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UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS

DAVID V. DILLENBURG
AND THOMAS G. SLADEK,
Appellants,

v.

**AFFIDAVIT OF THOMAS G.
SLADEK**

MIDWEST REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,

Appellee.

Docket Nos. IBIA 15-005
15-006
15-007
15-008

STATE OF WISCONSIN)
) ss
BROWN COUNTY)

Thomas G. Sladek, being first duly sworn on oath, deposes and states as follows:

1. I am one of the Appellants in this action. I am appealing the Regional Director's decision to place the following eleven parcels in Green Bay, WI, in trust:

Tax Parcel #6H-1150-3	1020 Country Club Rd., Green Bay WI
Tax Parcel #6H-1580	1438 Springdale Ln., Green Bay WI
Tax Parcel #6H-1687	2291 Ninth St., Green Bay WI
Tax Parcel #6H-1722	2522 West Mason St., Green Bay WI
Tax Parcel #6H-1125-1	2612 West Point Rd., Green Bay WI
Tax Parcel #6H-1137-19	2701 West Mason St., Green Bay WI
Tax Parcel #6H-1119-1	2777 West Mason St., Green Bay WI
Tax Parcel #6H-3550	2924 Sandia Dr., Green Bay WI
Tax Parcel #6H-2831	2966 Ferndale Dr., Green Bay WI
Tax Parcel #6H-3769	2970 Sorenson Dr., Green Bay WI
Tax Parcel #6H-2711	3095 Sandia Dr., Green Bay WI

2. I am an owner of the land parcel located at 2634 Sequoia Ln., Green Bay, WI, which is the section of Green Bay containing the eleven parcels of land under application to be placed in trust ("applicant parcels"). I am also a member of the City of Green Bay's Common Council. I bring this appeal in my private capacity, as a community member, a taxpayer, and a citizen who is aggrieved by the transfer of the applicant parcels into trust.

3. The applicant parcels are within a number of government subdivisions that rely upon property taxes to provide vital services to residents. These government units include the City of Green Bay, Brown County, the Green Bay Area Public School District, the State of Wisconsin, and the Northeast Wisconsin Technical College District. Each of these units of government use authority to levy property taxes on the parcels within their boundaries to fund operations and orderly governance.

4. These property taxes are substantial, amounting annually to thousands of dollars for the typical parcel of property.

5. The applicant parcels are currently subject to property taxes. If these parcels are moved into trust status, those government units will be prevented from collecting property taxes on the applicant parcels. Any transfer to trust will reduce the tax base, which will either mean a heavier tax burden for myself and the rest of the community, or it will mean a reduction in services, to the detriment of myself and the rest of the community.

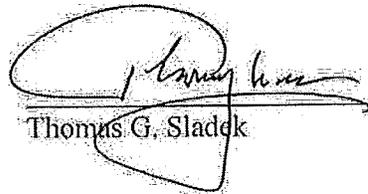
6. An agreement exists between the City of Green Bay and the Oneida Tribe of Indians of Wisconsin whereby a formula is used to pay the City of Green Bay certain amounts for lands held in trust. However, offsetting credits given to the Oneida Tribe of Indians of Wisconsin, and the failure to keep current and accurate property values on those lands, means less revenue for the City of Green Bay that otherwise would be levied through property taxes. For example, the agreement requires annual meetings to reconcile things such as property value influxes or decreases, but no such meeting was held from 2009 to 2013, and the meeting in 2014 ended with no agreement about seemingly undervalued properties. In short, the revenue received through property taxes is much greater than the revenue received through the agreement, and the revenue received through property taxes is non-negotiable. Moreover, the agreement can be terminated at certain points by simply requesting an amendment to which the other side would not agree. Whereas property taxes are perpetual, consistent, and provide more money in the City of Green Bay's coffers, this agreement is subject to negotiation, termination, and provides less money to the City of Green Bay. This affects me directly by either being levied more myself or receiving less services from the loss of those properties from the tax base.

7. Also vital to the interests of the community, and community members like myself, is the ability of the local units of government to enact and enforce ordinances that provide for peace, safety, order, and security. Ordinances range from matters such as zoning and land use, to maintenance of land and buildings, animal control, criminal conduct, sanitation, nuisance for noise and odors, traffic control, and much more.

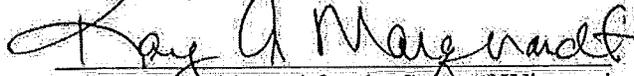
8. The creation of "islands" of land placed in trust status is disruptive to these vital community interests. Confusion is created regarding the jurisdiction of local governmental units over the land and the people. The lack of uniformity in ordinance application results in disputes, disagreements and reduced cohesiveness in neighborhoods. This adversely affects me as a community member and property owner, and depresses my property value as the confusion noted above makes some property buyers reluctant to purchase property in this section of the city.

9. The transfer to trust of the applicant parcels is unauthorized. The Indian Reorganization Act requires that a tribe to be federally recognized as of 1934, which the Oneida Tribe of Indians of Wisconsin is not.

Dated this 31st day of December, 2014.


Thomas G. Sladek

Subscribed and sworn to before me
this 31st day of December 2014.


Notary Public in and for the State of Wisconsin
My Commission expires: 9/19/2017

