LOC MEETING DATES

October 5, 2016  
 October 20, 2016  
 November 2, 2016  
 November 16, 2016  
 December 7, 2016  
 December 21, 2016

### PUBLIC MEETINGS HELD

Real Property Law Amendments: October 20, 2016  
 Community Support Fund Amendments, November 3, 2016  
 Oneida Nation Seal and Flag, December 1, 2016  
 Hunting, Fishing, and Trapping Law Amendments: December 15, 2016  
 Tobacco Ordinance Amendments: December 15, 2016  
 Budget Management and Control: December 15, 2016  
 Per Capita Amendments: December 15, 2016  
 Business Committee Meetings Law: December 29, 2016

**2014-2017 Active Files List as of December 21, 2016:**

- 48 open legislative items
- 32 completed items
- 1 item denied by LOC
- 12 outstanding administrative items
- 13 completed administrative items

**Legislative Reference Office Activities:**

- 2 Legislative Analysts were hired
- Open Records Request SOP was drafted by LRO and accepted by LOC
- Legislative Analysis SOP was drafted by LRO and accepted by LOC
- Post Law Adoption SOP was drafted by the LRO and accepted by the LOC
- Rulemaking Guidebook was drafted by the LRO and accepted by the LOC
- Code of Laws Reorganization Project

**Second Quarter Plans:**

- Complete the Standard Definitions Project
- Complete the Code of Laws Reorganization Project
- Send the following items to the OBC for consideration;
  1. Real Property Amendments
  2. Employment - to be forwarded to the General Tribal Council March meeting
  3. Hunting, Fishing, and Trapping Amendments
  4. Per Capita Amendments
  5. Tobacco Amendments
  6. Endowments Amendments
  7. Budget Management and Control
  8. Conflict of Interest Permanent Amendments
  9. Drug and Alcohol Free Workplace Permanent Amendments
  10. Oneida Nation Seal and Flag
  11. Landlord-Tenant Permanent Amendments

**Upcoming Employment Law Information Meetings**

<b>Date</b>	<b>Time</b>	<b>Location</b>
January 30	1:30pm-3:30 pm	Social Services- first floor green room
February 2	9:00am-11:00am	Division of Land Management- Conference Room
February 6	10:00am-12:00pm	Little Bear Development Center- Conference Room
February 6	1:30pm-3:30pm	Oneida Health Center- Main Conference Room
February 9	9:00am-11:00am	Skenandoah Complex- Cafeteria
February 9	2:30pm-4:30pm	Employee Services- Eagle Room
February 13	11:00am-1:00pm	Main Casino- Executive Conference Room
February 16	1:30-3:30pm	Norbert Hill Center-Business Committee Conference Room

# Oneida Business Committee Agenda Request

1. Meeting Date Requested:   1   /  26  /  17 

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the Quality of Life Committee FY17 1st quarter report.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.  3.

2.  4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution  Budgeted - Grant Funded  Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant  
Your Name, Title / Dept. or Tribal Member

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

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

# Quality of Life Committee

FY 2017 Quarterly Report (October to December 2016)

## PURPOSE

The Quality of Life Committee is a standing committee of the Oneida Business Committee that will have oversight responsibility of the following areas of the Tribe: Language and Culture, Health, Human Services and Public Safety. This oversight responsibility also extends to any board, committee, or commission related to these specific areas.

## COMMITTEE MEMBERS

Councilwoman Fawn Billie, Quality of Life Committee Chair  
 Councilman Tehassi Hill, Quality of Life Committee Vice Chair  
 Treasurer Trish King, Quality of Life Committee Member  
 Secretary Lisa Summers, Quality of Life Committee Member  
 Councilman Brandon Stevens, Quality of Life Committee Member

Other partners include: Wellness Council, Oneida Police Department, Division Directors, other senior leaders and their staff

## MEETINGS

Quality of Life Committee meetings are held on the second Thursday of every month starting at 8:30 a.m. Two meetings were held in the 1st quarter on November 10<sup>th</sup> and December 8<sup>th</sup>, a meeting was not held in October due to no quorum.

## ACTIVITIES SUMMARY

### A. Increasing awareness of drug and substance abuse problems in the Oneida community

The Quality of Life Committee has partnered with other services and agencies within the tribe to help increase awareness of drug and substance abuse problems in the Oneida community.

The Quality of Life Chair met with Heather VanZile the tribal representative of the Governor's newly formed Task Force on Opioid Abuse to discuss the tribe's concerns and to learn what issues other Wisconsin tribes are facing with the opioid overdose epidemic.

### B. Creating wellness in the workplace

The Quality of Life Committee is a partner with the tribe's Wellness Council, supporting the Council's efforts to create wellness in the workplace and across the Oneida community.

#### Exercise at Work Pilot Study

The Quality of Life Committee supported a pilot study which was conducted by the Wellness Council during the first and second quarter. This initiative aimed to identify ways for employees to increase their physical activity while at work to lower health risks, improve morale, and decrease spending on health care.

A resolution for BC consideration has been drafted and submitted for a Statement of Effect after which the resolution is expected to be submitted to the Business Committee.

### C. Oneida Services for Tribal Members

The Quality of Life has been continuing the discussion on how to best coordinate client information across various internal departments.

## REQUESTED ACTION:

To accept the Quality of Life Committee FY2017 1<sup>st</sup> quarterly report.

### Oneida Business Committee Agenda Request

1. Meeting Date Requested: 01 / 26 / 17

**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/approve the Finance Committee FY17 First Quarter Report (Oct-Dec 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, Exec. Assist. in Finance

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.

## FINANCE COMMITTEE

1st Quarter Report  
(Oct to December 2016)

### ■ PURPOSE

The Finance Committee is responsible for recommending financial policies, and budgets that support the mission values, and strategic goals of the organization. The FC's role is to review the organization's financial performance against its goals and recommends policies, long-range financial plans, and sustainability strategies to ensure the continued financial health of the Oneida Tribe.

### ■ WHO WE SERVE

The Finance Committee (FC) communicates with all departments within the organization to ensure all expenditures of any substantial amounts are procured in the most cost effective manner through the established Purchasing Procurement Manual. The FC also serves Oneida Community groups, Oneida charitable organizations, and Oneida tribal members through the Finance Committee Donation Policy and the Community Fund.

### ■ FINANCE COMMITTEE MEMBERS

Members include three BC members including the Treasurer who chairs the Finance Committee meetings; the Chief Financial Officer who acts as the Vice Chair; one member from Executive Management; one member from Program Management; and one Community Elder Member. Current members are as follows:

Patricia King, Treasurer/FC Chair	Larry Barton, CFO/FC Vice-Chair
David Jordan, BC Council Member	Jennifer Webster, BC Council Member
Patrick Stensloff, Purchasing Director	Louise Cornelius, Gaming GM
Wesley Martin, Jr., Community Elder member	

FC Alternates: Fawn Billie, BC Council Member, Chad Fuss, Gam AGM & Terry Cornelius, CFA

### ■ MEETINGS

The Finance Committee met six times in the First Quarter on: Oct. 3rd, 17th, & 31st; Nov. 14th; and Dec. 5th and 19th. There were also four FC strategic planning/work meetings on Oct 3rd & 31st; Dec. 5th & 19th mainly working on the creation of an Education Endowment from the Acheson Fund. The FC Community Elder member attended five meetings and was paid a stipend of \$250 total for the first quarter.

### ■ GOALS

The Finance Committee identified goals in their annual report of what they plan to address in FY2017 as follows:

1. Development of several Endowments to meet the cultural, social, educational, and land needs of the Oneida Community
2. Provide Charitable giving to the Oneida Community and Surrounding areas through the Finance Committee Donation Policy and the Community Fund
3. Enhance the effectiveness of the Finance Committee by streamlining Internal processes, updating financially related policies and procedures, and creating systematic budget management controls

## FC FIRST QUARTER ACTIVITIES SUMMARY

### ▪ **ORGANIZATIONAL REQUESTS**

As per the Purchasing Procedures, all sole source requests over \$50,000 need FC approval. In Q1 the FC reviewed forty-seven (47) Gaming and Departmental requests for a total amount approved of \$13,514,368.09. Requests included: FY17 Blanket Purchase Orders, Health related services, supplies, Capital Expenditures, CIP projects, Purchase Orders and other independent service contracts. The FC also reviewed twelve (12) requests from the various departments that included FYI items related to lease games, internal FC processes, follow-up items, and reports.

### ▪ **INVESTMENT UPDATES**

Our custodian, Northern Trust is still finalizing performance data for the first quarter of FY2017 and will be reported to the FC when completed. From the latest data we have, as a group, our managers gained 1.52% in value for the period, 9/30/16 to 12/31/16. This compares favorably to the blended index, which gained 1.14% for the same time period. Of note is continued weakness in fixed income (bonds), compared to equities (stocks). We have made a transfer to four of our equities managers to capitalize on current market conditions.

### ▪ **FC DONATIONS**

In the First Quarter on Oct. 17th; Dec. 5th; and Dec. 19th the FC reviewed Donation requests from the community. The FC utilizes their second meeting of each month to review these requests; however the Dec. 5th review was a special request that was time sensitive. The FC Donation Policy limits request amounts to \$2,500 once per requestor/per year. The allocated amount for the FY17 FC Donation line is \$49,301.

The last two Donation requests for FY16 were not processed until FY17 due in part to the approval process and the time it took after that to process for payment; which did not occur until after Sept. 30th, 2016. In Q1, four (4) Donation requests were reviewed and approved in the amount of \$7,790. Adding the two FY16 requests of \$1,627.22 the total expended in Q1 was \$9,417.22. As per the Finance Committee Donation Policy the requests approved represent the following categories: 1) Oneida Community Causes; 2) Local Groups (charitable); and 3) National Groups (Indian Affiliated). The attached Q1 Donation line balance sheet provides more details.

### ▪ **COMMUNITY FUND**

In the First Quarter on Oct. 3rd; Oct. 31st (for Nov); and Dec. 5th the FC reviewed Community Fund requests for products and funding. The FC utilizes their first meeting of each month to review these requests. The clarified SOP's now allow up to \$200 once per year per requestor and up to 25 Cases of Product once per year per requestor. The allocated FY17 amount of the Community Fund is \$50,000.

In Q1, three (3) Coca-Cola Product Requests were reviewed and approved for a total of 45 Cases of Product. The requests were for Oneida Community Public/Fundraising Events. The FC also reviewed and approved twenty (20) requests for funds for a total amount of \$4,775. The approved requests consisted of 19 requests for Youth self-development for participation in various school class trips, sporting activities; and a class to assist several special needs children. The Q1 Community Fund balance sheet that is attached provides specific details.

---

\* Specific actions of all requests/activities by the Finance Committee can be found in the minutes that are submitted to the OBC at each of their regularly scheduled meetings.

**Oneida Finance Committee - FY 2017**

**DONATIONS: Beginning Balance \$49,301.**

Q1 Meeting Date	Name of Requester	Representing	Amount Requested	Reason/Description	Category/ Type	FC Action
19-Sep-16	Rich VanBoxtel	Oneida Police Dept	\$627.22	<i>Funds for Memorial Monument for Fallen Officers</i>	1/Oneida Comm	Approved
19-Sep-16	Jolene Bowman	National Indian Education Assn	\$2,500.00	NIEA's Fall Conference-Sponsorship	3/Nat'l Tribal Affl Grp	FC Appr \$1,000
17-Oct-16	Shannon Wienandt	House of Hope Homeless Shelter-GB	\$ 2,500.00	Expansion of Emergency Shelter to offer more services	2/Not-For-Profit	Approved
<b>No Donation Requests for November</b>						
5-Dec-16	Cristina Danforth	Chairwoman	\$ 2,500.00	Firewood for Standing Rock Sioux	3/National Tribal Affl Grp	Approved
19-Dec-16	Rev Ann Bullis	Oneida United Methodist Church	\$ 2,500.00	Remodeling Church Parsonage	2/Church	Approved
19-Dec-16	Roland Christjohn	Oneida tribal member	\$ 290.00	Sponsorship for Amateur/Pro Boxing	1/Oneida Comm	Approved

**FC Donation Totals After First Quarter**

Percentages/Designations	Allocation per Category	Remaining Balance
1. Oneida Community Causes-40%	\$19,720.40	\$18,803.18
2. Local Groups (Chairitable)-40%	\$19,720.40	\$14,720.40
3. Nat'l Grps (Indian Affiliated)-20%	\$9,860.20	\$6,360.20

Requests reviewed from Not-for-Profits, Oneida Affiliated Vets Grps, Socially/Enviro Conscious Grps, & Spl Funded

## FY17 Finance Committee - 1st Quarter Community Fund Balance Sheet

FC Mtg Date	Reason/Description of Request	CF Category	Request Amount	FC Action
3-Oct-16	Class trip to London for son	SD-Youth	\$ 200.00	Approved
3-Oct-16	Freedom Middle School Dance Prog for daughter	SD-Youth	\$ 200.00	Approved
3-Oct-16	YMCA Class fees for son	SD-Youth	\$ 200.00	Approved
3-Oct-16	YMCA Class fees for daughter	SD-Youth	\$ 200.00	Approved
3-Oct-16	KaliWiYo Ceremonies	Community Evt	\$ 750.00	Approved
3-Oct-16	KaliWiYo Ceremonies	Community Evt	25 Cases	Approved
31-Oct-16	GB Youth Hockey participation fees for son	SD-Youth	\$ 200.00	Approved
31-Oct-16	Children Come First-Conferenc Registration	SD-Adult	\$ 200.00	Approved
31-Oct-16	Children Come First-Conferenc Regis for son	SD-Youth	\$ 100.00	Approved
31-Oct-16	STARZ Academy class fees	SD-Youth	\$ 200.00	Approved
31-Oct-16	Green Bay Elite Cheer class fees	SD-Youth	\$ 200.00	Approved
31-Oct-16	GB Youth Hockey partici-fees for son -CW	SD-Youth	\$ 200.00	Approved
31-Oct-16	GB Youth Hockey partici-fees for son-BW	SD-Youth	\$ 200.00	Approved
31-Oct-16	OPD-Blanket Making/Sharing Program	Community Evt	10 Cases	Approved
31-Oct-16	Southwest Youth Basketball fees for daughter	SD-Youth	\$ 125.00	Approved
31-Oct-16	Southwest Youth Basketball fees for daughter	SD-Youth	\$ 125.00	Approved
31-Oct-16	Southwest Youth Basketball fees for daughter	SD-Youth	\$ 125.00	Approved
Spl E-Poll 11/2/16	Fundriaser for Alex Solak	SD-Youth/Fundr	\$ 200.00	Approved
Spl E-Poll 11/2/16	Fundriaser for Alex Solak	SD-Youth/Fundr	10 Cases	Approved
5-Dec-16	Children Come First-Conferenc Regis for son	SD-Youth	(\$100)	Rescinded 10/31 action
5-Dec-16	Madeline Graves Gymnastics class fees	SD-Youth	\$ 200.00	Approved
5-Dec-16	Team Wisconsin Box Lacrosse/Team Oneida	SD-Youth	\$ 750.00	Approved
5-Dec-16	SW H.S. Music Class Trip fees	SD-Youth	\$ 200.00	Approved
5-Dec-16	Freedom H.S. Music Class Trip fees	SD-Youth	\$ 200.00	Approved

## 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 TRIBAL ELECTION BOARD**

**P.O. BOX 413**

**ONEIDA, WI 54155**



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

# MEMORANDUM

**To:** Business Committee  
**From:** Racquel Hill, Election Board Chairperson *RH*  
**Date:** January 20, 2017  
**Subject:** Election Board Representation for Quarterly Reports

On behalf of the Oneida Election Board, due to the fact that the environment of the Business Committee meetings has become increasingly hostile in nature, as an elected body with specific duties delegated by GTC, the Oneida Election Board has taken formal action at a regular meeting of January 17, 2017 regarding not having representation at the Business Committee meetings for the quarterly reports.

To our knowledge, nothing in the Board's bylaws, Election Law, Comprehensive Board Governing Boards Committees and Commissions, or any other law specifies presence of the Board as a reporting requirement. Based on this fact, the Election Board has decided since there are no mandates for Election Board members to attend the Business Committee meetings, and members are in no way compensated for doing so, the Election Board's position is that complying with the reporting requirements is sufficient and the Election Board will no longer have representation present at the BC meetings.

The Election Board continually meets the reporting requirement to the Business Committee and GTC by submitting timely quarterly, annual, and semi-annual reports. The Election Board prefers that the entire Board address any questions or comments on the reports. Furthermore, the Election Board respectfully requests any questions or requests of the BC for more information about the quarterly reports be submitted through the BC liaisons.

If the Business Committee has any comments or questions on the Election Board's position on this matter, please have the liaisons respond accordingly. Thank you.

**Business Committee Quarterly Report Meeting**

8:00 a.m. Thursday, January 26, 2017

**Thank you for printing clearly**

Carol Elm

Chad Wilson

Brad Gaskner

Bill Gaskner

Barb Erickson

Tonya Webster

Sandra Revelles

Dylan Benton

Janice Hirth

Cathy Bachhuber