



Oneida Business Committee

Executive Session
9:00 a.m. Tuesday, May 24, 2016
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
9:00 a.m. Wednesday, May 25, 2016
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

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

I. CALL TO ORDER AND ROLL CALL

II. OPENING

III. ADOPT THE AGENDA

IV. OATHS OF OFFICE

A. Oneida Nation Arts Board – Marena Bridges and Dawn Walschinski *page 8*
Sponsor: Lisa Summers, Tribal Secretary

B. Oneida Election Board – Patricia Moore *page 10*
Sponsor: Lisa Summers, Tribal Secretary

V. MINUTES

A. Approve May 5, 2016, emergency meeting minutes *page 12*
Sponsor: Lisa Summers, Tribal Secretary

B. Approve May 11, 2016, regular meeting minutes *page 15*
Sponsor: Lisa Summers, Tribal Secretary

VI. RESOLUTIONS

A. Adopt resolution titled Adoption of Marriage Law Amendments *page 32*
Sponsor: Brandon Stevens, Councilman

VII. APPOINTMENTS

- A. Approve recommendation to appoint Jim Skenandore Jr. to the Audit Committee** page 50
 Sponsor: Tina Danforth, Tribal Chairwoman

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

Sponsor: Councilman Brandon Stevens, Chair

1. **Accept May 4, 2016, Legislative Operating Committee meeting minutes** page 52
2. **Accept Legislative Operating Committee FY '16 2nd quarter report** page 57

B. Finance Committee

Sponsor: Treasurer Trish King, Chair

1. **Approve May 16, 2016, Finance Committee meeting minutes** page 61
2. **Approve E-poll results for approval of a Capital Expenditure Purchase of an InterSeeder in the amount of \$90,999** page 67

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

Sponsor: Councilwoman Fawn Billie, Chair

1. **Accept March 10, 2016, Quality of Life Committee meeting minutes** page 78
2. **Accept April 14, 2016, Quality of Life Committee meeting minutes** page 82

IX. GENERAL TRIBAL COUNCIL**A. Petitioner Michael Debraska: Special GTC meeting to establish a Health Care Board**

1. **Accept legislative analysis** page 87
 Sponsor: Brandon Stevens, Councilman
2. **Accept legal analysis** page 93
 Sponsor: Jo Anne House, Chief Counsel
3. **Defer financial analysis for thirty (30) days** page 126
 Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM MAY 11, 2016: Motion by Jennifer Webster to defer the legal analysis to the next regular business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM APRIL 27, 2016: Motion by Melinda J. Danforth to accept the legislative progress report, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM March 9, 2016: Motion by David Jordan to accept the verified petition from Michael Debraska to establish a Health Care Board; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative,

and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Trish King. Motion carried unanimously.

- B. Accept financial analysis regarding Petitioner Michael Debraska: Special GTC meeting for Per Capita Distribution \$3,000/\$5,000** page 128
Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM MAY 12, 2016: Motion by David Jordan to accept the verified petition from Michael Debraska regarding Per Capita Distribution; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) day, seconded by Lisa Summers. Motion carried unanimously.

- C. Approve 2016 Semi-Annual General Tribal Council meeting materials** page 138
Sponsor: Lisa Summers, Tribal Secretary

X. STANDING ITEMS

- A. Accept update regarding Work Plan for CIP # 14-002 Cemetery Improvements** page 139
Sponsor: James Petitjean, Interim Assistant Division Director/Development
- B. Accept update from Constitutional Amendments Implementation Team; and approve request to revise reporting schedule to every other month** page 143
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

XI. UNFINISHED BUSINESS (No Requested Action)

XII. TABLED BUSINESS (No Requested Action)

XIII. NEW BUSINESS

- A. Approve request to post one (1) vacancy on the Oneida Police Commission** page 172
Sponsor: Lisa Summers, Tribal Secretary
- B. Approve limited waiver of sovereign immunity – Discovery Education – contract # 2016-0483 (This item is scheduled at 9:10 a.m.)** page 174
Sponsor: Fawn Billie, Councilwoman
- C. Approve limited waiver of sovereign immunity – Memorandum of Agreement for Project BE-16-J78 Beechtree Lane Water and Sewer Extension – contract # 2016-0450; and authorize the Tribal Chairwoman to sign-off on agreement** page 186
Sponsor: Jacque Boyle, Interim Assistant Division Director/Development-Operations

- D. Approve limited waiver of sovereign immunity – Wisconsin Public Service – contract # 2016-0510** page 247
 Sponsor: James Petitjean, Interim Assistant Division Director/Development
- E. Approve Oneida Business Committee Special Projects for FY 2017 budget consideration** page 252
 Sponsor: Trish King, Tribal Treasurer
- F. Approve Oneida Business Committee Corporate Credit Card Standard Operating Procedure** page 257
 Sponsor: Lisa Summers, Tribal Secretary

XIV. TRAVEL (No Requested Action)

A. TRAVEL REPORTS

B. TRAVEL REQUESTS

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

A. OPERATIONAL REPORTS

- 1. Accept Comprehensive Health Division FY '16 2nd quarter report** page 273
(This item is scheduled at 9:30 a.m.)
 Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations & Dr. Ravinder Vir, Division Director/Medical Operations

B. CORPORATE REPORTS (No Requested Action)

C. BOARDS, COMMITTEES, AND COMMISSIONS

- 1. Accept Oneida Nation School Board FY '16 2nd quarter report** page 299
(This item is scheduled at 9:20 a.m.)
 Chair: Debra Danforth
 Liaison: Fawn Billie, Councilwoman
- 2. Accept Environmental Resources Board FY '16 2nd quarter report (1:30 p.m.-1:45 p.m.)** page 303
 Chair: Marlene Garvey
 Liaison: Tehassi Hill, Councilman
- 3. Accept Child Protective Board FY '16 2nd quarter report (1:45 p.m.-2:00 p.m.)** page 307
 Chair: Dale Powless
 Liaison: Lisa Summers, Tribal Secretary
- 4. Accept Oneida Library Board FY '16 2nd quarter report (2:00 p.m.-2:15 p.m.)** page 315
 Vice-Chair: Roxanne Anderson
 Liaison: Fawn Billie, Councilwoman
- 5. Accept Land Claims Commission FY '16 2nd quarter report (Report not submitted)**
 Chair: Loretta Metoxen
 Liaison: Brandon Stevens, Councilman

XVI. EXECUTIVE SESSION**A. REPORTS**

1. **Accept Gaming General Manager report** – Louise Cornelius, Gaming General Manager page 318
(9:00 a.m. – 9:45 a.m.)
 - a. **Approve limited waiver of sovereign immunity – Shift4Dollars-Net Service Agreement – contract # 2016-0391** page 320
 - b. **Approve request to support Gaming General Manager’s term renewal on the Green Bay Area Chamber of Commerce Board of Directors** page 357
2. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director page 369
3. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel page 411

B. STANDING ITEMS

1. **Land Claims Strategy** (*No Requested Action*)
2. **Oneida Golf Enterprise – Ladies Professional Golf Association** (9:45 a.m. – 10:15 a.m.) page 412
Sponsor: Trish King, Tribal Treasurer

C. AUDIT COMMITTEE

Sponsor: Tehassi Hill, Councilman

1. **Accept update and presentation regarding audit # 336** (11:00 a.m. – 12:00 p.m.) page 429

D. UNFINISHED BUSINESS

1. **Approve request to close-out complaint # 2015-DR11-01** page 430
Sponsor: David Jordan, Councilman

EXCERPT FROM APRIL 27, 2016: Motion by Jennifer Webster to defer Complaint # 2015-DR11-01 to the May 25, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: Motion by David Jordan to defer the update regarding Complaint # 2015-DR11-01 to the April 27, 2016, regular Business Committee meeting, seconded by Jennifer Webster.

EXCERPT FROM MARCH 9, 2016: Motion by David Jordan to defer the update regarding complaint # 2015-DR11-01 to the March 30, 2016, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

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

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

2. Approve request to close-out complaint # 2015-DR11-02

page 439

Sponsor: David Jordan, Councilman

EXCERPT FROM APRIL 27, 2016: Motion by Jennifer Webster to defer Complaint # 2015-DR11-02 to the May 25, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: Motion by David Jordan to defer the update regarding Complaint # 2015-DR11-02 to the April 27, 2016, regular Business Committee meeting, seconded by Jennifer Webster.

EXCERPT FROM MARCH 9, 2016: Motion by David Jordan to defer the update regarding complaint # 2015-DR11-02 to the March 30, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

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

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

3. Approve request to close-out complaint # 2015-DR14-01

page 443

Sponsor: David Jordan, Councilman

EXCERPT FROM APRIL 27, 2016: Motion by Jennifer Webster to defer Complaint # 2015-DR14-01 to the May 25, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: Motion by David Jordan to defer the update regarding Complaint # 2015-DR14-01 to the April 27, 2016, regular Business Committee meeting, seconded by Jennifer Webster.

EXCERPT FROM MARCH 9, 2016: Motion by David Jordan to defer the update regarding complaint # 2015-DR14-01 to the March 30, 2016, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

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

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

4. Accept update regarding complaint # 2016-DR06-01; and defer item to the June 22, 2016, regular Business Committee meeting

page 447

Sponsor: Tehassi Hill, Councilman

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

- 5. Accept updated correspondence from the Oneida Personnel Commission dated May 12, 2016, for the record and determine appropriate next steps** page 449
Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM MAY 11, 2016: Motion by Jennifer Webster to defer the outstanding request back to the Oneida Personnel Commission to request they review and update their request, if needed; and for the Oneida Personnel Commission to submit a finalized request to the Business Committee for the June 8, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried with one opposed and two abstentions.

E. TABLED BUSINESS (No Requested Action)

F. NEW BUSINESS

- 1. Approve limited waiver of sovereign immunity – Trane US Inc. – contract # 2016-0482** page 511
(This item is scheduled at 1:30 p.m.)
Sponsor: Fawn Billie, Councilwoman
- 2. Review complaint # 2016-CC-07 and determine appropriate next steps** page 525
Sponsor: Tina Danforth, Tribal Chairwoman
- 3. Review complaint # 2016-CC-08 and determine appropriate next steps** page 565
Sponsor: Tina Danforth, Tribal Chairwoman
- 4. Review complaint # 2016-DR02-01 and determine appropriate next steps** page 579
Sponsor: Tina Danforth, Tribal Chairwoman
- 5. Review complaint # 2016-DR10-02 and determine appropriate next steps** page 583
Sponsor: Tina Danforth, Tribal Chairwoman
- 6. Approve request to direct Business Committee Officers to work with Operations Branch of Development Division to remove Oneida Indian Development Land signs** page 631
Sponsor: Lisa Summers, Tribal Secretary
- 7. Approve staff attorney contract # 2016-0540** page 638
Sponsor: Jo Anne House, Chief Counsel

XVII. ADJOURN

Posted on the Nation's official website, www.oneida-nsn.gov, at 12:00 p.m., Friday, May 20, 2016, pursuant to the Open Records and Open Meetings Law, section 7.17-1. For additional information, please call the Business Committee Support Office at (920) 869-4364.

The meeting packet of the open session materials for this meeting is available to members of the Nation by going to the Members-Only section of the Nation's official website at: www.oneida-nsn.gov/MembersOnly

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Marena Bridges and Dawn Walschinski to the Oneida Arts Board

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The posting was in the March 17, 2016 issue of the Kalihwisaks for (3) vacancies on the Oneida Arts Board for Marena Bridges to finish the term until 7/22/18 and Dawn Walschinski to a 3yr term with the deadline of 4/18/16. There were (2) applicants for the (3) vacancies on the Oneida Arts Board. The appointment was made on the May 11, 2016 BC Agenda.

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Patricia Moore ~~and Candace House~~ to the Oneida Election Board

(Candace House is unable to make this meeting.)

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

The posting was in the February 18, 2016 issue of the Kalihwisaks for (2) vacancies on the Oneida Election Board for Patricia Moore to finish the term until 8/14/16 and Candace House to finish the term until 8/14/17 with the ~~deadline of March 18, 2016~~ There were (2) applicants for the (2) vacancies on the Oneida Election Board. The appointment was made on the May 11, 2016 BC Agenda.

(Candace House is unable to make this meeting.)

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

- Accept as Information only
- Action - please describe:

3. Supporting Materials

- Report Resolution Contract
- Other:

- 1. 3.
- 2. 4.

Business Committee signature required

4. Budget Information

- Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Heather Heuer, Info. Mgmt. Specialist/BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT



Oneida Business Committee

Emergency Meeting
3:00 p.m. Thursday, May 5, 2016
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes - DRAFT

EMERGENCY MEETING

Present: Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers, Council members Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster;

Not Present: Councilman Brandon Stevens;

Arrived at: Chairwoman Tina Danforth at 3:17 p.m. and Treasurer Trish King at 3:08 p.m.;

Others present: Dale Wheelock, Scott Denny, Jim Bittorf, RaLinda Ninham-Lamberies, Larry Barton, Jo Anne House

I. CALL TO ORDER AND ROLL CALL by at Vice-Chairwoman Melinda J. Danforth 3:04 p.m.

For the record: Councilman Brandon Stevens is away on approved travel to the Spring Haskell Board of Regents meeting in Lawrence, KS.

II. OPENING

III. ADOPT THE AGENDA

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

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

IV. EXECUTIVE SESSION

Motion by Lisa Summers to go into executive session at 3:05 p.m., seconded by Fawn Billie. Motion carried unanimously:

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

Treasurer Trish King arrives at 3:08 p.m.

Chairwoman Tina Danforth arrives at 3:17 and assumes responsibility of the Chair.

Councilman Tehassi Hill departs at 3:40 p.m.

DRAFT

Motion by Lisa Summers to come out of executive session at 3:50 p.m., seconded by David Jordan. Motion carried unanimously:

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

A. New Business

1. Approve limited waiver of sovereign immunity – Attorney Retainer Contract # 2016-0470

Sponsor: Jo Anne House, Chief Counsel

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Attorney Retainer Contract # 2016-0470, seconded by Trish King. Motion carried unanimously:

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

Motion by Lisa Summers to have the Chair and Vice-Chair as additional primary points of contact for this issue, seconded by David Jordan. Motion carried with one abstention:

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

V. ADJOURN

Motion by Lisa Summers to adjourn at 3:52 p.m., seconded by David Jordan. Motion carried unanimously:

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

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

Lisa Summers, Tribal Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

- Accept as Information only
- Action - please describe:

3. Supporting Materials

- Report Resolution Contract
- Other:

- 1. 3.
- 2. 4.

Business Committee signature required

4. Budget Information

- Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Heather Heuer, Info. Mgmt. Specialist/BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Executive Session****9:00 a.m. Tuesday, May 10, 2016****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****9:00 a.m. Wednesday, May 11, 2016****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes - DRAFT****EXECUTIVE SESSION****Present:** Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Council members: Fawn Billie, Tehassi Hill, Brandon Stevens, Jennifer Webster;**Not Present:** Secretary Lisa Summers, Councilman David Jordan;**Arrived at:** Chairwoman Tina Danforth at 9:08 a.m.;**Others present:** Larry Barton, Jo Anne House, Lisa Liggins, Paul Smith, Joyce Johnson, Nancy Barton, Debra Danforth, Dr. Ravinder Vir;**REGULAR MEETING****Present:** Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster;**Not Present:** ;**Arrived at:** Vice-Chairwoman Melinda J. Danforth at 1:24 p.m.;**Others present:** Donald Miller, Brad Graham, Bill Graham, Jo Anne House, Heather Heuer, Larry Barton, Wes Martin Jr., Gina Buenrostro, Geraldine Danforth, Norbert Hill Jr., Frank Cornelius, Madelyn Genskow, Chris Johnson, Don White, Kathy Metoxen, Doug McIntyre, Dawn Moon-Kopetsky, Ed Delgado, Jessica Wallenfang, Cathy Metoxen, Debra Danforth, Brian Doxtator, Maureen Perkins, Dianne McLester-Heim, Susan House, Dale Wheelock, Paul Witek, Leyne Orosco, Lisa Liggins, Mike Metoxen, Jeff Metoxen, Joanie Buckley, Dawn Walschinski, Cheryl Stevens, William Vervoort, David Cluckey, Marianne Close, Victrietta Hensley, Barb Kolitsch, Mike Hill, Arlie Doxtator, Tamara VanSchyndel, Lois Strong, Carol Silva, Wayne Metoxen, Bonnie Pigman, Barb Erickson, Geri Villalobos, Rita Summers, Noel Clevon, Carol Smith, Matt W. Denny, Laneva Hill, Orville Doxtator;**I. CALL TO ORDER AND ROLL CALL** by Chairwoman Tina Danforth at 9:02 a.m.

For the record: Vice-Chairwoman Melinda J. Danforth is out on personal time and will arrive for the afternoon session. Chairwoman Tina Danforth is excused for the afternoon session to attend the Great Lakes Inter-Tribal Council meeting in Red Cliff, WI.

II. OPENING by Councilman Tehassi Hill

DRAFT**III. ADOPT THE AGENDA (00:03:00)**

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

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

IV. OATHS OF OFFICE (No Requested Action)**V. MINUTES (00:08:50)****A. Approve April 27-28, 2016, regular meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the April 27-28, 2016, regular meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

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

VI. RESOLUTIONS (00:13:28)**A. Adopt resolution titled 2016 InterTribal Buffalo Council, Buffalo Herd Development Grant**

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to adopt resolution 05-11-16-A titled 2016 InterTribal Buffalo Council, Buffalo Herd Development Grant, seconded by David Jordan. Motion carried unanimously:

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

Councilman Tehassi Hill departs at 9:28 a.m.

Councilman Tehassi Hill returns at 9:35 a.m.

Treasurer Trish King departs at 9:48 a.m.

Treasurer Trish King returns at 9:51 a.m.

B. Adopt resolution titled Adopting the Marriage License Fee Schedule

Sponsor: Larry Barton, Chief Financial Officer

Motion by Jennifer Webster to adopt resolution 05-11-16-B titled Adopting the Marriage License Fee Schedule, seconded by David Jordan. Motion carried unanimously:

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

Amendment to the main motion by Lisa Summers to direct the Marriage License Fee schedule be amended to read \$50 fee amount; and that the "Mistake Fee" be changed to "Amendment Fee", seconded by Brandon Stevens. Motion carried with two opposed:

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

DRAFT**VII. APPOINTMENTS (00:56:15)****A. Approve appointments of Marena Bridges and Dawn Walschinski to Oneida Arts Board**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to appoint Marena Bridges and Dawn Walschinski to the Oneida Arts Board, seconded by Lisa Summers. Motion carried with one abstention:

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

B. Approve appointments of Patricia Moore and Candace House to Oneida Election Board

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by David Jordan to appoint Patricia Moore and Candace House to the Oneida Election Board, seconded by Lisa Summers. Motion carried unanimously:

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

VIII. STANDING COMMITTEES (00:57:43)**A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

1. Accept April 20, 2016, Legislative Operating Committee meeting minutes

Motion by Lisa Summers to accept the April 20, 2016, Legislative Operating Committee meeting minutes, seconded by Brandon Stevens. Motion carried with one abstention:

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

B. Finance Committee

Sponsor: Tribal Treasurer Trish King, Chair

Councilman Tehassi Hill departs at 10:17 a.m.

Councilman Tehassi Hill returns at 10:20 a.m.

Secretary Lisa Summers departs at 10:24 a.m.

Secretary Lisa Summers returns at 10:29 a.m.

1. Review recommendation regarding Floyd Acheson Endowment Fund and determine appropriate next steps

Motion by Jennifer Webster to forward this item to the next quarterly joint Trust/Enrollment Committee and Business Committee meeting agenda, seconded by David Jordan. Motion carried unanimously:

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

DRAFT

Motion by Trish King to direct the Chief Financial Officer and Law Office to work with the Trust/Enrollment Committee on beginning the due diligence as defined in the memorandum from the Chief Financial Officer to provide as much information as possible for the June 21, 2016, quarterly joint Trust/Enrollment Committee and Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously:

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

2. Approve May 2, 2016, Finance Committee meeting minutes

Motion by David Jordan to approve the May 2, 2016, Finance Committee meeting minutes, seconded by Trish King. Motion carried with two abstentions:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Abstained: Lisa Summers, Jennifer Webster
Not Present: Melinda J. Danforth
For the record: Secretary Lisa Summers stated I just want to note and I will ask for the record, for the Finance Committee to provide that list as we discussed in agenda review for the Community Fund because again, the concern that I raised, and it's still applicable because I didn't get anything and that's why I am abstaining from supporting the minutes. So I support the other actions because it's clear who the requestors are and who it's impacting, but for the Community Fund ones and the follow-up for the Community Funds, it is very unclear who those requestors are and so I don't know, unless you are on the Finance Committee and you have that back up materials, there is no way for us to know up here as a committee of whether or not we are conflicted out from those decisions. So that's why I am abstaining and I am going to ask for that to be, as we discussed late last week, for those lists to be generated for the Business Committee to know whether or not we need to abstain.

C. Community Development & Planning Committee (No Requested Action)**D. Quality of Life Committee (No Requested Action)****IX. GENERAL TRIBAL COUNCIL (1:59:00)****A. Approve three requests regarding Petitioner Frank Cornelius: four resolutions**

- 1) Investigation into Oneida Seven Generations Corporation
- 2) Enforcing Salaries for Oneida Seven Generations Corporation
- 3) Freedom of Speech, Press, and Assembly
- 4) Imposing a Tax on the Business Committee

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM MARCH 30, 2016: (1) Motion by Melinda J. Danforth to table this item for the Tribal Secretary to get in contact with Petitioner Frank Cornelius to try to get this issue resolved by the end of the meeting, seconded by David Jordan. Motion carried unanimously. (2) Motion by Lisa Summers to approve scheduling Petitioner Frank Cornelius: To address four resolutions to a Special General Tribal Council on Sunday, August 28, 2016, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 9, 2016: (1) Motion by Jennifer Webster to accept the updated legal opinion regarding F. Cornelius petition and move to open session, seconded by Brandon Stevens. Motion carried unanimously. (2) Motion by David Jordan to accept the legal opinion and

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to direct the Tribal Secretary to begin scheduling a General Tribal Council meeting, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM JANUARY 27, 2016: Motion by Lisa Summers to approve this item for the July 4, 2016, Semi-Annual General Tribal Council meeting, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM DECEMBER 23, 2015: Motion by Jennifer Webster to accept the legal update as information, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM DECEMBER 9, 2015: **(1)** Motion by Lisa Summers to accept the fiscal analyses of the four (4) resolutions, seconded by Brandon Stevens. Motion carried unanimously. **(2)** Motion by Lisa Summers to defer the legal analyses of the four (4) resolutions to the December 23, 2015, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM NOVEMBER 25, 2015: Motion by Lisa Summers to defer the fiscal analyses to the December 9, 2015, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried with one abstention.

EXCERPT FROM SEPTEMBER 9, 2015: **(1)** Motion by Jennifer Webster to accept the update from Chief Counsel regarding legal analyses of resolutions 1-4, seconded by Brandon Stevens. Motion carried unanimously. **(2)** Amendment to the main motion by Melinda J. Danforth to provide a new due date of November 25, 2015, for the legal and financial analyses of resolutions 1-4, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM AUGUST 26, 2015: Motion by David Jordan to accept the legislative analyses for resolution 1-4, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM AUGUST 17, 2015: **(1)** Motion by Lisa Summers to take this item from the table, seconded by David Jordan. Motion carried unanimously. **(2)** Motion by Jennifer Webster to forward the four resolutions to the Legislative, Law, Finance Offices for the appropriate analyses and for those analyses to be due at the September 9, 2015, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. **(3)** Motion by Lisa Summers to request the Law Office provide a legal opinion about what occurs when a petition is submitted which does not have all the appropriate documentation that would go with the petition, seconded by Tehassi Hill. Motion carried with one abstention.

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

EXCERPT FROM JULY 22, 2015: Motion by Brandon Stevens to table this item to next regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JULY 8, 2015: Motion by Tehassi Hill to accept the update as information and defer this item to the July 22, 2015, regular Business Committee meeting as agreed upon by the Business Committee members and the petitioner, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JUNE 24, 2015: Motion by Fawn Billie to defer this item to the next regular Business Committee meeting and direct the Secretary to work with the petitioner to find a solution to the concerns, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MAY 27, 2015: Motion by David Jordan to direct the Secretary to reach out to Petitioner Frank Cornelius to request the four (4) resolutions mentioned in the petition be submitted in thirty (30) days, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM MAY 13, 2015: **(1)** Motion by Trish King to acknowledge receipt of the petition submitted by Frank Cornelius, seconded by Fawn Billie. Motion carried unanimously. **(2)** Motion by Trish King to send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for legal, financial, legislative and administrative analyses to be completed; to direct the Law, Finance and Legislative Offices to submit the analyses to the Secretary within sixty (60) days and a that a progress report is submitted in forty-five (45) days, seconded by David Jordan. Motion carried unanimously. **(3)** Motion by David Jordan to direct the Direct Report Offices to submit the appropriate administrative analyses to the Secretary within thirty (30) days, seconded by Trish King. Motion carried unanimously.

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Motion by Lisa Summers to cancel the Special General Tribal Council meeting of August 28, 2016, seconded by Jennifer Webster. Motion carried unanimously:

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

Motion by Lisa Summers to schedule a Special General Tribal Council meeting on August 10, 2016 and to add the Frank Cornelius petition to that agenda, seconded by Fawn Billie. Motion carried unanimously:

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

B. Accept financial analysis regarding Petitioner Nancy Barton: To open an Emergency Food Pantry

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM MARCH 9, 2016: Motion by David Jordan to accept the legal analysis noting the financial analysis is due at the May 11, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM FEBRUARY 24, 2016: Motion by Lisa Summers to accept the verbal update from Chief Counsel and Chief Finance Officer on the status of the analyses and the item be deferred for sixty (60) days, seconded by Brandon Stevens. Motion carried unanimously.

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

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

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

Motion by Lisa Summers to table this item until later on the agenda so that we have time to read the statement over the lunch hour and we will take it up this afternoon, seconded by Jennifer Webster.

Motion carried unanimously:

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

Motion by Tehassi Hill to take this item from the table, seconded by Trish King. Motion carried unanimously: **(6:26:35)**

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

Motion by David Jordan to accept the financial analysis regarding Petitioner Nancy Barton: To open an Emergency Food Pantry, seconded by Jennifer Webster. Motion carried unanimously: **(6:30:00)**

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

DRAFT**C. Accept legal and financial progress reports and legislative analysis regarding Petitioner Michael Debraska: Special GTC meeting to establish a Health Care Board**

Sponsor: Lisa Summers, Tribal Secretary

*EXCERPT FROM APRIL 27, 2016: Motion by Melinda J. Danforth to accept the legislative progress report, seconded by Jennifer Webster. Motion carried unanimously.**EXCERPT FROM March 9, 2016: Motion by David Jordan to accept the verified petition from Michael Debraska to establish a Health Care Board; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) days, seconded by Trish King. Motion carried unanimously.*

Motion by Jennifer Webster to defer the legal analysis to the next regular business Committee meeting, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Melinda J. Danforth

*Councilman David Jordan departs at 11:20 a.m.**Councilman David Jordan returns at 11:23 a.m.***D. Accept petition submitted by Michael Debraska regarding Per Capita Distribution**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to accept the verified petition from Michael Debraska regarding Per Capita Distribution; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference Offices to submit the analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days; and to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's Office within thirty (30) day, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Melinda J. Danforth

*Councilman Tehassi Hill departs at 11:34 a.m.**Councilman Tehassi Hill returns at 11:37 a.m.**Councilwoman Jennifer Webster departs at 11:38 a.m.**Councilwoman Jennifer Webster returns at 11:41 a.m.*

DRAFT**E. Approve June 13, 2016, Special General Tribal Council meeting materials**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the June 13, 2016, Special General Tribal Council meeting materials with the following change: [To include Petitioner Gina Powless' materials regarding the creation of a support system of paralegals, advocates, and attorneys to assist and advocate for enrolled Oneida Tribal Members that are engaged in any case with the Oneida Judiciary], seconded by Tehassi Hill. Motion carried unanimously:

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

Amendment to the main motion by Trish King to include the Tribal Treasurer's statement regarding Per Capita], seconded by Lisa Summers. Motion carried unanimously:

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

Motion by David Jordan to recess at 12:27 p.m. and to reconvene at 1:30 p.m., seconded by Brandon Stevens. Motion carried unanimously:

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

Meeting called to order by Vice-Chairwoman Melinda J. Danforth at 1:33 p.m.

Chairwoman Tina Danforth, Secretary Lisa Summers, Treasurer Trish King, Councilwoman Fawn Billie, and Councilman Brandon Stevens not present.

Councilman Brandon Stevens arrives at 1:34 p.m.

Secretary Lisa Summers arrives at 1:36 p.m.

Treasurer Trish King and Councilwoman Fawn Billie arrive at 1:37 p.m.

X. STANDING ITEMS (No Requested Action)**XI. UNFINISHED BUSINESS (5:53:28)****A. Accept legal review; approve Memorandum of Understanding with Brothertown Indian Nation – Contract # 2016-0432; and authorize Tribal Chair and Historic Preservation Officer to sign-off on agreement**

Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM MARCH 30, 2016: Motion by Lisa Summers to defer this item to the Law Office for a legal review and to defer the approval of the Memorandum of Agreement with Brothertown Indian Nation to the May 11, 2016, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

Motion by Lisa Summers to accept the presented Memorandum of Understanding between Oneida Nation and Brothertown Indian Nation, seconded by David Jordan. Motion carried unanimously:

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

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Motion by Lisa Summers to authorize the Tribal Chair and Historic Preservation Officer to carry out the Memorandum of Understanding with Brothertown Indian Nation, seconded by David Jordan. Motion carried unanimously:

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

B. Accept memo from Oneida Land Commission titled Quarterly Reports and Land Commission Representation dated April 26, 2016

Sponsor: Tehassi Hill, Councilman

EXCERPT FROM APRIL 13, 2016: (1) Motion by Lisa Summers to take this item from the table, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to accept the Land Commission FY '16 1st quarter report and to ask the Land Commission to submit something in writing that indicates why they haven't attended to represent their report, seconded by Trish King. Motion carried unanimously. (3) Motion by Lisa Summers to send the Comprehensive Policy Governing Boards, Committees and Commissions section 8-4(d) to the Legislative Operating Committee to bring back a recommendation on how to clarify reporting requirements for Boards, Committees, and Commissions, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM MARCH 30, 2016: Motion by Melinda J. Danforth to table the Land Commission FY '16 1st quarter report until a Land Commissioner can be present, seconded by Lisa Summers. Motion carried unanimously.

Motion by Lisa Summers to accept the memo from the Oneida Land Commission titled Quarterly Reports and Land Commission Representation dated April 26, 2016, seconded by David Jordan. Motion carried unanimously:

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

Councilman Tehassi Hill departs at 4:02 p.m.

Councilman Tehassi Hill returns at 4:05 p.m.

C. Accept financial analysis and approve final FY '17 Wage Compensation Plan proposal

Sponsor: Trish King, Tribal Treasurer

EXCERPT FROM APRIL 27, 2016: Motion by David Jordan to defer this item to the May 11, 2016, regular Business Committee meeting and to direct the Chief Financial Officer and Finance Department work with the Human Resources Department on the financial analysis, seconded by Trish King. Motion carried unanimously.

EXCERPT FROM APRIL 13, 2016: (1) Motion by Lisa Summers to accept the Compensation Plan proposal as information and to forward the item to the Law and Finance Offices for analyses to be brought back to the Business Committee, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Trish King to request the legal and financial analyses be brought back to the April 27 2016, regular Business Committee meeting and that we ask for an option to be prepared that would provide a dollar amount for increases versus a percentage, seconded by Lisa Summers. Motion carried unanimously.

Motion by Lisa Summers to accept the final FY '17 Wage Compensation Plan for continued processing and to request the Finance Department to go back and do the additional diligence that they believe is necessary in order for us to just make sure we have it as part of the package moving forward, seconded by Brandon Stevens. Motion carried unanimously:

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

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Amendment to the main motion by David Jordan to request that option 5 of the FY'17 Wage Compensation Plan: "To support adding Human Resources recommendation to adjust the salaries Business Committee to the FY '17 Budget packet for GTC consideration" to be effective for the next Business Committee's term and not for the current Business Committee, seconded by Lisa Summers. Motion carried unanimously:

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

XII. TABLED BUSINESS (No Requested Action)

XIII. NEW BUSINESS (6:20:12)

A. Approve request to post one (1) vacancy on the Oneida Personnel Commission

Sponsor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to approve the request to post one (1) vacancy on the Oneida Personnel Commission, seconded by Tehassi Hill. Motion carried unanimously:

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

B. Approve Concept Paper for CIP # 16-008 Oneida Family Fitness Facility Upgrades

Sponsor: Don White, Division Director/Governmental Services

Motion by Jennifer Webster to approve the Concept Paper for CIP # 16-008 Oneida Family Fitness Facility Upgrades, seconded by Fawn Billie. Motion carried unanimously:

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

C. Approve limited waiver of sovereign immunity – Fox Valley Overhead Door Inc. – Contract # 2016-0409

Sponsor: Louise Cornelius, Gaming General Manager

Motion by David Jordan to approve the limited waiver of sovereign immunity – Fox Valley Overhead Door Inc. – Contract # 2016-0409, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**XIV. TRAVEL (6:24:03)****A. TRAVEL REPORTS (No Requested Action)****B. TRAVEL REQUESTS**

- 1. Approve travel request – Councilwoman Jennifer Webster – 26th Annual National Indian Head Start Conference & Tribal Consultation – Washington D.C. – June 5-8, 2016**

Motion by Lisa Summers to approve the travel request – Councilwoman Jennifer Webster – 26th Annual National Indian Head Start Conference & Tribal Consultation – Washington D.C. – June 5-8, 2016, noting the travel is grant funded, seconded by Fawn Billie. Motion carried with one abstention:

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

XV. REPORTS (3:33:22) (This section of the agenda is scheduled to begin at 1:30 p.m.)**A. OPERATIONAL REPORTS**

- 1. Accept Internal Services Division FY '16 2nd quarter report (1:30 p.m.-2:00 p.m.)**

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by Lisa Summers to accept the Internal Services Division FY '16 2nd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

- 2. Accept Ombudsman FY '16 2nd quarter report (2:00 p.m.-2:15 p.m.)**

Sponsor: Dianne McLester-Heim, Tribal Ombudsman

Motion by Lisa Summers to accept the Ombudsman FY '16 2nd quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

Treasurer Trish King departs at 2:52 p.m.

- 3. Accept Human Resources Department FY '16 2nd quarter report (2:15 p.m.-2:45 p.m.)**

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Motion by Jennifer Webster to accept the Human Resources Department FY '16 2nd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

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

Treasurer Trish King returns at 2:56 p.m.

Secretary Lisa Summers departs at 2:56 p.m.

Secretary Lisa Summers returns at 2:59 p.m.

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- 4. Accept Governmental Services Division FY '16 2nd quarter report (2:45 p.m.-3:15 p.m.)**
Sponsor: Don White, Division Director/Governmental Services

Motion by Jennifer Webster to accept the Governmental Services Division FY '16 2nd quarter report, seconded by David Jordan. Motion carried unanimously:

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

Not Present: Tina Danforth

B. CORPORATE REPORTS (No Requested Action)

C. BOARDS, COMMITTEES, AND COMMISSIONS

Councilwoman Fawn Billie departs at 3:48 p.m.

- 1. Accept Oneida Commission on Aging FY '16 2nd quarter report (3:15 p.m.-3:25 p.m.)**
Chair: Wes Martin Jr.
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the Oneida Commission on Aging FY '16 2nd quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

- 2. Accept Oneida Election Board FY '16 2nd quarter report (3:25 p.m.-3:35 p.m.)**
Chair: Racquel Hill
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan to accept the Oneida Election Board FY '16 2nd quarter report, seconded by Brandon Stevens. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie

Secretary Lisa Summers departs at 3:50 p.m.

- 3. Accept Oneida Gaming Commission FY '16 2nd quarter report (3:35 p.m.-3:45 p.m.)**
Chair: Mark A. Powless
Liaison: Brandon Stevens, Councilman

Motion by David Jordan to accept the Oneida Gaming Commission FY '16 2nd quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

Not Present: Tina Danforth, Fawn Billie, Lisa Summers

Secretary Lisa Summers returns at 3:54 p.m.

Councilwoman Fawn Billie returns at 3:56 p.m.

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XVI. EXECUTIVE SESSION (6:34:08)

A. REPORTS

1. Accept Chief Counsel report – Jo Anne House, Chief Counsel

Motion by Brandon Stevens to accept the Chief Counsel report, seconded by Trish King. Motion carried unanimously:

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

B. STANDING ITEMS

1. Land Claims Strategy *(No Requested Action)*

C. AUDIT COMMITTEE *(No Requested Action)*

D. UNFINISHED BUSINESS

1. Approve an option to fill the Organizational Development Specialist position

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM JANUARY 27, 2016: Motion by Tehassi Hill to defer this item for ninety (90) days, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM JANUARY 13, 2016: Motion by Jennifer Webster to defer the remainder of the agenda to the January 27, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 23, 2015: Motion by David Jordan to approve Option 2A contained within the memorandum and to re-evaluate the option in ninety (90) days, seconded by Trish King. Motion carried unanimously.

Motion by Lisa Summers to assign Secretary Lisa Summers and Councilmembers Fawn Billie and Brandon Stevens to a subteam; and to provide the subteam authority to complete all hiring processes, including updating the job description, noting the subteam is authorized to negotiate the wage between the minimum and midpoint, not to exceed the amount budgeted for annually and direct the subteam to come back with a final report to the Business Committee, seconded by Tehassi Hill. Motion carried unanimously:

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

DRAFT**2. Approve request to place a moratorium on executing new City of Green Bay Service Agreement – Tribal Member (9:30 a.m.-10:15 a.m.)**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM APRIL 27, 2016: Motion by Jennifer Webster to defer the request to place a moratorium on executing new City of Green Bay Service Agreement – Tribal Member to the May 11, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Jennifer Webster to accept the Tribal Member's request to place a moratorium on executing new City of Green Bay Service Agreement as information, seconded by Brandon Stevens. Motion carried unanimously:

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

Motion by Fawn Billie to acknowledge the receipt of the letter from the Green Bay's Attorney's Office regarding the termination of the Service Agreement dated April 7, 2016, for the record, seconded by Tehassi Hill. Motion carried unanimously:

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

Motion by Lisa Summers to request this item be included in the next Intergovernmental Affairs & Communications' report, seconded by Jennifer Webster. Motion carried unanimously:

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

3. Accept legal review regarding Complaint # 2016-DR10-01 and approve two requested actions

Sponsor: Jo Anne House, Chief Counsel

EXCERPT FROM APRIL 27, 2016: Motion by Jennifer Webster to defer Complaint # 2016-DR10-01 to the Law Office for legal review of the conflict of interest, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Lisa Summers to close out Complaint # 2016-DR10-01 as having been created in error; and place the correspondence with Community Concern # 2016-CC-02, seconded by Brandon Stevens. Motion carried unanimously:

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

E. TABLED BUSINESS (No Requested Action)

DRAFT**F. NEW BUSINESS****1. Review Concern # 2016-CC-06 and determine appropriate next steps (9:00 a.m.-9:30 a.m.)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Tehassi Hill to direct the Vice-Chairwoman to follow-up with the Patient Referred Care issues referenced by the Tribal Member; and to request from the Anna John Residential Centered Care Center a report on rate of denials, reason for denials, and occupancy, seconded by Jennifer Webster. Motion carried with one abstention:

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

Motion by Jennifer Webster to request the Tribal Secretary to follow-up with Elderly Services on the access to the Benefit Specialist issues referenced by Tribal Member, seconded by Tehassi Hill. Motion carried with one opposed and one abstention:

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

Motion by Tehassi Hill to forward the discussion to the next regular Business Committee meeting; and to direct the Comprehensive Health and Governmental Services Division Directors to attend and bring the appropriate staff to discuss case management for Elder Housing, Elder Services, Patient Referred Care, and the Anna John Residential Centered Care Center, seconded by Jennifer Webster. Motion carried with two abstentions:

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

2. Review Complaint # 2016-DR06-03 and determine appropriate next steps

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Tehassi Hill to close out Complaint # 2016-DR06-03 as insufficient; and to direct the Tribal Secretary to draft correspondence to the complainant addressing the issues presented in the letter, seconded by Jennifer Webster. Motion carried with one abstention:

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

3. Review outstanding request from Oneida Personnel Commission and consider recommendation of Oneida Personnel Commission, made in accordance with §1-4.f of their bylaws

Sponsor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to defer the outstanding request back to the Oneida Personnel Commission to request they review and update their request, if needed; and for the Oneida Personnel Commission to submit a finalized request to the Business Committee for the June 8, 2016, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried with one opposed and two abstentions:

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

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- 4. Approve Tribal Member’s request to review and receive clarification regarding Dental Department’s data breach letter from Oneida Comprehensive Health Division**
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Fawn Billie to accept the Tribal Member’s request as information; and to direct the Comprehensive Health Division to include an update on the investigation on their next quarterly report, seconded by Tehassi Hill. Motion carried with two abstentions:

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

- 5. Accept and acknowledge letter of resignation of Governmental Services Division Director and assign a sub team of 3-5 Business Committee members to review job description in order to post position**
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Lisa Summers to accept and acknowledge letter of resignation of Governmental Services Division Director; to assign Chairwoman Tina Danforth and Councilmembers Brandon Stevens, Jennifer Webster, and Tehassi Hill to a subteam; and to provide the subteam the authority to update the job description and post the position, seconded by Fawn Billie. Motion carried unanimously:

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

XVII. ADJOURN

Motion by Fawn Billie to adjourn at 4:48 p.m., seconded by Tehassi Hill. Motion carried unanimously:

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

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

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Adopt the attached resolution: Adoption of Marriage Law Amendments

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Submitted by: Doug McIntyre, Staff Attorney/LRO
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation

Legislative Reference Office

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



Committee Members

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

Memorandum

To: Oneida Business Committee
From: Brandon Stevens, LOC Chairperson
Date: May 25, 2016
Re: Marriage Law Amendments

Please find the following attached backup documentation for your consideration of the Marriage Law Amendments:

1. Resolution: Adoption of Marriage Law Amendments
2. Statement of Effect: Adoption of Marriage Law Amendments
3. Fiscal Impact Statement
4. Marriage Law Amendments (redline)
5. Marriage Law Amendments (clean)

Overview

The attached Resolution will adopt amendments to the Marriage Law. Amendments to the law were requested by the Licensing Department. These amendments:

- allow the Licensing Department to set a fee schedule pursuant to rulemaking authority;
- clarify the language concerning the timeframe for when a marriage ceremony must take place;
- allow a waiver process for the marriage ceremony to take place between the 1st and 5th day of issuing the marriage license for an additional fee;
- remove an exception that allowed marriage ceremonies solemnized outside the reservation boundaries, or Brown or Outagamie County, or outside the required time lines listed on the marriage license to be considered valid despite the immaterial irregularities; and
- remove the penalties and fines for violations from the law and provide this responsibility to the Licensing Department pursuant to rulemaking authority.

Requested Action

Approve the Resolution: Marriage Law Amendments

Oneida Nation



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



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC Resolution # _ - _ - _ Adoption of Marriage Law Amendments

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee originally adopted the Marriage Law on April 28, 2010 and amended the law on June 12, 2013 and May 27, 2015; and
- WHEREAS,** these amendments allow the Licensing Department to set the fee schedule pursuant to the Administrative Rulemaking law as long as those fees are consistent with this law; and
- WHEREAS,** these amendments clarify the language concerning the timeframe for when a marriage ceremony must take place; and
- WHEREAS,** these amendments allow a waiver process for the marriage ceremony to take place between the 1st and 5th day of issuing the marriage license for an additional fee; and
- WHEREAS,** these amendments remove an exception that allowed marriage ceremonies solemnized outside the reservation boundaries, or Brown or Outagamie County, or outside the required time lines listed on the marriage license to be considered valid despite the immaterial irregularities; and
- WHEREAS,** these amendments remove the penalties and fines for violations from the law and provide this responsibility to the Licensing Department pursuant to rulemaking authority; and
- WHEREAS,** a public meeting on these amendments was held on March 17, 2016, in accordance with the Legislative Procedures Act.

NOW THEREFORE BE IT RESOLVED, that the attached amendments to the Marriage Law are hereby adopted effective immediately.

Oneida Nation Legislative Reference Office

Legislative Reference Office

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



Committee Members

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

Statement of Effect

Adoption of Marriage Law Amendments

Summary

This Resolution amends the Marriage Law to provide rulemaking authority to the Licensing Department to be able to set a fee schedule for acquiring a marriage license and penalties for violating the law. Additionally, changes were made to make the law consistent with the results of the secretarial election.

By Douglass A. McIntyre, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

This Resolution adopts amendments to the Marriage Law (Law), which was originally adopted by the Oneida Business Committee on April 28, 2010. The Law was amended on April 28, 2010, June 12, 2013 and May 27, 2015. These amendments:

- allow the Licensing Department to set the fee schedule per rulemaking authority [*see 71.5-1*];
- clarify the language concerning when a marriage ceremony must take place [*see 71.5-4*];
- allow a waiver process for the marriage ceremony to take place between the 1st and 5th day of issuing the marriage license for an additional fee [*see 71.5-4*];
- remove an exception that allowed marriage ceremonies solemnized outside the reservation boundaries, or Brown or Outagamie County, or outside the required time lines listed on the marriage license to be considered valid despite the immaterial irregularities [*see 71.6-3(e)*]; and
- remove the previously listed penalties and fines for violations of the law and provide this responsibility to the Department per rulemaking authority.

Additionally, all references to the Oneida Tribe of Indians of Wisconsin have been changed to Oneida Nation in line with the secretarial election results.

A public meeting was held on March 17, 2016 in accordance with the Legislative Procedures Act.

Conclusion

There are no legal bars to adopting the Resolution.

ONEIDA TRIBE OF INDIANS OF WISCONSIN



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



'A DEMOLUM YATEHE
cause of the help of
Oneida Chief in
forming a friendship
between the six nations
and the colony of
Pennsylvania, a new
era in the United States
was made possible.

ONEIDA FINANCE OFFICE

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

MEMORANDUM

DATE: May 18, 2016
FROM: Rae Skenandore, Project Manger
TO: Larry Barton, Chief Financial Officer
RaLinda R. Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Financial Impact of the Marriage Law Amendments**

I. Background

BC Resolution 5-12-93-A resolved that an ordinance be drafted setting forth the requirements for the recognition of civil marriages. The Marriage Law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F. Resolution BC-06-12-13-E amended the Marriage Law to resolve a disagreement with the State on the filing of the original marriage document. On October 7, 2014 the United States Supreme Court denied certiorari on the constitutionality of Wisconsin's ban on same sex marriage through the Seventh Circuit Court of Appeals held the ban unconstitutional. Upon denial of certiorari, the State of Wisconsin started issuing marriage licenses to same sex partners. The Oneida Marriage Law was amended to include the marriage of same sex couples. BC Resolution 05-27-15-A adopted those amendments.

The following are currently proposed amendments to the Marriage Law:

- A. Applicants will be required to pay all fees at the time the license is issued. The Licensing Department may set the fee schedule per rulemaking authority.
- B. Language has been added to clarify that a marriage ceremony must take place between the 6th and 30th day of receiving the marriage license.
- C. A waiver process has been created to allow for the marriage ceremony to take place between the 1st and 5th day of issuing the marriage license for an additional fee.
- D. Marriage ceremonies solemnized outside the Oneida Reservation boundaries, or Brown or Outagamie County, or outside the required time lines listed on the marriage license were removed from the list of immaterial irregularities.
- E. Details of the penalties section have been removed. The department will move forward with establishing fines through administrative rulemaking authority.

The amendments to the Marriage Law will be placed on the May 18th, 2016, LOC agenda for approval and to forward to the Oneida Business Committee for consideration.

II. Executive Summary of Findings

As defined in the Legislative Procedures Act (LPA), a “fiscal impact statement” means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation.

While the effort for the Oneida Nation to perform and recognize civil marriages has been in place since 1993, to date, it is the understanding of Finance that the processes & the content of the law, and the multiple amendments needed, have not afforded Oneida Licensing the ability to issue a marriage license that would also be legally recognized by the State of Wisconsin. The department has been actively working with the State of Wisconsin to finalize procedures since 2013.

In 2015 Finance estimated the fiscal impact of the same sex marriage amendments based on the proposed fees set by Oneida Licensing. The current amendments clearly delegate the authority to set fees and fines to Oneida Licensing based on the Administrative Rulemaking Law. At that time it was estimated that based on fee schedule of \$100 for a license with a \$25 waiver fee, the estimated revenue in the first year of operations would have been approximately \$10,000 (102 licenses issued). BC Resolution # 05-11-16-B Adopting the Marriage License Fee Schedule effective June 16, 2016 included an alternative schedule of fees from the proposal of Oneida Licensing. The license fee was reduced ½, from \$100 (which is \$15 less than the county) to \$50, eliminated the waiver fee, and an amendment fee of \$10.

The current amendments are not scheduled to come before the LOC until May 18th. If approved, they will be sent to the BC for consideration. If the law is approved, Oneida Licensing will begin the rulemaking process to set the fees & fines. The timeline for rulemaking ranges from approximately a minimum of 6 weeks to approximately 7 (seven) months if the agency and the Business Committee amend the rules. The impact of a fee schedule of \$50 set to take effect on June 16th with the rulemaking process being completed on July 13th is unclear.

Previous efforts to implement the law have resulted in sunk cost in the amount of approximately \$2,000 to purchase a copy of Brown County’s marriage license data base. Existing personnel will take on the added duties of issuing the licenses. Staff has already relocated to accommodate privacy requirements. Added space, equipment, and supplies are estimated at approximately \$400 annually with documentation costs estimated at \$1,500 annually. The operating budget for Oneida Licensing in FY ’16 is \$187,606; estimated external sales are \$183,255 with \$4,451 of Tribal Contribution.

With the reduced fee schedule, utilizing the projected additional costs of \$1,900 and estimating 102 licenses issued, implementation of the Marriage Law will result in approximately \$3,200 in net income.

Based on the Rulemaking Law, the earliest date the amendments to the law could be implemented is July 13, 2016.

III. Financial Impact

Net revenue of approximately \$3,200 annually.

III. Recommendation

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



Chapter 71
Marriage
Yenyáktá?

What one does to get married

<i>Analysis by the Legislative Reference Office</i>				
Title	Marriage (law)			
Requester	Tonya Webster	Drafter	Douglass McIntyre	Analyst Maureen Perkins
Reason for Request/ Purpose	The licensing department has had issues with implementation of the law and has provided suggested amendments. Authorize a waiver process for the waiting period [see 71.5-4]. Provide an administrative fee for changes requested after an application is submitted. Establish a fee schedule [see 71.5-1].			
Authorized/ Affected Entities	Family Court, Licensing Department, anyone that wishes to marry under this law			
Related Legislation	Administrative Rulemaking, Family Court Rules			
Enforcement & Due Process	Any person issued a fine under this law can appeal to the Family Court [see 71.7-3]. Any person who knowingly violates this law will be subject to a fine; the licensing department is responsible for enforcing fines issued [see 71.7-2].			

Overview

This law regulates the rights and responsibilities with respect to marriage.

Proposed Amendments

The following are proposed amendments to the law:

- Applicants will be required to pay all fees at the time the license is issued. The Licensing Department may set the fee schedule per rulemaking authority [see 71.5-1].
- Language has been added to clarify that a marriage ceremony must take place between the 6th and 30th day of receiving the marriage license [see 71.5-4].
- A waiver process has been created to allow for the marriage ceremony to take place between the 1st and 5th day of issuing the marriage license for an additional fee [see 71.5-4].
- Marriage ceremonies solemnized outside the reservation boundaries, or Brown or Outagamie County, or outside the required time lines listed on the marriage license were removed from the list of immaterial irregularities [see 71.6-3(e)].
- Details of the penalties section have been removed [see 71.7]. The department will move forward with establishing fines through administrative rulemaking authority.

Considerations

- The request to provide an administrative fee for amendments to a submitted application has been addressed indirectly under the fee section of the law [see 71.5-1]. The fee section is broad and allows for the Licensing Department to adopt a fee schedule. This can include an administrative fee for amendments to submitted applications at the Business Committees' discretion.

25
26
27 **Miscellaneous**
28 A public meeting was held March 17, 2016 and public comments submitted during the public
29 meeting and ensuing public comment period have been considered in the preparation of this
30 draft. Oneida Tribe of Indians of Wisconsin has been changed to Oneida Nation to reflect
31 approved constitutional amendments. Revisions were made to this law to comply with drafting
32 style. Revisions were also made to improve the flow and sequence of the law without changing
33 the intended content. Please refer to the fiscal impact statement for any financial impacts.

Chapter 71
Marriage

Yeny@~~kt~~>~~kt~~<

What one does to get married

7	71.1. Purpose and Policy	11	71.5. Marriage Document and Marriage Ceremony
8	71.2. Adoption, Amendment, Conflicts	12	71.6. Marriages Conducted to Avoid the Law and Immaterial
9	71.3. Definitions	13	Irregularities
10	71.4. Marriages, Generally	14	71.7. Penalties

71.1. Purpose and Policy

71.1-1. *Purpose.* It is the purpose of this law to exercise the sovereign right of the Oneida ~~Tribe~~Nation to regulate the rights and responsibilities relating to marriage.

71.1-2. *Policy.* Marriage is a foundation of tribal society that stabilizes families which the ~~Tribe~~Nation acknowledges by recognizing the legal relationship of a union between two (2) adults.

71.2. Adoption, Amendment, Conflicts

71.2-1. This law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F and amended by resolutions BC-06-12-13-E~~and~~, BC-05-27-15-A: and BC-.

71.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

71.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

71.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. ~~Provided that, nothing in this Law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.~~

71.2-5. This law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~Nation.

71.2-6. *Rules.* If rules addressing a certain area of this law have not been enacted in accordance with ~~Tribal law~~the Nation's laws and the Court is faced with a question, the Court may, in its discretion, refer to other Indian tribal law or state law for guidance, to the extent that such law is not inconsistent with ~~this or any other Tribal law~~Oneida laws.

71.3. Definitions

71.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Competent" means a person has attained the age of eighteen (18) years old and is able to make a legally binding commitment.

(b) "Court" means the judicial system of the Tribe~~Family Court~~, which is ~~assigned to handle all family law matters~~a branch of the judicial arm of the Nation.

(bc) "Court of competent jurisdiction" means a court that has the power and authority to dissolve a marriage.

(ed) "Department" means the licensing department of the ~~Tribe~~Nation that is responsible for administering and issuing licenses in accordance with the laws of the Nation.

(e) "Judiciary" means the judicial system that was established by Oneida laws~~General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.~~

(d) “Marriage” means the civil contract to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of spouses.

(e) “Marriage document” means that document issued by the Department which includes the marriage license as well as information concerning the marriage ceremony, the signatures of the witnesses and officiating person(s), and proof of filing.

(f) “Marriage license” means that portion of the marriage document designated as such, which is the authorization for the marriage to take place.

(g) “Nation” means the Oneida Nation.

(h) “Officiating person” means the person or persons who perform the marriage ceremony.

(i) “Reservation” means all the land within the exterior boundaries of the reservation of the Oneida ~~Tribe of Indians of Wisconsin~~Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(j) “Tribe” or “Tribal” means the Oneida Tribe of Indians of Wisconsin.~~

(l) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted in accordance with the Administrative Rulemaking law.

71.4. Marriages, Generally

71.4-1. *Who May Marry.* A marriage may be contracted under this law between two (2) adults who:

- (a) have a marriage document issued by the Department;
- (b) have attained the age of eighteen (18), except as provided in section 71.4-3; and
- (c) meet all other provisions under this law.

71.4-2. *Who May Not Marry.* Persons may not enter into marriage if they:

- (a) are currently legally married to another person; or,
- (b) have been legally divorced for less than six (6) months with a judgment of divorce from a court of competent jurisdiction; or,
- (c) are not legally competent; or,
- (d) are closer in relationship than second cousins, except first cousins may marry if both parties are fifty-five (55) years old or older.

71.4-3. *Minors.* Individuals under the age of sixteen (16) shall not marry. Individuals who meet the above requirements, except for section 71.4-1(b) and are over the age of sixteen (16) but under the age of eighteen (18) may marry if they present:

- (a) written consent by his or her parent or guardian, signed and notarized before the person issuing the marriage license; or
- (b) proof that they have been legally emancipated.

71.5. Marriage Document and Marriage Ceremony

71.5-1. *Fees.* Applicants are responsible for paying all fees at the time the application is filed. The Department shall promulgate rules that establish a fee schedule for a marriage license as long as those fees are consistent with this law.

71.5-2. *Marriage Document.* The Department shall issue a marriage document to the applicants within five (5) business days after the application is filed if, in addition to the other requirements in this law, the following conditions are met at the time a marriage license is applied for:

- (a) Either (1) or (2) applies to the applicants:
 - (1) each applicant:
 - (A) is a Tribal member; or
 - (B) resides on the reservation and is a member of an Indian tribe, band or

- 104 community which is recognized by a state or the federal government.
- 105 (2) one of the applicants meets the requirements of ~~(section 71.5-2(a)(1)(A)~~ or
- 106 (B) and the other applicant consents to the ~~Tribe's~~Nation's jurisdiction to issue
- 107 the license. The completion of an application for a marriage license represents a
- 108 person's consent to the ~~Tribe's~~Nation's jurisdiction to grant the license.
- 109 (b) Both applicants appear in person at the Department to complete the marriage license
- 110 application.
- 111 (c) The applicants provide any information necessary to complete the application, which
- 112 may include: social security numbers, birth certificates, proof of residence, proof of tribal
- 113 membership, documentation of a judgment of divorce, annulment, or death certificates
- 114 from most recent marriages, parents' full names, mothers' maiden names, date and place
- 115 of marriage ceremony, and the name, address, and phone number of the officiating
- 116 person(s).
- 117 (d) The applicants swear under oath that the information provided is true and accurate
- 118 and sign the application in the presence of a notary public.
- 119 (e) The applicants pay ~~the any~~ required ~~fees~~fees.
- 120 ~~71.5-23.~~ 71.5-23. *Objections.* Any relative of the applicants, Department official, or applicant that
- 121 objects to an upcoming marriage may file a petition and sworn affidavit with the Court objecting
- 122 to the marriage.
- 123 (a) The petition shall state grounds for the belief that a marriage license should not be
- 124 issued to the applicants or a marriage license that has already been issued should be
- 125 revoked.
- 126 (b) The Court shall approve the petition only if the marriage, if conducted, would violate
- 127 this law.
- 128 (c) If the petition is approved by the Court, the applicants shall show cause why the
- 129 license should be issued or why the license should not be revoked.
- 130 ~~71.5-34.~~ 71.5-34. *Marriage Ceremony.*
- 131 (a) The ~~applicants shall marry not less than~~marriage shall occur between six (6) days
- 132 after the license is issued and ~~not more than~~ thirty (30) days after the license is issued.
- 133 The applicant may apply for a waiver of the initial five (5) day waiting period for an
- 134 additional fee. The marriage license shall contain notification of these time limits.
- 135 (b) If neither applicant resides on the reservation, the marriage ceremony shall be held on
- 136 the reservation. If one (1) or both of the applicants reside on the reservation, the marriage
- 137 ceremony shall be held within the State of Wisconsin. The applicants shall be notified of
- 138 this requirement when applying for a marriage license.
- 139 (c) The ceremony shall be solemnized by an officiating person(s) with two (2) competent
- 140 adult witnesses present.
- 141 (d) The parties shall vow by mutual declarations, before the officiating person(s) and
- 142 witnesses, that they take each other in lawful matrimony.
- 143 (e) The parties, the officiating person(s), and the witnesses shall, at the conclusion of the
- 144 ceremony, sign and date the marriage document.
- 145 (f) The officiating person(s) or one of the parties shall ~~deliver~~return the original
- 146 completed marriage document to the Department within three (3) business days after the
- 147 ceremony. The Department shall ~~deliver~~return the original marriage document to the
- 148 Wisconsin Vital Statistics Department within ten (10) business days after it is filed. The
- 149 Department shall retain a file stamped copy and provide a file stamped copy to the
- 150 married couple.
- 151 (g) The Department shall keep a ~~marriage license docket and shall enter therein a~~

152 complete record of the marriage applications and issuance of marriage licenses which
153 shall be available for public inspection during regular business hours.

154 | 71.5-45. *Officiating Persons.* The following persons are authorized as officiating persons under
155 this law:

156 | (a) a traditional tribal practitioner or spiritual or religious leader ~~who is commonly~~
157 | ~~recognized as such by the Oneida community or other Indian community~~ and has
158 registered with the Court; or

159 | (b) a Judge from the ~~Court~~any branch of the Judiciary or a tribal, federal, or state judge
160 or commissioner authorized to solemnize marriages under tribal, federal or state law; or

161 | (c) the Tribal Chairperson or a person designated by the Tribal Chairperson at the
162 request of the persons being married; or

163 | (d) any ordained clergyperson of any religious denomination, society, or sect; or

164 | (e) any person licensed by a religious body or appointed by a high-ranking clergy
165 member, if the religious denomination, society, or sect allows the person to solemnize
166 marriages; or

167 | (f) the parties themselves, by mutual declarations that they take each other as spouses, in
168 accordance with the customs, rules, and regulations of any religious denomination,
169 society, or sect to which either of the parties belongs; or

170 | (g) a former or retired Judge or Appeals Commissioner that served the Nation.

171

172 **71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities**

173 71.6-1. If a person is prohibited from marrying another under this law and goes to another
174 jurisdiction and there contracts a marriage that is prohibited under this law, such marriage shall
175 not be recognized by the ~~Trib~~Nation.

176 71.6-2. No marriage shall be contracted under this law by a party residing and intending to
177 continue to reside in another jurisdiction, if such marriage would be void if contracted in such
178 other jurisdiction. Every marriage celebrated in violation of this provision shall be void.

179 71.6-3. *Immaterial Irregularities.* A marriage shall be recognized as valid if the marriage is
180 consummated with the full belief on the part of the persons so married that they have been
181 lawfully joined in marriage, and:

182 | (a) the officiating person(s) did not have the authority to solemnize the marriage; or

183 | (b) the marriage license was issued by a department or person who did not have
184 jurisdiction to issue the license; or

185 | (c) the marriage license or application for the marriage license had an informality or
186 irregularity; or

187 | (d) either or both of the witnesses to the marriage were incompetent; ~~or~~

188 | ~~(e) the marriage ceremony was solemnized outside of the Reservation boundaries, or~~
189 | ~~Brown or Outagamie County, when applicable, or outside of the required time lines listed~~
190 | ~~on the marriage license.~~

191

192 **71.7. Penalties**

193 71.7-1. ~~A person~~The Department shall promulgate rules that establish a fine schedule for
194 persons who ~~knowingly violates~~violate this law ~~may be penalized as follows:~~

195 | ~~(a) Any person who swears to a false statement to obtain a marriage license or to help~~
196 | ~~another obtain a marriage license shall be fined no less than five hundred dollars~~
197 | ~~(\$500.00).~~

198 | ~~(b) Any person who is not an officiating person who solemnizes a marriage ceremony~~
199 | ~~shall be fined no less than one hundred dollars (\$100.00).~~

200 ~~(e) The parties to a marriage and/or the officiating person(s) of a marriage conducted~~
201 ~~without a valid marriage license or without the presence of two (2) competent adult~~
202 ~~witnesses shall be fined no less than one hundred dollars (\$100.00).~~

203 ~~(d) Any person who goes to another jurisdiction to avoid this Law and contracts a~~
204 ~~marriage prohibited under this Law shall be fined no less than five hundred dollars~~
205 ~~(\$500.00).~~

206 ~~(e) Any person who violates any other provision of this Law shall be fined no less than~~
207 ~~one hundred dollars (\$100.00).~~

208 71.7-2. The Department shall be the responsible entity for the enforcement of this section.

209 71.7-3. All fines issued shall be paid to the Department within thirty (30) days of the issuance of
210 the fine. Any person issued a fine under this law may contest the fine by filing an appeal with
211 the Court prior to the deadline to pay the fine. The filing of an appeal shall stay the requirement
212 to pay the fine. The notice of penalty issued shall inform the person penalized of the process to
213 file his or her appeal.

214
215 *End.*

217 Adopted-BC-04-28-10-F
218 Amended-BC-06-12-13-E
219 Amended-BC-05-27-15-A

Chapter 71
Marriage
Yeny@kt<>

What one does to get married

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71.1. Purpose and Policy	11	71.5. Marriage Document and Marriage Ceremony
71.2. Adoption, Amendment, Conflicts	12	71.6. Marriages Conducted to Avoid the Law and Immaterial
71.3. Definitions	13	Irregularities
71.4. Marriages, Generally	14	71.7. Penalties

15

71.1. Purpose and Policy

71.1-1. *Purpose.* It is the purpose of this law to exercise the sovereign right of the Oneida Nation to regulate the rights and responsibilities relating to marriage.

71.1-2. *Policy.* Marriage is a foundation of tribal society that stabilizes families which the Nation acknowledges by recognizing the legal relationship of a union between two (2) adults.

71.2. Adoption, Amendment, Conflicts

71.2-1. This law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F and amended by resolutions BC-06-12-13-E, BC-05-27-15-A and BC-_____.

71.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

71.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

71.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

71.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

71.2-6. *Rules.* If rules addressing a certain area of this law have not been enacted in accordance with the Nation’s laws and the Court is faced with a question, the Court may, in its discretion, refer to other Indian tribal law or state law for guidance, to the extent that such law is not inconsistent with Oneida laws.

71.3. Definitions

71.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Competent” means a person has attained the age of eighteen (18) years old and is able to make a legally binding commitment.

(b) “Court” means Family Court, which is a branch of the judicial arm of the Nation.

(c) “Court of competent jurisdiction” means a court that has the power and authority to dissolve a marriage.

(d) “Department” means the licensing department of the Nation that is responsible for administering and issuing licenses in accordance with the laws of the Nation.

(e) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

(f) “Marriage” means the civil contract to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of spouses.

(g) “Marriage document” means that document issued by the Department which includes the marriage license as well as information concerning the marriage ceremony, the

56 signatures of the witnesses and officiating person(s), and proof of filing.

57 (h) "Marriage license" means that portion of the marriage document designated as such,
58 which is the authorization for the marriage to take place.

59 (i) "Nation" means the Oneida Nation.

60 (j) "Officiating person" means the person or persons who perform the marriage
61 ceremony.

62 (k) "Reservation" means all the land within the exterior boundaries of the reservation of
63 the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566,
64 and any lands added thereto pursuant to federal law.

65 (l) "Rule" means a set of requirements, including citation fees and penalty schedules,
66 enacted in accordance with the Administrative Rulemaking law.

67 68 **71.4. Marriages, Generally**

69 71.4-1. *Who May Marry.* A marriage may be contracted under this law between two (2) adults
70 who:

71 (a) have a marriage document issued by the Department;

72 (b) have attained the age of eighteen (18), except as provided in section 71.4-3; and

73 (c) meet all other provisions under this law.

74 71.4-2. *Who May Not Marry.* Persons may not enter into marriage if they:

75 (a) are currently legally married to another person; or,

76 (b) have been legally divorced for less than six (6) months with a judgment of divorce
77 from a court of competent jurisdiction; or,

78 (c) are not legally competent; or,

79 (d) are closer in relationship than second cousins, except first cousins may marry if both
80 parties are fifty-five (55) years old or older.

81 71.4-3. *Minors.* Individuals under the age of sixteen (16) shall not marry. Individuals who meet
82 the above requirements, except for section 71.4-1(b) and are over the age of sixteen (16) but
83 under the age of eighteen (18) may marry if they present:

84 (a) written consent by his or her parent or guardian, signed and notarized before the
85 person issuing the marriage license; or

86 (b) proof that they have been legally emancipated.

87 88 **71.5. Marriage Document and Marriage Ceremony**

89 71.5-1. *Fees.* Applicants are responsible for paying all fees at the time the application is filed.
90 The Department shall promulgate rules that establish a fee schedule for a marriage license as
91 long as those fees are consistent with this law.

92 71.5-2. *Marriage Document.* The Department shall issue a marriage document to the applicants
93 within five (5) business days after the application is filed if, in addition to the other requirements
94 in this law, the following conditions are met at the time a marriage license is applied for:

95 (a) Either (1) or (2) applies to the applicants:

96 (1) each applicant:

97 (A) is a Tribal member; or

98 (B) resides on the reservation and is a member of an Indian tribe, band or
99 community which is recognized by a state or the federal government.

100 (2) one of the applicants meets the requirements of section 71.5-2(a)(1)(A) or (B)
101 and the other applicant consents to the Nation's jurisdiction to issue the license.
102 The completion of an application for a marriage license represents a person's
103 consent to the Nation's jurisdiction to grant the license.

104 (b) Both applicants appear in person at the Department to complete the marriage license
105 application.

106 (c) The applicants provide any information necessary to complete the application, which
107 may include: social security numbers, birth certificates, proof of residence, proof of tribal
108 membership, documentation of a judgment of divorce, annulment, or death certificates
109 from most recent marriages, parents' full names, mothers' maiden names, date and place
110 of marriage ceremony, and the name, address, and phone number of the officiating
111 person(s).

112 (d) The applicants swear under oath that the information provided is true and accurate
113 and sign the application in the presence of a notary public.

114 (e) The applicants pay any required fees.

115 71.5-3. *Objections.* Any relative of the applicants, Department official, or applicant that objects
116 to an upcoming marriage may file a petition and sworn affidavit with the Court objecting to the
117 marriage.

118 (a) The petition shall state grounds for the belief that a marriage license should not be
119 issued to the applicants or a marriage license that has already been issued should be
120 revoked.

121 (b) The Court shall approve the petition only if the marriage, if conducted, would violate
122 this law.

123 (c) If the petition is approved by the Court, the applicants shall show cause why the
124 license should be issued or why the license should not be revoked.

125 71.5-4. *Marriage Ceremony.*

126 (a) The marriage shall occur between six (6) days after the license is issued and thirty
127 (30) days after the license is issued. The applicant may apply for a waiver of the initial
128 five (5) day waiting period for an additional fee. The marriage license shall contain
129 notification of these time limits.

130 (b) If neither applicant resides on the reservation, the marriage ceremony shall be held on
131 the reservation. If one (1) or both of the applicants reside on the reservation, the marriage
132 ceremony shall be held within the State of Wisconsin. The applicants shall be notified of
133 this requirement when applying for a marriage license.

134 (c) The ceremony shall be solemnized by an officiating person(s) with two (2) competent
135 adult witnesses present.

136 (d) The parties shall vow by mutual declarations, before the officiating person(s) and
137 witnesses, that they take each other in lawful matrimony.

138 (e) The parties, the officiating person(s), and the witnesses shall, at the conclusion of the
139 ceremony, sign and date the marriage document.

140 (f) The officiating person(s) or one of the parties shall return the original completed
141 marriage document to the Department within three (3) business days after the ceremony.
142 The Department shall return the original marriage document to the Wisconsin Vital
143 Statistics Department within ten (10) business days after it is filed. The Department shall
144 retain a file stamped copy and provide a file stamped copy to the married couple.

145 (g) The Department shall keep a complete record of the marriage applications and
146 issuance of marriage licenses which shall be available for public inspection during
147 regular business hours.

148 71.5-5. *Officiating Persons.* The following persons are authorized as officiating persons under
149 this law:

150 (a) a traditional tribal practitioner or spiritual or religious leader and has registered with
151 the Court; or

- 152 (b) a Judge from the any branch of the Judiciary or a tribal, federal, or state judge or
153 commissioner authorized to solemnize marriages under tribal, federal or state law; or
154 (c) the Tribal Chairperson or a person designated by the Tribal Chairperson at the
155 request of the persons being married; or
156 (d) any ordained clergyperson of any religious denomination, society, or sect; or
157 (e) any person licensed by a religious body or appointed by a high-ranking clergy
158 member, if the religious denomination, society, or sect allows the person to solemnize
159 marriages; or
160 (f) the parties themselves, by mutual declarations that they take each other as spouses, in
161 accordance with the customs, rules, and regulations of any religious denomination,
162 society, or sect to which either of the parties belongs; or
163 (g) a former or retired Judge or Appeals Commissioner that served the Nation.
164

165 **71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities**

166 71.6-1. If a person is prohibited from marrying another under this law and goes to another
167 jurisdiction and there contracts a marriage that is prohibited under this law, such marriage shall
168 not be recognized by the Nation.

169 71.6-2. No marriage shall be contracted under this law by a party residing and intending to
170 continue to reside in another jurisdiction, if such marriage would be void if contracted in such
171 other jurisdiction. Every marriage celebrated in violation of this provision shall be void.

172 71.6-3. *Immaterial Irregularities.* A marriage shall be recognized as valid if the marriage is
173 consummated with the full belief on the part of the persons so married that they have been
174 lawfully joined in marriage, and:

- 175 (a) the officiating person(s) did not have the authority to solemnize the marriage; or
176 (b) the marriage license was issued by a department or person who did not have
177 jurisdiction to issue the license; or
178 (c) the marriage license or application for the marriage license had an informality or
179 irregularity; or
180 (d) either or both of the witnesses to the marriage were incompetent.
181

182 **71.7. Penalties**

183 71.7-1. The Department shall promulgate rules that establish a fine schedule for persons who
184 violate this law.

185 71.7-2. The Department shall be the responsible entity for the enforcement of this section.

186 71.7-3. All fines issued shall be paid to the Department within thirty (30) days of the issuance of
187 the fine. Any person issued a fine under this law may contest the fine by filing an appeal with
188 the Court prior to the deadline to pay the fine. The filing of an appeal shall stay the requirement
189 to pay the fine. The notice of penalty issued shall inform the person penalized of the process to
190 file his or her appeal.

191 *End.*

194 Adopted-BC-04-28-10-F

195 Amended-BC-06-12-13-E

196 Amended-BC-05-27-15-A

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

[Empty text box]

Agenda Header: Appointments

Accept as Information only

Action - please describe:

BC approval to appoint Jim Skenandore Jr. to the Audit Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1. Memo

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Cristina Danforth, Tribal Chairwoman

Primary Requestor/Submitter:

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

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.



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

Oneida Nation BUSINESS COMMITTEE



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



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

TO: Oneida Business Committee
FROM: Chairwoman Tina Danforth *CSD*
DATE: May 17, 2016
RE: Audit Committee

There were 2 applicants for one vacancy on the Audit Committee. The applicants were Jim Skenandore Jr. and Ryan Gerhardt.

There is one candidate qualified to serve. In accordance with the Article VI., Section 6-2 © of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Jim Skenandore Jr. to be appointed to serve on the Audit Committee.

Thank You!

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept the May 4, 2016 LOC Meeting Minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Submitted by: Doug McIntyre, Staff Attorney/LRO
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

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

Action Requested:

Accept the LOC meeting minutes of May 4, 2016.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Nation

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



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

LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

May 4, 2016 9:00 a.m.

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

Excused: Brandon Stevens

Others Present: Taniquelle Thurner, Krystal John, Maureen Perkins, Bonnie Pigman, Cheryl Skolaski, Nancy Barton, Cathy Metoxen, Ed Delgado, Dianne McLester-Heim, Leyne Orosco, Danelle Wilson, Mike Debraska (*via videoconference from SEOTS*)

I. Call to Order and Approval of the Agenda

Tehassi Hill called the May 4, 2016 Legislative Operating Committee meeting to order at 9:03 a.m.

Motion by David P. Jordan to adopt the agenda with the addition of the Business Committee Meetings law to the Additions section; seconded by Fawn Billie. Motion carried unanimously.

II. Minutes to be approved

1. April 20, 2016 LOC Meeting Minutes

Motion by Fawn Billie to approve the April 20, 2016 LOC meeting minutes; seconded by David P. Jordan. Motion carried with David P. Jordan and Jennifer Webster abstaining.

III. Current Business

1. Petition: Debraska – Health Board (3:43-19:12)

Motion by Jennifer Webster to accept the statement of effect for Petition: Debraska – Health Board and forward to the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

2. Cemetery Law Amendments (19:13-43:38)

Motion by Fawn Billie to defer the Cemetery Law Amendments to the sponsor's

office and bring back when ready; seconded by David P. Jordan. Motion carried unanimously.

3. Garnishment Amendments (43:39-45:20)

Motion by Jennifer Webster to approve the Garnishment Amendments public meeting packet and forward for a Public Meeting to be held on June 3, 2016; seconded by Fawn Billie. Motion carried unanimously.

4. Employment Law (45:21-47:10)

Motion by Jennifer Webster to accept the Employment law public meeting comments and defer the consideration of the comments to a work meeting to be held on Thursday, May 12, 2016 in the Business Committee Conference Room from 10:30 a.m. - 1:30 p.m.; seconded by David P. Jordan. Motion carried unanimously.

5. Eviction and Termination (47:11-48:35)

Motion by David P. Jordan to accept the draft of the Eviction and Termination law and defer to the Legislative Reference Office for a legislative analysis; seconded by Jennifer Webster. Motion carried unanimously.

6. Leasing Law (48:36-50:32)

Motion by Jennifer Webster to accept the Leasing law public meeting packet with the updated draft and legislative analysis based on the latest comments received from the BIA and reaffirm the public meeting scheduled for the Leasing law on May 19, 2016 at 12:15 p.m.; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

1. Rules of Administrative Procedure (50:33-52:03)

Motion by Fawn Billie add the Rules of Administrative Procedure to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor of the Rules of Administrative Procedure.

V. Additions

1. Business Committee Meeting Law (52:04-1:10:20)

Motion by Fawn Billie to make the Business Committee Meeting law a priority item on the Active Files List and to direct the sponsor to schedule a strategy meeting to discuss possible solutions to mitigate tension and improve the communication process at Business Committee meetings; seconded by Jennifer Webster. Motion carried unanimously.

VI. Administrative Updates

VII. Executive Session

VIII. Recess/Adjourn

Motion by Fawn Billie to adjourn the May 4, 2016 Legislative Operating Committee meeting at 10:13 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept the LOC quarterly report.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Submitted by: Doug McIntyre, Staff Attorney/LRO
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Per the quarterly reporting schedule developed by the Tribal Secretary's Office, the LOC is submitting to the OBC a quarterly report for the period of January 2016 to March 2016.

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

Oneida Nation

Legislative Operating Committee

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

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



Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

Quarterly Report Legislative Operating Committee January - March 2016

1. Purpose and Mission

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

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

2. Members

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

3. Contact Information

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

4. Meetings

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

5. Prioritization

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

6. Summary

During this reporting period (January - March 2016), the LOC:

- Added two legislative items to the AFL and completed processing four legislative items; bringing the total number of legislative items on the AFL to 54 (as of April 1, 2016).

- Added one administrative item (a GTC petition) to the AFL and forwarded a statement of effect for one GTC petition to the OBC; bringing the total number of legislative analyses/statements of effect prepared for GTC petitions this term to 16.
- Held six public meetings.

Legislative Items Added to the Active Files List

Of the two legislative items added to the AFL during the reporting period, one is a proposal for a new law and the other is a proposal that would amend the bylaws for a Tribal entity:

- **New Law: Eviction Law.** This is a new Law that would create a streamlined eviction process which provides the rights and responsibilities of all parties involved and applies to leases held pursuant to the Leasing Law and the Landlord-Tenant Law. *Added to the Active Files List on January 6, 2016.*
- **Amendments: Trust Enrollment Committee Bylaws.** A Tribal member requested changes to the entity's bylaws in order to remove particular language. The Trust/Enrollment Committee also wishes to update the entity's bylaws. *Added to the Active Files List on January 6, 2016.*

Legislative Items Completed

Four legislative items were completed during this reporting period and removed from the AFL:

- On February 24, 2016, the OBC adopted the new **Administrative Rulemaking** law.
- On February 24, 2016, the OBC approved amendments to the **Administrative Procedures Act**.
- On January 13, 2016, the OBC approved amendments to the **Public Use of Tribal Land** law.
- The OBC approved amendments for the **Audit Committee bylaws** on January 27, 2016.

Emergency Actions

During the January – March 2016 reporting period, there were no laws or policies in effect on an emergency basis.

Added/Processed Administrative Items

GTC Petitions. During this quarter, one new GTC petition was deferred to the LOC for legislative analysis, and the OBC accepted a statement of effect for a separate item:

- The LOC added **Petition: Debraska – Health Care Board** to the Active Files List on March 22, 2016.
- On March 9, 2016, the OBC accepted the analysis the LOC had prepared for **Petition: Food Pantry**.

Public Meetings

The LOC held six public meetings during the reporting period:

- 3/31/16 – Employment Law (new law)
- 3/17/16 – Marriage Law Amendments
- 2/18/16 – Garnishment Law Amendments
- 1/7/16 – Comprehensive Policy Governing Boards, Committees & Commissions amendments
- 1/7/16 – Administrative Procedures Act amendments
- 1/7/16 – Administrative Rulemaking (new law)

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

[Empty text box]

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

BC approval of Finance Committee Meeting Minutes of May 16, 2016

3. Supporting Materials

Report Resolution Contract

Other:

1. FC Mtg Minutes of 5/16/16

3. [Empty text box]

2. FC E-Poll approving 5/16/16 Minutes

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

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

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



ONEIDA FINANCE COMMITTEE

Financial Planning Meeting

May 16, 2016 – 9:00 A.M.

Business Committee Executive Conference Room

Regular Meeting

May 16, 2016 – 10:00 A.M.

Business Committee Executive Conference Room

MEETING MINUTES

FC Planning Meeting:

Patricia King, Treasurer/FC Chair

David Jordan, BC Council Member

Wesley Martin, Jr., Community Elder Member

Larry Barton, CFO/FC Vice-Chair

Jenny Webster, BC Council Member

Others Present: Kristine Hill, Facilitator and Denise Vigue, FC recording secretary

The Finance Planning meeting began at 9:00 a.m. It was agreed at the previous meeting and this session that these planning meetings are to be work meetings of the Finance Committee and Finance staff and it is to be scheduled one hour prior to each regular FC meeting. The facilitator reviewed the goals previously discussed items from the last meeting and noted that group will need to set up categories of importance, goals, and putting the strategies together in a cohesive plan that will represent the financial systems of the tribe moving forward.

Topics discussed today to include into the process are Hot Spots, Long Term Planning, transition to the future leadership, budget process issues and incorporating all policies, processes, communication, internal actions to the Budget Management Act. It was agreed the BMA is considered the foundation of this planning so it would be helpful to review by the group. The BMA is in draft phase and will be provided before the next working meeting along with inviting staff currently working on it at the LOC. The Treasure will ask the LOC for input and attendance at next meeting, Denise will send out future meeting appointments; group will review the BMA before the next meeting.

FC Regular Meeting:

Patricia King, Treasurer/FC Chair

David Jordan, BC Council Member

Patrick Stensloff, Purchasing Director

Wesley Martin, Jr., Community Elder Member

Larry Barton, CFO/FC Vice-Chair

Jenny Webster, BC Council Member

Chad Fuss, Gaming AGM/FC Alternate

Others Present: Michael Finney, Henrietta Cornelius, Kim La Luzerne, Lambert Metoxen, Tim Skenandore and Denise Vigue, FC recording secretary

I. Call to Order: The regular FC meeting was called to order by the FC Chair at 10:05 A.M.

II. Approval of Agenda: MAY 16, 2016

Motion by Wesley Martin, Jr. to approve the Finance Committee agenda for May 16, 2016 with the three ADD On requests. Seconded by Jennifer Webster. Motion carried unanimously.

III. Approval of Minutes: MAY 2, 2016 (approved via FC E-Poll on 5/3/16):

Motion by David Jordan to ratify the FC E-Poll action of May 3, 2016 approving the Finance Committee meeting minutes of May 2, 2016. Seconded by Larry Barton. Jennifer Webster abstained. Motion carried.

IV. Tabled Business: No Tabled Business

V. Capital Expenditures:

1. ADD ON: Interseeder Technologies Amount: \$90,999.
Michael Finney, Environmental

Michael Finney was present to discuss the Interseeder, which is a new technology that will be a first in this region that is being purchased under grant funds; three stage advantages; use of new equipment; improvement of soil health of the farm; and allow soil to become more green; also a chance to provide regional learning to other communities; would like approval for proposed June delivery. The question of the lack of sole source justification, grantor approval, and omission of shipping costs of equipment was discussed.

Motion by Larry Barton to refer back to requestor to provide freight costs, and correspondence from granting agency of sole source approval and return back to the Finance Office so an E-Poll of the FC can be done in time for the BC action of the FC minutes next week. Seconded by Chad Fuss. Motion carried unanimously.

VI. New Business:

1. Meadowbrook – Cyber Premium
Robert Keck, Risk Management

The CFO went over the deliverables of the cyber insurance coverage, the request for bids process and bids received (2), and the specific needs brought about by increased use of technology.

Motion by Wesley Martin, Jr. to approve the Meadowbrook Cyber Premium in the amount of \$105,738.00. Seconded by David Jordan. Larry Barton abstained. Motion carried.

VII. Donation Requests:

1. ADD ON: Finance Committee Donation Line - Update Report
Denise Vigue, Finance Office

Motion by Jennifer Webster to approve the Finance Committee Donation Line Update Report. Seconded by David Jordan. Motion carried unanimously.

2. Oneida Nation Longhouse
Requestor: Apache Danforth

Motion by Wesley Martin, Jr. to approve from the Finance Committee Donation Line \$2,500.00 to the Oneida Nation Longhouse Fund to assist with the kitchen construction/upgrade. Seconded by David Jordan. Motion carried unanimously.

VIII. Executive Session:

Motion by David Jordan to move into Executive Session. Seconded by Chad Fuss. Motion carried unanimously. Time: 10:25 A.M.

Motion by Wesley Martin, Jr. to come out of Executive Session. Seconded by David Jordan. Motion carried unanimously. Time: 11:25 A.M.

1. Medical Contract
Henrietta Cornelius, OCHC

Motion by David Jordan to defer this item to the four BC Officers to identify what needs to happen regarding the process inconsistencies surrounding the contract amendment; to defer back to the requestor to obtain a legal opinion; and to return to the Finance Committee when completed. Seconded by Chad Fuss. Motion carried unanimously.

- 2. Previous FC Action on Tier IV expenditures
Chad Fuss, Gaming Administration

Motion by Chad Fuss to rescind the original Gaming MIS Tier IV requests approved by the Finance Committee on March 14, 2016 for Access, Inc. and Faith Technologies, Inc. Seconded by Larry Barton. Motion carried unanimously.

Motion by Jennifer Webster to request the Treasurer to contact MIS regarding the Tier IV Project to find out what work is being done at the Skenandoah Complex, what Purchase Order is it under, what contract is it under, and who authorized work/contract. Seconded by David Jordan. Motion carried unanimously.

IX. Follow Up:

- 1. Data Financial
Kim La Luzerne, Table Games

Motion by Larry Barton to accept the follow up memo regarding the contingent approved given for this request on May 2, 2016. Seconded by David Jordan. Motion carried unanimously.

- 2. ADD ON: Fr: OBC mtg of 5/11/16: FC Minutes –Concern
Patricia King, FC Chair & Treasurer

Motion by Larry Barton to add the name of each Community Fund requestor on to future meeting minutes. Seconded by David Jordan. Motion carried unanimously.

X. FYI and /or Thank You:

- 1. Thank You: Military Order of the Purple Heart
George Greendeer, Commander, MoPH

Motion by Jennifer Webster to accept the thank you as FYI. Seconded by David Jordan. Motion carried unanimously.

- XI. Adjourn:** Motion by David Jordan to adjourn. Seconded by Wesley Martin, Jr. Motion carried unanimously. The meeting ended at 12:05 P.M.

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

Finance Committee- E-Poll Minutes Approval Date: May 17, 2016

Oneida Business Committee- FC Minutes- Approval Date: _____

ONEIDA NATION



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

Post Office Box 365

Phone: (920) 869-2214



Oneida, Wi 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: May 17, 2016
RE: E-Poll Results of: FC Meeting Minutes of MAY 16, 2016

An E-Poll vote of the Finance Committee was conducted to approve the May 16, 2016 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 6 YES votes from Larry Barton, Chad Fuss, Wesley Martin, Jr., Jennifer Webster, David Jordan and Patrick Stensloff to approve the May 16, 2016 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of May 25, 2016 for approval and the next Finance Committee agenda of May 31, 2016 to ratify this E-Poll action.

Yawλko

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

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

BC approval of Finance Committee E-Poll action regarding: InterSeeder Technologies

3. Supporting Materials

Report Resolution Contract

Other:

- 1.
- 2.
- 3.
- 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC. At the 5/2/16 FC meeting this item was deferred back to requestor with the understanding follow-up would be done immediately so an E-poll of the FC on this item can take place in time for this BC agenda.

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



ONEIDA NATION

Finance Administration
 P.O. Box 365 • Oneida, WI 54155
 Phone: 920- 869-4325
FAO@oneidanation.org

MEMORANDUM

To: Oneida Finance Committee
Fr: Denise Vigue, Executive Assistant-Finance
Dt: May 18, 2016
Re: **E-Poll Results – Cap Ex purchase-InterSeeder Technologies**

On May 18, 2016 the Treasurer approved an E-poll of the Finance Committee regarding a request from Environmental for a Capital Expenditure Purchase of an InterSeeder in the amount of \$90,999.00. The E-poll was completed today.

The 5/2/16 FC meeting motion was as follows:

Motion by Larry Barton to refer back to requestor to provide freight costs, and correspondence from granting agency of sole source approval and return back to the Finance Office so an E-Poll of the FC can be done in time for the BC action of the FC minutes next week. Seconded by Chad Fuss. Motion carried unanimously.

E-POLL RESULTS:

There was a Majority - 5 YES votes from Larry Barton, Patrick Stensloff, Chad Fuss, David Jordan and Wesley Martin, Jr. to approve the Capital Expenditures request for purchase of an InterSeeder in the amount of \$90,999.00.

This concludes the Finance Committee E-poll. The information will be placed on the next Business Committee agenda of May 25, 2016 for action and the next Finance Committee agenda of May 31, 2016 to ratify this E-Poll.

Yawλko

Finance Committee By-Laws excerpt:

Article III. Meetings

3-6. Voting

(c) Telephone and e-mail polls may be allowed by authority of the (Finance Committee) Chairperson. Polls must be sent to all Finance Committee members with a quorum responding.

Denise J. Vigue

From: Denise J. Vigue
Sent: Wednesday, May 18, 2016 2:44 PM
To: Chad M. Fuss; David P. Jordan; Jennifer A. Webster; Lawrence E. Barton; Louise C. Cornelius; Patricia M. King; Patrick W. Stensloff; Wesley Martin
Cc: Brian A. Doxtator; Cynthia E. Couture; Jessalyn M. Harvath; Leyne C. Orosco; Ralinda R. Ninham-Lamberies; Terry A. Cornelius
Subject: FC E-Poll: Sole Source backup_Interseeder
Attachments: interseeder sole source.pdf

E-Poll:

Good Day,
Please review all the information in the E-mail string as well as the attached. This was a follow up from the 5/2/16 FC agenda.

FC 5/2/16 Minutes Excerpt:

I. Capital Expenditures:

- 1. ADD ON: Interseeder Technologies Amount: \$90,999.
Michael Finney, Environmental

Michael Finney was present to discuss the Interseeder, which is a new technology that will be a first in this region that is being purchased under grant funds; three stage advantages; use of new equipment; improvement of soil health of the farm; and allow soil to become more green; also a chance to provide regional learning to other communities; would like approval for proposed June delivery. The question of the lack of sole source justification, grantor approval, and omission of shipping costs of equipment was discussed.

Motion by Larry Barton to refer back to requestor to provide freight costs, and correspondence from granting agency of sole source approval and return back to the Finance Office so an E-Poll of the FC can be done in time for the BC action of the FC minutes next week. Seconded by Chad Fuss. Motion carried unanimously.

Please send your response to this E-Poll as soon as possible so it can be included on the 5/25/16 BC agenda. Thank you,

Denise Vigue, Finance Administration
& Finance Committee Contact
Oneida Tribe of Indians of Wisconsin
Office: 920-869-4325
dvigue@oneidanation.org



please consider the environment before printing this email :)

From: Patricia M. King
Sent: Wednesday, May 18, 2016 2:27 PM
To: Denise J. Vigue
Subject: RE: request for memo approving sole source for BIA/GLRI funds

Yes, I believe the question re: authorization of granting agency to use funds for sole source to purchase the interseeder has been provided. Please include with the e-poll all this e-mail string and the original request with back-up docs to the e-poll.

Yaw^ko

From: Denise J. Vigue
Sent: Wednesday, May 18, 2016 1:47 PM
To: Patricia M. King
Cc: Lawrence E. Barton
Subject: FW: request for memo approving sole source for BIA/GLRI funds

Good Afternoon Trish,
Please see below and attached and let me know if you approve me going ahead with the E-poll.
Thank you,
d.

Denise Vigue, Exec. Asst-Finance
& Finance Committee Contact
Finance Administration Office
Oneida Tribe of Indians of WI
920-869-4325
dvigue@oneidanation.org



From: Wesley C. Johnson
Sent: Wednesday, May 18, 2016 12:32 PM
To: Denise J. Vigue
Cc: Jonathan J. Habeck; Michael N. Finney
Subject: FW: request for memo approving sole source for BIA/GLRI funds

Denise,

Would you provide the following information to the committee so that they can approve the "Interseeder" by e-poll and allow this issue to go before the Business Committee next week? Thank you

The funds used for this project are BIA GLRI funds. To our knowledge there is only one source, an extension business from Penn State University, who is currently building 12 row Interseeders. Please see below the message from Merben Cebrían approving this sole source purchase.

The shipping costs for the Interseeder to Oneida is \$1,800.

Is this everything you would need from us to move forward and get on the Business Committee Agenda for next week?

Thank you,

Wes Johnson
Project Technician/Manager

Oneida Tribe of Indians of Wisconsin
Environmental, Health & Safety Division
N7332 Water Circle Place Oneida WI 54155-8811

Office: 920-869-4587 | Cell: 920-370-3642 | Fax: 920-869-1610

Visit us on the web at <http://www.oneidanation.org/environment/>
Like us on Facebook! <http://bit.ly/OneidaEHSD>

From: Cebrian, Merben [<mailto:merben.cebrian@bia.gov>]
Sent: Wednesday, May 18, 2016 10:45 AM
To: Michael N. Finney
Cc: jessica.koski@bia.gov; Jonathan J. Habeck; Wesley C. Johnson
Subject: Re: request for memo approving sole source for BIA/GLRI funds

Dear Michael,

After reviewing your sole-source justification, and after discussing your request with Jessica, I approve the use of GLRI project funds for the sole source purchase of the interseeder equipment for your GLRI project. If you have any questions, please do not hesitate to contact either myself or Jessica for your GLRI project needs.

Best regards,
Merben

Merben R. Cebrian

Regional Fish & Wildlife Biologist
USDOI BIA Midwest Region www.bia.gov
5600 West American Blvd., Bloomington, MN 55437 USA
voice: +1.612.725.4529; fax: +1.612.713.4401; email: merben.cebrian@bia.gov
CWB @ | Member, IUCN Species Survival Commission, www.iucn.org

On Tue, May 17, 2016 at 5:09 PM, Michael N. Finney <mfinney@oneidanation.org> wrote:

From: Michael N. Finney
Sent: Tuesday, May 17, 2016 4:39 PM
To: 'merben.cebrian@bia.gov'; 'jessica.koski@bia.gov'
Cc: Jonathan J. Habeck; Wesley C. Johnson
Subject: request for memo approving sole source for BIA/GLRI funds

Merbin and Jessica, Thanks for doing this time sensitive matter. If we could get a memo from you approving sole source use of these funds to purchase a piece of field equipment by Wednesday at noon that would be great. That will allow us to put this matter on our Business Committee agenda for next week for a "final approval".

Please "reply all" so Jon and Wes can follow-up .. I will be out of the office for the rest of the week.

Thanks ever so much. If any issues. Jon's phone number: 920-869-4560; Wes phone number: 920-869-4587

From what you will see in the attached info. The technology is new and is only be manufactured by Penn State University.

Attached are 4 background memos.

- 1) Memo from Jessica approving use of funds for equipment
- 2) Sole source justification (Penn State is the only current “demo” manufacturer – New Technology)
- 3) Second Sole source memo
- 4) Picture of the interseeder (that is being built at Penn state)

Thanks

Michael Finney
Manager Eco-Services Dept.
Oneida Nation of Wisconsin
e-mail: mfinney@oneidanation.org
Office: 920-869-4576

Brenda L. Skenandore

From: Jonathan J. Habeck
Sent: Wednesday, March 30, 2016 10:35 AM
To: Brenda L. Skenandore
Subject: FW: FY 2014 GRLI SOW and Budget Modifications

Jon Habeck

Technician-Project Manager

Office : (920) 869-4560

Email : jhabeck@oneidanation.org

Oneida Environmental Health and Safety

Eco-Services Department

Little Bear Development Center

N7332 Watercircle Place

Oneida, WI 54155

From: Koski, Jessica [<mailto:jessica.koski@bia.gov>]
Sent: Thursday, March 10, 2016 11:40 AM
To: Jonathan J. Habeck
Cc: Merben Cebrian
Subject: Re: FY 2014 GRLI SOW and Budget Modifications

Hi Jon,

I have reviewed Oneida Nation of Wisconsin's Modification Request and Revised FY14 GLRI Scope of Work (SOW) and budget for the Nonpoint Pollution Abatement Program.

I approve the request to reprogram FY12-FY14 GLRI funds to acquire the equipment needed in order to implement innovative conservation efforts on Tribal lands and to increase the Tribe's capacity to improve water quality and habitat in the Lower Fox River Watershed of Lake Michigan.

I will follow-up I have any additional questions related to Oneida's GLRI projects so that all of BIA's information is updated and reflected accurately in the Environmental Accomplishments in the Great Lakes (EAGL) database.

Regards,

Jessica

--

Jessica L. Koski
Great Lakes Restoration Biologist
Bureau of Indian Affairs Midwest Region
Stationed at Great Lakes Agency
916 Lakeshore Drive West, Ashland, WI 54806
office: 715.685.2378 | fax: 715.682.8897
email: jessica.koski@bia.gov

CONTRACT / PURCHASE APPROVAL REQUEST**Contacts**

Date	05/10/16	Requested Review Date	05/16/16
Requestor's Name	Michael Finney	Requestor's Phone #	869-4576
Business Unit Name	GLRI Non-Point	Area Director	Patrick Pelky
Business Unit Number	001-5230449-100-703250-000	Executive Representative	

Description of Contract (Include a summary of the contract as well as benefits associated from the contract)

This Purchase Order is with Interseeder Technologies and is for a 12 Row/30ft Interseeder . Cover cropping agricultural fields is becoming a necessity to reduce the amount of phosphorus entering surface waters in the Lower Fox River Watershed. With Oneida Nation Farms large amount of land that is being cropped, roughly 2400 acres of corn each year, it is nearly impossible to get cover crop established through the traditional linear thinking of planting cover crops after corn harvest. Penn State University has developed what they call the Interseeder. This equipment will allow the farm to plant cover crops shortly after the corn is planted giving ONF more time to get his task complete. This technology is relatively new and Interseeder is the only company right now that produces this type of equipment for commercial sale. Also, with the purchasing of this piece of equipment Oneida Environmental Health & Safety will be able to use this to leverage an additional \$250,000.00 with Great Lakes commission GLRI Watershed grant for cover cropping. This equipment will be 100% externally funded through BIA-GLRI Grant Money.

Terms of the Contract

Supplier Name	Interseeder Technologies			Vendor Number	142741		
Item(s) Purchased	12 Row/ 30 ft Interseeder			Budgeted Purchase	YES	NO	
Total Commitment	\$90,999.00			Trade-in / Book Value			
Shipping Costs				Legal Review Number	NA		
Contract Start Date	NA			Contract End Date	NA		
Auto-renewal clause	YES	NO		If Yes, Notice Period			
CAP EX Approval	YES	NO	DATE	State License Current (Gaming Specific)	YES	NO	N/A
CAP EX Line Item	CAP EX #2016-5115			Account Number	001.5230449.100.703250.000		

Competitive Bid/Sole Source Justification (Include a summary of the selection criteria if other than price)

	Supplier Name	Bid Amount	Indian Preference	Sole Source
Bidder #1	Interseeder Technologies	\$90,999.00		X
Bidder #2				
Bidder #3				

Summary of selection criteria or sole source justification: Penn State University has developed what they call the Interseeder. This equipment will allow the farm to plant cover crops shortly after the corn is planted giving ONF more time to get his task complete. This technology is relatively new and Interseeder is the only company right now that produces this type of equipment for commercial sale. Also, with the purchasing of this piece of equipment Oneida Environmental Health & Safety will be able to use this to leverage an additional \$250,000.00 with Great Lakes commission GLRI Watershed grant for cover cropping. This equipment will be 100% externally funded through BIA-GLRI Grant Money.

Oneida Tribe of Indians of Wisconsin
Environmental, Health & Safety Division

Little Bear Development Office
 PO Box 365
 N7332 Water Circle Place
 Oneida, WI 54155
 Phone (920) 869-4591
 FAX (920) 869-1610



Conservation Field Office
 PO Box 365
 N8047 County Road U
 Oneida, WI 54155
 Phone (920) 869-1450
 FAX (920) 869-2743

Sole Source Justification

March 30, 2016

Equipment Purchase: Interseeder

Equipment Description: 12 row/ 30 ft Interseeder with grain drill conversion and lift assist

Equipment Owner: Oneida Nation Farm

Dealer: Interseeder Technologies

Funding Sources: BIA-GLRI Grant

Cover cropping agricultural fields is becoming a necessity to reduce the amount of phosphorous entering surface waters in the Lower Fox River Watershed. With Oneida Nation Farm large amount of land that is being crop, roughly 2400 acres of corn each year, it is nearly impossible to get cover crop established though the traditional linear thinking of planting cover crops after corn harvest. Penn State University has developed what they call the Interseeder. This equipment will allow the farm to plant cover crops shortly after the corn is planted giving ONF more time to get this task complete. This technology is relatively new and Interseeder Technologies is the only company right now producing this type of equipment for commercial sale. By purchasing this piece of equipment Oneida Environmental Health and Safety will be able to use this purchase to leverage an additional \$250,000.00 though the Great Lakes Commission GLRI Watershed Grant for cover cropping. This equipment will be 100% externally funded though BIA-GLRI Grant money.



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept March 10, 2016, Quality of Life Committee meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="March 10, 2016, QoL meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



C. Social Marketing Plan Update—Fawn Billie (verbal update)

DISCUSSION: No further changes/updates to the Social Marketing Plan at this time. The team will continue to work on the plan but need more data. A meeting was scheduled with the school board to see if the YRBSS Assessment (Youth Risk Behavior Surveillance System) could be done in the tribal schools. The social marketing plan can be further developed once the data is collected and assessed and goals can be identified. Other data would be collected through child protective services through a survey. The Social Marketing Plan team will reconvene in September after all data has been collected. Development Division has social planners and who about community development. Next meeting request a presentation on the quality of life survey, send the questions before for discussion for the next meeting.

MOTION: by Jenny Webster to request Melissa Nuthals to send the the latest Quality of Life survey for review before the next meeting and that a presentation be provided at the next Quality of Life meeting, seconded by Trish King. Motion carried unanimously.

MOTION: by Trish King to accept the Social Marketing Plan verbal update, seconded Jenny Webster. Motion carried unanimously.

V. New Business

(No action requested)

VI. Standing Items

A. Drug Task Force Update—Fawn Billie

Excerpt from January 14, 2016 Quality of Life Meeting: Motion by Trish King to accept the update; to have Fawn contact Housing for additional information, schedule a work meeting with the Task Force and Oneida Tribal School Student Council, YES, and Sarah's group (yetyatanunha?) to create a social marketing strategy on drug use in Oneida. Second by Tehassi. Motion carried unanimously.

Excerpt from December 10, 2015 Quality of Life Meeting: Motion by Tehassi Hill to: Accept the Drug Task Force update, and; The Drug Task Force reach out to Tina Jorgenson to facilitate them through the social marketing plan, and; The Drug Task Force coordinate a meeting schedule, and; A Community Meeting be held to create awareness of signs of drug abuse coordinated by Tina Jorgenson on January 12. Second by Brandon Stevens. Motion carried unanimously.

(No Discussion or Motions)

B. Wellness Facility *(no action requested)*

Discussion: General discussion about a youth treatment facility. Navajo has an experiential program that helps teach and build up wayward youth to become leaders of future programs. There might be some models for Oneida to look at and Diabetes Prevention will connect with some of their contact. There is a group through the diabetes program that attends an annual camping trip that teaches life lessons to better their health/spirit/body/mind. (Apostle Island trip) Shiprock and their funding? Regarding wellness facility. Find out if other tribes are onboard for funding. IHS funding? Some different things need to be identified before moving forward. Identify some follow through with the state. Do they support the initiative? Do other tribes? Identify a site. Needs to have a campaign with a specific driver. A year round service and sight, 24/7? Funding is available at the State level. Just needs a public statement



from Oneida and other tribes saying it is supported and we want to move forward with this. Also need a plan of action.

MOTION: by Jenny Webster to accept the verbal discussion and to bring back additional information on the Shiprock Hills plan, Artely's plan, Navicient site for sale (in Menominee) and a State/tribal jurisdiction update from Fawn and Lisa. Seconded by Trish King. Motion carried unanimously.

MOTION: by Jenny Webster for the Wellness Council to bring an update on the exercise at work pilot program to the May meeting, seconded by Trish King. Motion carried unanimously.

VII. Reports

VIII. Additions

IX. Adjourn (9:59 am)

MOTION: by Jenny Webster to adjourn at 9:59 a.m. Seconded by Trish King. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept April 14, 2016, Quality of Life Committee meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="April 14, 2016, QoL meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Quality of Life Committee

Date: Thursday, April 14, 2016
 Time: 8:30 am
 Location: BC Executive Conference Room

Meeting Minutes

I. Call to Order and Roll Call

Meeting called to order by Fawn Billie at 8:35 a.m.

P Fawn Billie, QOL Chair

P Tehassi Hill, QOL Vice Chair

P Trish King, BC Treasurer

A Lisa Summers, OBC Secretary

P Brandon Stevens, OBC Councilman

(P- present, A- Absent)

Others in Attendance: Cheryl Stevens, Melissa Nuthals, Susan House, Joanie Buckley, Richard VanBoxtel, Mandy Schneider, Jackie Smith, Jessica Wallenfang, Tina Jorgensen, Pat Pelky, Dr. Ravinder Vir, Jessica Wallenfang

II. Approval of the agenda

Motion by Tehassi Hill to approve the agenda, moving item IV.B to the top of the agenda, seconded by Trish King. Motion carried unanimously.

III. Approval of Meeting Minutes

A. Approve March 10, 2016 Quality of Life Meeting Minutes

Motion by Tehassi Hill to approve the March 10, 2016 Quality of Life Meeting minutes, seconded by Trish King. Motion carried unanimously.

IV. Unfinished Business

- A. Oneida Youth Leadership 7871 and United Way update—Fawn Billie**
Excerpt from March 10, 2016 Quality of Life Meeting: Motion by Trish King to invite a representative from each the 7871 and United Way team to continue the discussion around the community fund. Second by Jenny Webster. Motion carried unanimously.

DISCUSSION: Joanie Buckley and Cheryl Stevens gave an update on the Oneida Youth Leadership 7871. It will be a board within the tribe and does not have to be a separate entity outside of the tribe. They will create a charter and bylaws for the board-looking to the Arts board charter as a template. They have a website developed for donations. The 7871 is an IRS award for the tribe.

United Way can work in conjunction with the 7871 and is currently being revived. The team has not been together since 2013. Jessica Wallenfang will be the designated person working on this initiative. Looking for an executive summary of what exactly United Way is and what it does. Who manages the money coming in administratively?

Motion by to Tehassi Hill to accept the 7871 update, seconded by Trish King. Motion carried unanimously.

V. New Business

A. Services for Disabled Population—Melinda J. Danforth

Discussion: It has been asked of Governmental Services that the gap in services for disabled individuals be identified. Looking for QOL to lead the way on developing/identifying services for disabled individuals. Try to figure out how we can better service this population. Healthcare.gov is a tool for individuals to identify what services that they may qualify for, based on their situation. It appears that those individuals with disabilities are falling through the cracks and the reason for this request coming forward to QOL is to research and identify if there is a gap. Gather the baseline for this population and then bring Mallory Patton to the table to discuss gaps/needs/funding, etc...

Next steps: Invite Mallory Patton to the next QOL meeting and have her identify where the gaps are and help with definitions.

Motion by Tehassi Hill to accept the Vice Chair's recommendation and invite Mallory Patton to the next QOL meeting, seconded by Brandon Stevens. Motion carried unanimously.

B. HHS-MAST Follow-Up Regarding Opioids—Fawn Billie

Discussion: Fawn Billie attended HHS-MAST and will give her update at the next QOL meeting.

Motion by Tehassi Hill to defer HHS-MAST follow-up regarding opioids to the next meeting, seconded by Brandon Stevens. Motion carried unanimously:

C. Pilot Employee Exercise Program Update—Tina Jorgensen

Discussion: Enrolled 96 employees and 88 are active in the pilot. Just finished week six and are halfway through the pilot program. They have a really good sample to work from and will show the results at the end of the program, which is May 20. Will bring the results to the BC at the end of June 2016.

Motion by Tehassi Hill to accept the update, seconded by Brandon Stevens. Motion carried unanimously:

VI. Standing Items

A. Drug Task Force Update

Excerpt from March 10, 2016 Quality of Life Meeting: No discussion or action on this topic.

Excerpt from January 14, 2016 Quality of Life Meeting: Motion by Trish King to accept the update; to have Fawn contact Housing for additional information, schedule a work meeting with the Task Force and Oneida Tribal School Student Council, YES, and Sarah's group (yetiyatanunha?) to create a social marketing strategy on drug use in Oneida, second by Tehassi Hill. Motion carried unanimously.

Excerpt from December 10, 2015 Quality of Life Meeting: Motion by Tehassi Hill to: Accept the Drug Task Force update, and; The Drug Task Force reach out to Tina Jorgensen to facilitate them through the social marketing plan, and; The Drug Task



Force coordinate a meeting schedule, and; A Community Meeting be held to create awareness of signs of drug abuse coordinated by Tina Jorgensen on January 12, 2016, second by Brandon Stevens. Motion carried unanimously.

Discussion: Discussion around current individuals addicted to drugs and/or alcohol and who are looking to get help, but do not know where to turn. Dr. Ravinder Vir will reach out to the AODA workers, to reach out to the QOL members for further discussion.

Motion by Tehassi Hill to accept the verbal update, seconded by Brandon Stevens. Motion carried unanimously:

1. Technical Assistance Training Update—Eric Boulanger (verbal update)

***Excerpt from March 10, 2016 Quality of Life Meeting:** Motion by Jenny Webster to defer the Technical Assistance Training Update to the next Quality of Life meeting, second by Trish King. Motion carried unanimously.*

***Excerpt from February 11, 2016 Quality of Life Meeting:** Motion by Tehassi Hill to move forward with the training and send the information to OPD, second by Trish King. Motion carried unanimously.*

Discussion: It is not a grant request it is a request for training from Fox Valley Tech. The training is two day training - Day one for public administration and staff for drug identification and Day two is a continuation and community presentation. Dates available are July 5-7, 2016 or Sept 6-9, 2016. This is being covered under grant funds. The funding is set up for 50 attending Day one and 100 attending for Day two. July 6-7 are the dates chosen. Employees recommended to attend the Day one training have been suggested from Partners in Substance Abuse Prevention 2016 Regional Training Flyer: Drug-free coalition members, law enforcement, treatment providers, public health, health care educators, and school counselors and educators.

Motion by Tehassi Hill to accept the update and approve going forward with the July 6-7, 2016 training dates and develop the list of who will attend for employees for the next meeting, seconded by Brandon Stevens. Motion carried unanimously.

Trish King left at 9:45 a.m. for a meeting.

2. Social Marketing Plan Update—Fawn Billie

***Excerpt from March 10, 2016 Quality of Life Meeting:** Motion by Jenny Webster to request Melissa Nuthals to send the latest Quality of Life survey for review before the next meeting and that a presentation be provided at the next Quality of Life meeting, second by Trish King. Motion carried unanimously.*

DISCUSSION: The 2008 Youth Risk Behavior Survey (YRBS) as discussed and a copy will be sent to the team and they will decide where to go from there. How do people get involved? There are community members who are waiting to be involved. CDC guidelines were issued last month and the guidelines have changed. The Health Center would like the new guidelines of the CDC to be part of the communication plan. Next steps would be to attend the next school board meeting and request the YRBS be done at the schools.



Motion by Tehassi Hill to accept the updates and ask Fawn to follow up the school board regarding the Youth Risk Behavior Survey, seconded by Brandon Stevens. Motion carried unanimously.

B. Wellness Facility

Excerpt from March 10, 2016 Quality of Life Meeting: Motion by Jenny Webster to accept the verbal discussion and to bring back additional information on the Shiprock Hills plan, Navicient site for sale (in Menominee) and a State/Tribal jurisdiction update from Fawn Billie and Lisa Summers, seconded by Trish King. Motion carried unanimously.

No discussion.

Motion by Tehassi Hill to accept the information packet presented by Tina Jorgensen regarding the Shiprock Hills plan and to defer the discussion to the next QOL meeting, seconded by Brandon Stevens. Motion carried unanimously:

VII. Reports

VIII. Additions

IX. Adjourn

Motion by Tehassi Hill to adjourn at 11:00 a.m., seconded by Brandon Stevens. Motion carried unanimously:

Oneida Business Committee Agenda Request

5 / 25 / 16

1. Meeting Date Requested: ~~5 / 11 / 16~~

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept the Legislative Reference Office's attached Statement of Effect for Petition: Debraska Health Board

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Current Petitions At-A-Glance

Petitioner and Subject	Analyses		
<u>Genskow</u> – Three Resolutions			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Oneida Business Committee Accountability	✓	✓	✓
2 Repeal Judiciary Law	✓	✓	✓
3 Open Records and Open Meetings Law	✓	✓	✓
<i>GTC meeting date scheduled for 6/13/16</i>			
<u>Cornelius</u> – Report on OSGC and four resolutions			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Audit of OSGC	✓	✓	✓
2 OSGC Return Money to Tribe	✓	✓	✓
3 Freedom of the Press	✓	✓	✓
4 Tax Oneida Business Committee for Failure to Dissolve OSGC	✓	✓	✓
Report Report on OSGC	n/a	n/a	n/a
<i>GTC meeting date scheduled for 8/10/16</i>			
<u>Barton, Nancy</u> – To open and emergency food pantry			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
	✓	✓	✓
<u>Metivier, Yvonne</u> – Per Capita Payment FY17-FY21			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
	✓	✓	✓
<i>GTC meeting date scheduled for 6/13/16</i>			
<u>Debraska, Mike</u> – To establish a Health Care Board			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
<i>All analyses due at 5/25/16 BC mtg</i>			
<u>Debraska, Mike</u> – Per Capita Distribution \$3,000/\$5,000			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
<i>BC meeting due date for progress reports is 7/13/16; All analyses due at 7/27/16 BC mtg</i>			

Oneida Nation Legislative Reference Office

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



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Statement of Effect

Petition: Debraska Health Board

Summary

This petition requests that a Health Care Board be created with appointments, by-laws and stipends being set by GTC.

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

Analysis by the Legislative Reference Office

On February 20, 2016, a petition was submitted to the Tribal Secretary's Office and has since been verified by the Enrollment Department. On March 9, 2016, the Oneida Business Committee accepted the receipt of the petition and forwarded it for the appropriate analyses, including this statement of effect considering legislative impacts the proposal may have on the Nation's laws and policies. The petition requests a special General Tribal Council (GTC) meeting to be called to discuss eight (8) topics.

1. A Health Care Board be created to oversee the Oneida Health Care Center and its staff, along with the Anna John Residential Community Care Center (AJRCCC); and

An Oneida Health Board had previously existed in the 1970s. The function of the Board was to provide oversight to the Oneida Community Health Center. It does not appear that there was formal action to deactivate the Board, but new members were not appointed to fill vacancies. There is no legislative impact from the creation or reactivation of a Health Care Board.

2. GTC select and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that this Health Care Board reports only to General Tribal Council to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission; and

By-laws for the Oneida boards, committees and commissions are governed by the Comprehensive Policy Governing Boards, Committees and Commissions (hereafter "Comprehensive Policy"). All boards, committees and commissions, including both elected and appointed, are required to conform to this policy. *This analysis is based on the version of the

Comprehensive Policy that was in effect as of May 4, 2016. If changes are made to the policy, an update will be needed.

a. “GTC select and appoint all Health Care Board members”

This section conflicts with the current version of the Comprehensive Policy. Section 6-1 states “[a]ll appointments shall be made by the Oneida Business Committee at regular or special Oneida Business Committee meetings.” Section 6-2 provides that the Tribal Chairperson chooses an applicant for appointment and forwards the applicant to the Oneida Business Committee. The Oneida Business Committee then accepts or rejects this applicant.

If the members of the Boards remain appointed, a change in the Comprehensive Policy will be needed to allow this.

b. “[GTC] approve their by-laws and resolutions”

There is no conflict with this section and the Comprehensive Policy as other boards, committees and commissions, like the Trusts/Enrollments Committee, require the by-laws be approved by GTC.

c. “this Health Care Board reports only to General Tribal Council”

This section potentially conflicts with the current version of the Comprehensive Policy depending on the meaning of the word “report”. Section 8-4(d)(4) provides that “[e]ntities will report to the Oneida Business Committee member who is their designated liaison.” If “report” means any communication then this would be a conflict. However, if report means an official written report such as the quarterly and semi-annual reports, then there would be no conflict with the Comprehensive Policy. This would be a departure from the current method as all boards, committees and commissions provide written quarterly or semi-annually reports to the Oneida Business Committee.

d. “[GTC] set their stipends”

This section could potentially conflict with section 11-3 of the current version of the Comprehensive Policy. This limits stipends for appointed members to “no more than \$50 per month when at least one (1) meeting is conducted where a quorum has been established in accordance with the duly adopted by-laws of that entity.”

There is a conflict with the Comprehensive Policy from this section if a higher stipend is set. A change in the Comprehensive Policy will be needed to allow this.

3. To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin; and

A change in the service area would have no legislative impact.

4. All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin; and

A change in the order of how patients are seen and payment process has no legislative impact.

5. GTC determine and limit, if necessary, the descendancy lineage to receive care and their medical bills being paid; and

A change in descendancy lineage has no legislative impact.

6. GTC select and hire an administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff; and

This provision of the petition conflicts with current law and policy. With the adoption of the Personnel Policy and Procedures (also known as the bluebook), the GTC delegated hiring responsibility to HRD and various other positions. The Personnel Policy and Procedures provides a process for the selection of an applicant at section (III)(B)(2)(g). This provides that the supervisor of the position selects one of the top two candidates ranked through the rating scale, and requires Oneida Preference Policy and Indian Preference Policy be applied. The petition is requesting that GTC directly selects the applicant and does not indicate whether the preferences would be applied.

In addition, the Personnel Policy and Procedures provide structure for the hiring process including the screening of applicants at section (III)(B)(2)(f) and the interviewing of candidates at (III)(B)(2)(g). It is unclear if the petition will be following these portions of the policy.

7. No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition; and

This provision indicates that no action be taken on any of these matters until GTC has heard this petition. It appears that this petition requests no action from the time that the petition was submitted until GTC considers the petition. A petition is not binding and has no effect until after it is considered by the GTC and some action is directed. There is no conflict from this provision.

8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

A legislative impact from this provision cannot be made as it would depend on what action is taken.

Conclusion

There are potential conflicts from the petition and current laws and policies of the Nation. Changes will need to be made to certain policies to move forward with the petition

This Statement of Effect is limited to an analysis of the contents of the petition and does not constitute a review of the laws and policies which were discussed herein.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept legal analysis regarding Petitioner Michael Debraska: Health Board and Health Care

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Legal Analysis"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

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MEMORANDUM

TO: Oneida Business Committee

FROM: Jo Anne House, Chief Counsel

DATE: May 18, 2016

SUBJECT: Petition – Debraska – Health Board and Health Care

You have requested a legal review regarding a petition submitted by Michael Debraska. The petition contains a single page. The Enrollment Department has verified a sufficient number of signatures on the petition. The petition contains the following requests.

“...a Special General Tribal Council (GTC) meeting to be held on a Saturday only to allow for greater membership participation with this petition being the only thing on the agenda, within sixty (60) days of receipt of this petition, to discuss the following.

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

To draft this opinion, I have reviewed prior actions of the General Tribal Council, Tribal law, policies and procedures, and various other resources. This opinion is broken into sections to address the issues raised in the petition – health boards (best practices, history of Health Board, by-laws, appointment or election of members, and actions of a health board), health center administration, self-governance compacts and purchased/referred care or contract health services.

Note, this legal opinion is limited to health services provided out of the Oneida Community Health Center and excludes other programs under the self-governance compact with Indian Health Services. This legal opinion also excludes information and/or programs related to the compacts with the Bureau of Indian Affairs and Bureau of Indian Education.

Health Boards

Best Practices

The U.S. Department of Health and Human Services manages grant programs for local community health centers. A significant amount of information regarding the federal funding program and best practices can be found at www.hrsa.gov. However, it should be noted that these are not Indian health centers and operate under a different set of federal rules. In addition, there are several professional organizations for public health centers. I have referred to two with very good reference materials on-line – National Association of Community Health Centers (www.nachc.com) and Mid-Atlantic Association of Community Health Centers (www.machc.com).¹ I have used all three resources to identify best practices in public health center governance focusing on health boards.

The information in this section is based on federal grant requirements applicable to community health centers, not Indian health services or tribal health centers. The best practices listed are general in nature and could be applied to tribal health centers.

A health board is generally made up of 9 to 25 members, with a specific number listed. The majority of the members should be clients of the health center and the remainder of the members reflects the make-up of the community. In addition, the board should have members who have knowledge or abilities in local government, finance, health related legal issues, commercial and/or industrial businesses within the community and social services. No more than one-half of all the members should derive 10% or more of their income from health related fields. I have attached a form to this opinion which identifies different types of skills that can be filled out regarding each board member and/or candidate to identify what types of skills are on the board and where gaps in those skills could be filled through a vacancy.²

The make-up of the board is intended to reflect the community and the patients being served, while at the same time providing sufficient knowledge, skills and abilities to give the board a good foundation to meet the governing needs of the health center. The DHHS-Health Resources and Services Administration identify the following authorities of a health board.³

- Hold monthly meetings
- Approve grant application and budget
- Select/terminate and performance evaluation of health center CEO

¹ See also the Association of Healthcare Internal Auditors, American Health Lawyers Association, Health Care Compliance Association are also good resources regarding health center best practices.

² This form is taken from Lakey, B.M. (2005) Board Governance Training Manual - Mid-Atlantic Association of Community Health Centers available at www.machc.com. The form contains some information not relevant to the Oneida Health Center and a potential health board, however it can be modified for use by the Tribe as needed.

³ DHHS-Health Resources and Services Administration www.hrsa.gov, Program Requirements – Governance, para 17-19 (on-line). See also *Policy Information Notice 2014-01*.

- Measure and evaluate the progress in meeting annual and long-term programmatic and financial goals and developing plans for the long range viability of the organization by engaging in strategic planning, ongoing review of the mission and by-laws, evaluating patient satisfaction, and monitoring assets and performance
- Establish general policies

A more specific description of the responsibilities of a health board is identified by the National Association of Community Health Centers.⁴

1. Assess and monitor needs of target population – questions to ask
 - Is the needs assessment in writing and up to date
 - Is the needs assessment complete
 - Are the needs of special populations considered
 - Are the people with special health needs considered
 - What are the barriers to care
 - Is the approved service area accurate or should it be revised
 - Is there service area overlap with other health centers or safety-net providers
 - Are all of the center's services available to all residents of the service area
 - Is the health center's mission, its goals, plans and its sites, services and service area aligned with the needs of the target population
2. *Approve health center program grant application*
3. *Adopt a sliding fee discount program*
4. Approve and monitor annual budget – information to review
 - Relevant grant program budget requirements
 - Prior period actual data
 - Supporting information for new components to the budget
 - Personnel costs budget
 - Non-personnel costs budget
 - Revenue budget
 - Patient service revenue budget
 - Summary budget
 - Budget narratives
 - Grant budget forms and program narrative
 - Budget performance data
5. *Review independent financial audit*
6. Monitor financial performance using financial statement data – questions to ask
 - Are there members on the board who have experience or training in accounting or financial management
 - Does the board establish the financial measures, set the goals, and regularly monitor performance
 - Are appropriate corrective actions taken if not achieved
 - Are supplemental measures of [financial performance] needed
 - Are the interim statements acceptable
 - What is the health center's financial situation
 - How do the measures relate to grantee organizations that have corporate activity unrelated to the health center that are outside the scope of federal project
 - How do the measures relate to public entity grantees
 - Are there other financial data that the board should review besides the established measures

⁴ National Association of Community Health Centers (2015) "Governing Board's Responsibilities and How to Do Them." www.nachc.com. The italicized sentences have alternative actions within the tribal health center. For example, the health center would have a self-governance compact which is calculated differently than a grant, and the Audit Law delegates auditing authority to the Audit Committee and Internal Audit Department, while the Constitution delegates financial responsibilities to the Treasurer with a subsequent delegation to the Chief Financial Officer through resolution # GTC-7-11-94-A.

7. Establish a quality assurance/quality improvement (QA/QI) program – information to review
 - Annual QA/QI plan
 - Staff QA/QI program reports
 - Accreditation/certification reports
 - External program and financial audit reports
 - Patient satisfaction surveys
 - Adverse incident reports
 - HRSA/BPHC required clinical and financial measures and health center's performance
8. Select services provided and hours of operation – questions to ask
 - Are the service arrangements and hours of operation fulfilling the needs of the target and patient populations
 - Does the board formally approve the scope of services and hours of operation
 - Are arrangements in place for all required services and any additional services needed
 - Are there appropriate written agreements for all referred care arrangements
 - Are arrangements for lab, x-ray, and pharmacy services sufficient
 - Does the health center participate in the 340B drug pricing program
 - Are there appropriate arrangements for hospital care
 - Does the health center collaborate effectively with other service providers and organizations in the community
 - Are all of the center's services available to all residents of the service area
 - Does the center offer any early morning, evening or weekend hours
 - Are appropriate arrangements made for after-hours coverage
9. Engage in long-term strategic planning
 - Does the health center have a board approved strategic plan
 - Does the plan reflect the needs of the target and patient populations
 - Is there a process for ensuring that the plan is current
 - Are the goals and objectives of the strategic plan tied to the performance of the leadership staff
 - How does the board measure progress meeting its long term strategic clinical and financial goals
 - Who should be involved in strategic planning

The above responsibilities are carried out by the members of the health board acting as the board under the following legal duties to the health center.⁵

- Duty of Care – pay attention to the affairs of the health center in the way a prudent person would to their own business:
 - Attend meetings;
 - Stay informed by reading minutes and other materials;
 - Participate actively and ask questions as needed.
- Duty of Loyalty – give undivided allegiance to the health center when participating with the board in making decisions:
 - Avoid real and potential conflicts of interest; disclose and deal responsibly with those that arise;
 - Make sure clear procurement and contracting policies are established and followed.
- Duty of Obedience
 - All decisions must be guided by the mission;
 - All actions must be consistent with the bylaws and the laws of the land.

Members are encouraged to review the *Health Center Program Governing Board Workbook* created by the National Association of Community Health Centers as a good overview of board

⁵ Lakey, B.M. (2005) Board Governance Training Manual. www.machc.com. Mid-Atlantic Association of Community Health Centers, page 9.

member responsibilities. There are numerous links to additional information and ideas within the workbook. As identified at the beginning of this section, the materials are not from the perspective of a tribal health center. They do, however, provide a good basis of responsibilities, delegated authorities and best practices for health boards.

*Oneida Health Board History*⁶

The earliest available records identify that a “Health Committee” was in existence before 1972. There is no information regarding how this body was created or its purpose.⁷ The next mention of a Health Committee occurs on August 5, 1974, when the Oneida Business Committee changed the committee to a board. In September of 1974, the Health Board was directed to develop policies and procedures of the health clinic for consideration by the Oneida Business Committee. Finally, on October 7, 1974, the Health Board was directed, “to be over all health programs, not just Clinic.”

It is not entirely clear how the relationship between the Health Board and the Tribal organization existed. It appears that the Health Board acted as an independent entity with its own personnel policies and procedures and possibly responsibility for approving the budget for the clinic. The first available by-laws for the Health Board were approved by resolution # BC-74-411. These by-laws set up an entity that had significant responsibilities and was consistent with the independent entity concept appearing in the available minutes.

In 1978 and 1979, the Oneida Business Committee and the Health Board were discussing hiring processes and responsibilities. A meeting of the Health Board on March 23, 1978, suggests that the nursing home committee was a sub-committee of the Health Board. However, at the February 2, 1979, Oneida Business Committee meeting a decision was made to leave the entities as separate entities until further review. It appears that action at the February 19, 1979, Oneida Business Committee meeting separated the two entities into the Health Board and the Nursing Home Commission.⁸

In late 1979, early 1980, there appeared to be significant turnover at the health center. This was combined with a difficulty in finding interested doctor and nursing staff. This coincides with questions regarding the purpose of the Health Board and board members. Much of this discussion appears to be made by newer appointed members of the board. There also arose a conflict between the board and the health center administration between 1982 and 1983. The by-laws of the Health Board were amended several times during this period. However, they remained substantially similar to those adopted in 1974.

⁶ A research request was made to the Records Management Office to identify all records related to a health board, committee or commission. The resulting report included General Tribal Council, Oneida Business Committee, and Health Committee/Board records. The Health Committee/Board records contain significant employment and individual information and have been requested to be stamped confidential for that reason. I have redacted the records containing employment and personal information from this file and asked the Tribal Secretary to place it on-line at the Member’s Only website for review.

⁷ As identified in other legal opinions, the records of the General Tribal Council, Executive Committee and Oneida Business Committee are not complete. The records of meetings continue to be added to as the Records Management Department reviews older stored records and adds them to on-line databases.

⁸ The by-laws of the Nursing Home Commission were approved on April 30, 1979.

The record also shows that the Health Board continued to be responsible for making hiring, organizational structure, and personnel decisions. However, the minutes of the Health Board and Oneida Business Committee identify that the Health Board also supervised the wells and septic programs, as well as an enterprise involving garbage collection services for Oneida and surrounding communities.

In the 1990s, the Health Board and health clinic began the process of obtaining accreditation from health governing institutions.⁹ As a result of setting up the health care system for accreditation, the Health Board by-laws were revised in 1993 by adoption of resolution # BC-7-21-93-C adding the responsibility to approve policies and procedures to the Purpose section.

In 1995 the health clinic again began experiencing turnover in the doctors and nursing positions. This staffing turnover was repeated ten years later in 2005. Both of these occasions resulted in General Tribal Council meetings that brought attention to the health center and provided some directives providing for a review of the programming and oversight.

In mid-2008, discussion began again regarding combining the health center and nursing home entities into a single unit addressing all health care needs. The question was forwarded to the health center and to the Legislative Operating Committee to consider. There were no final determinations made. However because of the action of the Oneida Business Committee on October 29, 2008 to defer the appointments to the Health Board, that entity remained vacant until it was brought forward in 2011. The discussion about the Health Board took place over several agendas with at least two different versions of by-laws presented for consideration. On May 25, 2011, the Oneida Business Committee rescinded the last known version of the Health Board by-laws adopted in 1993.

There are no current members of the Health Board and no current by-laws for that entity in place as of drafting this opinion. The Health Board began as a supervisory entity responsible for hiring, budgeting, and development of policies and procedures. As a board, it was also responsible for utility services operated by the Tribe. Over time, the Health Board moved from a hiring-supervisory body to an oversight-guidance body. This was consistent with all other boards, committees and commissions of the Tribe which did not have a specific external directive (such as the Gaming Commission and the Indian Gaming Regulatory Act) or internal directive (such as the Tribal School Board K-12 school operations and directive of the General Tribal Council).

By-Laws

The Comprehensive Policy Governing Boards, Committees and Commissions was adopted in August of 1995 to create standards for the general operating activities of appointed or elected

⁹ Although referred to in with different acronyms in tribal documents, it is presumed to refer to the Joint Commission on Accreditation of Healthcare Organizations, or JCAHO. "It is an organization made up of individuals from the private medical sector to develop and maintain standards of quality in medical facilities in the United States. The JCAHO has no official connection to United States government regulatory agencies, and has no legal enforcement power; however, since many medical facilities rely on JCAHO accreditation procedures to indicate to the public that their particular institution meets quality standards, JCAHO and its policies has taken on a real importance in the medical field, despite the lack of official government sanction." *See* www.msdonline.com/biomed/meh/JCAHO.htm for brief explanation and the entity's website at <http://www.jointcommission.org>.

entities of the Tribe. These standards were developed over the years based on common questions and issues facing entities to allow consistency across all entities creation and activities. Article VIII sets forth the requirements for by-laws and how action is taken by a board, committee or commission. However, there is significant leeway within the by-laws to tailor them to the needs of the board, committee, or commission.

Typical by-laws will contain the following information as set forth in section 8-4.

- a. “Article I. Authority” consists of the following information:
 1. Name. All entities should list the full name of the entity. In addition, there should be listed any short name that will be officially used.
 2. Authority. This section should state the citation and name, if any, of the creation document.
 3. Office. There should be listed the official office or post box of the entity.
 4. Membership. The following information should be in this section:
 - A. Number of members;
 - B. How elected or appointed;
 - C. How vacancies are filled;
 - D. The qualifications of the members.
- b. “Article II. Officers” consists of the following information:
 1. Chair and Vice-Chair. This section creates the positions of the entity. Other positions may also be created here.
 2. Chair duties. Because of the importance of this position, those duties and limitations should be specifically listed.
 3. Vice-Chair duties. Because of the importance of this position, those duties and limitations should be specifically listed.
 4. Additional Offices and Duties. There should be additional sections as needed for every office created in subsection 1 above.
 5. How chosen. There should be specifically set out how a member of the entity will occupy an official position as set out in this Article.
 6. Personnel. State entities authority for hiring personnel and the duties of such personnel.
- c. “Article III. Meetings” consists of the following information:
 1. Regular meetings. There shall be listed when and where regular meetings shall be held, and, how notice of the agenda, documents, and minutes will be disbursed to the members.
 2. Emergency meetings. There shall be listed how Emergency meetings shall be called and noticed.
 3. Quorum. This section shall list how many members create a quorum.
 4. Order of Business. This section sets out how the agenda will be set up.
 5. Voting. This section should list how voting shall be taken, what percentages shall be needed to pass different items.
- d. “Article IV. Reporting” consists of the following information:
 1. Agenda items shall be in an identified format.
 2. Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the entity.
 3. Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.
 4. Entities will report to the Oneida Business Committee member who is their designated liaison. This reporting format may be as the liaison and entity agree to, but not less than that required in any policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council. Reports shall be made within a reasonable time after a

meeting is held, or as the Oneida Business Committee member liaison and entity agree. Provided that, the agreement is to uphold the ability of the liaison to act as a support to that entity.

e. “Article V, Amendments” consists of:

1. Amendments to By-laws. There should be described how amendments to the by-laws shall take place. Provided that, amendments conform to the requirements of this and any other policy. Provided further, that amendments are approved by the Oneida Business Committee prior to implementation.

Outside of these required sections of by-laws and the specific language required as identified in the Comprehensive Policy Governing Boards, Committees and Commissions, by-laws can contain any information needed to provide guidance to the entity based on current research. The Trust and Enrollment Committee is the only entity with by-laws approved by the General Tribal Council. All other by-laws have been approved by the Oneida Business Committee and subject to the policy and any governing law.¹⁰

Appointing/Electing Board Members

The Oneida Nation utilizes two processes for identifying members of boards, committees and commissions – elections or appointments.¹¹ Election processes are set forth in the Election Law and appointment processes are set forth in the Comprehensive Policy Governing Boards, Committees, and Commissions.

The election process occurs in July (special or General election) and is operated by the Election Board in accordance with the Election Law adopted by the General Tribal Council. The Election Law sets forth the start and end of the election period beginning with the caucus and ending with the final report. The Election Board identifies the vacant positions and qualifications for the positions and accepts either nominations or petitions for candidates. The candidates are reviewed to determine qualifications and the ballot is posted. Once the election is concluded, the Election Board determines the vote and presents a final report to the Oneida Business Committee to accept and declare the results of the election.

The appointment process occurs year-round and is determined by when the vacancy occurs on the board, committee or commission. The Tribal Secretary’s Office posts an annual notice of vacancies scheduled to occur in the next twelve months and another posting for vacancies that occur in the interim as well as current vacancies. Interested members file applications with the Tribal Secretary’s Office who, after the closing date of the posting, determines if the position requires a background check and obtains those reports if necessary. The applications are forwarded to the Chairperson to review and make a recommendation to the Oneida Business Committee. The Oneida Business Committee accepts the recommendation and makes the

¹⁰ For example, the Gaming Commission is governed by the Oneida Nation Gaming Ordinance, the Land Commission is governed by the Real Property Law and the Election Board is governed by the Election Law.

¹¹ Note, this section does not discuss the creation and appointment of task forces or ad hoc entities. These types of entities are created for a single purpose and are short term in nature. Once the task is completed, the entity dissolves automatically. The Comprehensive Policy Governing Boards, Committees and Commissions does contain some standard rules for task forces and ad hoc entities for guidance.

appointment.¹² An appointment is finalized and the authorities of office are confirmed upon taking the oath of office.

The General Tribal Council has made appointments to ad hoc entities or task forces. However, it has not made “appointments” to boards, committees and commissions. Further, the history regarding vacancies on the Oneida Business Committee shows that the General Tribal Council prefers electing officers when an election is desired rather than appointment.¹³

Actions by Health Board

The health board would take action under its delegated authority by motion or by resolution. As with all actions of any entity, the general rule is that once the action is taken it can be relied upon and implemented.¹⁴ This would include both motions and resolutions. The minutes are considered a document of the history of the actions taken. As a result, approval of the minutes is approving the accuracy of the historical record of the entity, not of the approval of the actions in the minutes. Most entities act by motion and not by resolution.

Health Center Administration

In general, community health centers employ an individual to oversee the operations of the organization. This may be referred to as a health care administrator, chief operating officer, executive director, or director of operations.¹⁵ Payscale.com describes the tasks of a health care administrator as follows.

- Market and conduct market analysis to understand growth and revenue drives and motivations.
- Manage all financial operations, such as daily and annual reporting.
- Lead clinical and business professionals, and liaise to explain needs, improve clinical quality, and increase growth.
- Oversee staffing including hiring, training, evaluation and reviews.

The U.S. Bureau of Labor Statistics describes the health services manager as follows.¹⁶

- Work to improve efficiency and quality in delivering health care services.
- Develop departmental goals and objectives.
- Ensure that the facility...is up to date on and compliant with new laws and regulations.
- Recruit, train, and supervise staff.
- Manage the finances...such as patient fees and billing.

¹² The Oneida Business Committee can reject a recommended candidate. The Policy does not contain any direction regarding this. In the past the vacancy is referred back to the Chairperson to consider another candidate or, in the alternative, the Oneida Business Committee has selected an alternative candidate.

¹³ See the October 26, 2014, Special General Tribal Council meeting materials for more in-depth discussion.

¹⁴ See Rule 37, Robert’s Rules of Order, 11th, specifically pp. 318-319 regarding when a motion to reconsider would not be in order. A motion to reconsider cannot be made on, “any vote which has caused something to be that is impossible to undo[.]” Typically, at the conclusion of a meeting, those individuals subject to action in a motion have the authority to begin carrying out the directive that motion.

¹⁵ There are professional organizations for health care administration that have information about the field and study. See American College of Healthcare Executives, www.ahce.org; Association for Healthcare Administrative Professionals, www.ahcap.org; American Association of Healthcare Administrative Management, www.aaham.org; and Health Care Administrators Association, www.hcaa.org.

¹⁶ The U.S. Bureau of Labor Statistics maintains information regarding a multitude of jobs and industries available at www.bls.gov.

- Create work schedules.
- Prepare and monitor budgets and spending to...operate within allocated funds.
- Represent the facility at investor meetings or on governing boards.
- Keep and organize records of the...services, such as the number of inpatient beds used.
- Communicate with members of the medical staff and department heads.

The petition suggests a Health Board to oversee the health center and the nursing home. If this includes a health administrator, then licensing of that individual would be needed. Although health centers typically do not have licensing requirements, nursing home facilities do require the administrator to be licensed.

Typical educational requirements for a health care administrator include a bachelor degree in a business-related major.¹⁷ This may increase, during employment, to a master's in business administration. Further, there are no advance degrees specializing in health care management.

The U.S. Bureau of Labor Statistics identifies that the median salary for a health service manager in 2014 was \$92,810. Most salaries for this time period ranged from \$56,000 to \$161,000. A survey conducted by Payscale.com in January 2016, identifies a median salary of \$64,758 with a low of \$38,000 and a high of \$106,000. An entry level salary for 1-5 years of experience is around \$50,000 with a mid-career salary for 5-10 years of experience is about \$70,000. Salary is also dependent on the size and location of the health care facility. Finally, most health care administrators reporting in the survey have less than five years of experience and 75% of the respondents were female.

Self-Governance Compact (Indian Health Service and Contract Health)

Self-Governance Compacts – In General

The Oneida Nation has entered into a self-governance compact under Title V of the Indian Self-Determination and Education Assistance Act.¹⁸ This self-governance compact addresses programs, services, functions and activities that are administered through the Indian Health Service and other governmental agencies authorized to transfer responsibilities under Title V of the Act. A self-governance compact under Title V allows a tribe greater control over the programs, services, functions and activities than a self-determination contract under Title I. Specifically, Title V allows tribes to redesign programs, services, functions and activities without needing additional review or authorization. However, such redesign cannot exclude eligible participants.¹⁹ Further, the tribe can retrocede all or portions of a program, function, service, or

¹⁷ See www.exploremedicalcareers.com, www.bls.gov and www.payscale.com for examples.

¹⁸ In regards to this opinion, this refers to 25 U.S.C. section 458aaa. The Oneida Nation self-governance compact was approved by resolution # BC-06-30-04-B. This is an amendment to the compact adopted by resolution # BC-06-11-97-B.

¹⁹ See 25 U.S.C. 458aaa-5(e), Redesign and consolidation.

An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement...and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law. (Emphasis added.)

activity. The funding associated with retroceded programs, functions, services, or activities must be returned to the federal agency and deducted from future funding amounts.²⁰

The Oneida Nation has also entered into a multi-year funding agreement which identifies the programs, services, functions, and activities that will be transferred and the related funding.²¹ For Fiscal Year 2013, the Tribe received \$19.8 million to operate the self-governance programs. The self-governance compact lists several types of activities grouped under five categories – general health services, preventative health services, environmental health services, facilities and administration. The vast majority of the funding transferred is in regards to direct care services, i.e., care that is provided within the Oneida Health Center.

The Oneida Nation’s self-governance compact and multi-year funding agreement also transfers contract health services, now known as Purchased/Referred Care, to the tribe to manage.²² Contract health services are provided where the Indian Health Service or Tribal clinic does not maintain the necessary care for the eligible Indian. Under the self-governance compact and the related regulations, the Tribe sets levels of priority of care depending on available funding. Of the \$19.8 million received by the Tribe, \$4.6 million was allocated regarding contract health services programming based on the Indian Health Care Services program funding amounts.²³

Services Provided

Direct Care Services

Indian health services and contract health services involve two different sets of services.²⁴ Indian health services are those services provided at a Indian Health Service facility or a Tribal clinic, i.e., the Oneida Health Center and the Oneida Community Health Division. These are referred to as direct care services and, for the Oneida Nation, include, for example, doctors, dentist, optometrist, pharmacist and related support staff.

Contract Health Services – Purchased/Referred Care

Contract health services are those services medically necessary but which are not provided by the Tribal clinic. Generally, there are priorities set regarding the level of medical services provided given the long-term underfunded nature of contract health services and Indian Health Services in

In addition, see regulations 42 C.F.R. 136.185 which contains substantially similar language.

²⁰ See 25 U.S.C. 458aaa-5(f), Retrocession.

An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions or activities (or portions thereof) included in the compact or funding agreement.

In addition, see regulations 42 C.F.R. Subpart L, sections 137.245, et seq., and 42 C.F.R. 137.250 specifically regarding funds for retroceded programs, services, functions, or activities.

²¹ The current multi-year funding agreement for fiscal years 2013 to 2016 was adopted by resolution # BC-09-26-12-E. A multi-year funding agreement continues to be in effect after the conclusion of the funding period unless another is negotiated or the Tribe no longer wishes to participate in Title V self-governance compact programming. See 25 U.S.C. 458aaa-4(e).

²² For ease of understanding, this opinion will continue to use the term “contract health.”

²³ This amount does not reflect what the Oneida Nation actually spent as the Tribe has the ability to reallocate funds under the self-governance compact and multi-year funding agreement as well as allocate Tribal funds.

²⁴ This opinion does not discuss Catastrophic Health Emergency Fund, or CHEF. This program is operated by the Indian Health Service and subject to a different set of eligibility requirements and service limitations.

general.²⁵ The Indian Health Service has developed priority models for medical and dental services.²⁶

- Medical Priority Level I – emergent or acutely urgent care services.
- Medical Priority Level II – preventative care services.
- Medical Priority Level III – primary and secondary care services.
- Medical Priority Level IV – chronic tertiary and extended care services
- Medical Priority Level V – excluded services.

- Level I – emergency oral health services.
- Level II – preventative oral health services.
- Level III – basic oral health services.
- Level IV – basic rehabilitation oral health services.
- Level V – complex rehabilitation oral health services.
- Level IX – exclusions.

To receive contract health services an eligible person must receive either a referral from the Oneida Health Center or require emergency medical services and report those services within a specific time frame. If a referral is made or the emergency medical services are determined to be eligible for contract health services, the payments for those services are made through the contract health services budget. Referrals are made only when sufficient financial resources are available to pay for the cost of services.²⁷

Contract Health Services do not receive invoices automatically after services are rendered. Primarily, the patient is required to take steps to have the invoice sent or brought in to Contract Health Services. In order to remain timely on bill processing, the employees check the mail and the drop box twice a day to process all received invoices. The invoices are then sorted and processed to verify that all requirements have been met for the patient to receive contract health services assistance. Bills are generally paid within 14-30 days of receipt. Delays in payment are caused for various reasons.

- Patient did not receive approval for contract health services prior to being seen and the invoice is denied for payment.
- The patient did not apply for or receive all third party billing assistance such as insurance, Medicare, Medical Assistance, invoice not paid until all other billing options are utilized.
- The vendor is a new vendor and has not submitted requested W-9 tax forms in order to make a payment.
- Patient does not bring invoice in a timely manner, waiting or delaying until subsequent billing notices are received.
- Patient does not submit all the required documentation with the invoice.

²⁵ See Warne, D. & Frizzell, L. (2015). American Indian Health Policy: Historical Trends and Contemporary Issues, *American Journal of Public Health*, 104(3), pp. S263-S267, p. S264; Lowe, S. & Gantz, R. (2012). Overview of the Indian Health Care System, pp. 14-15; GAO-11-767 (2011). Indian Health Service: Increased Oversight Need to Ensure Accuracy of Data Used for Estimating Contract Health Services Need, p. 8; and, GAO-12-446 (2012). Indian Health Service: Action Needed to Ensure Equitable Allocation of Resources for the Contract Health Service Program, p. 8.

²⁶ See complete lists at https://www.ihs.gov/chs/index.cfm?module=chs_requirements_priorities_of_care.

²⁷ A brochure and poster developed by the Oneida Comprehensive Health Division are attached for reference.

In order to assist in improving the contract health services payment processes there have been electronic drop boxes created for scanned and e-mailed documents – OCH_PRC_Services@oneidanation.org. In addition, staff now calls new vendors, as well as sends correspondence, in order to have the appropriate vendor registration forms on file. Members are encouraged to review the attached poster and brochure regarding contract health services program application, eligibility and payment process.

Under a self-governance compact, the Tribe sets these priorities. The Oneida Business Committee, as early as 1989, began discussing and taking action regarding priority of care. The last occasion where the Oneida Business Committee addressed priority of care funding occurred at the October 23, 2013, Oneida Business Committee.

“Motion...to accept the report and approve the recommendations from the Comprehensive Health Division staff regarding asserting that contract services priority 1-B services will be instituted starting tomorrow morning, with the phase-in report coming forward with other additional services in the future[.]” *p. 6.*

This priority level funding was instituted as a result of the anticipated federal funding shut down because federal budgeting processes were stalled.²⁸ Sequestration resulted in reduced or delayed federal funding for self-governance compacts and grants funding. Although the Tribe continued to fund many health related activities as supported by third party billing, some restrictions in services were required because of the limited or lack of funding.

The Oneida Health Center sets priority care levels based on client and access levels. Although there are funds allocated under the self-governance compact, those funds are not unlimited. As a result, some priority criteria are necessary in order to assure that funding is needed for necessary medical procedures. The current priority level is set at ‘priority 2’ effective January 4, 2016.²⁹ Priority 2 is defined as

“...referrals that are for primary and secondary care...[defined as] inpatient & outpatient care services that involve the treatment of illnesses/conditions that have a significant impact on morbidity and mortality. Treatment may be delayed without progressive loss of function or risk to life, limb or senses including specialty consultation.”³⁰

Examples of priority 2 care levels from the Indian Health Services definition include the following.

- Scheduled ambulatory services for non-emergent conditions.
- Specialty consultations in surgery, medicine, obstetrics, gynecology, pediatrics, ophthalmology, ENT, orthopedics, and dermatology.
- Elective, routine surgeries that have a significant impact on morbidity and mortality.
- Diagnostic evaluations for non-acute conditions.
- Specialized mediations not available at an IHS facility, when no suitable alternative exists.

²⁸ See <https://www.whitehouse.gov/issues/sequester> and <https://www.cbo.gov/taxonomy/term/33/featured> regarding the sequestration process that affects federal funding and budgeting process.

²⁹ Patient correspondence dated December 28, 2015 from the Oneida Comprehensive Health Division.

³⁰ This is similar to the Indian Health Service medical Priority Level III definition. See footnote 8 for the citation to the website containing the link to the full document.

Eligibility

Eligibility for Indian health services and contract health services are based on two different qualifications. They are identified in federal law under 25 U.S.C. 458aaa-5(e). This section of the law contains the following limiting language regarding how Tribes can redesign programs, services, functions and activities delegated in a self-governance compact.³¹

“...only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.”

The identification of eligibility is set forth in the regulations at 42 C.F.R. 136.12 for Indian health services and 42 C.F.R. 136.23 for contract health.

Direct Care – Eligibility

Eligibility for direct care services through the Indian Health Services facilities is defined in 42 C.F.R. 136.12.³²

(a) In General. Services will be made available as medically indicated, to persons of Indian descent belonging to the Indian community served by the local facilities and program[.]

(a)(2) Generally, an individual may be regarded as within the scope of the Indian health and medical service program if he/she is regarded as an Indian by the community in which he/she lives as evidenced by such factors as tribal membership, residence on tax-exempt land, ownership of restricted property, active participation in tribal affairs, or other relevant factors in keeping with general Bureau of Indian Affairs practices in the jurisdiction.

The Oneida Comprehensive Health Division, in implementing the Tribe’s self-governance compact, has defined eligibility for direct services as follows.³³

- Members and/or descendants of a federally recognized tribe or Alaska Native Group with proof of enrollment and/or descendancy.
- Non-Indian woman, that is not married to an enrolled member, pregnant with an eligible Indian's child for the duration of her pregnancy through post-partum (usually 6 weeks)
- Non-Indian spouse married to an enrolled member of a federally recognized tribe or Alaska Native Group.
- Non-Indian children adopted by an enrolled member of a federally recognized tribe or Alaska Native Group.
- Indian children adopted by a Non-Indian family.
- Non-Indian employees of the Oneida Nation.

Contract Health Services - Eligibility

Eligibility for contract health services through Indian Health Care facilities is defined in 42 C.F.R. 136.23.³⁴

(a) In general. To the extent that resources permit, and subject to the provisions of this subpart, contract health services will be made available as medically indicated, when necessary health

³¹ 25 U.S.C. 458aaa-16(e) language regarding regulations and other rules.

Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 450(g) of this title and regulations promulgated under this section.

³² This is substantially similar to the general eligibility requirements set forth in 42 C.F.R. 36.12. In addition, there are some exceptions that broaden this general rule which are not listed here.

³³ These eligibility factors are listed on the Tribe’s website under the Health Center.

³⁴ There are specific exceptions which broaden this general rule which are not listed here.

services by the Indian Health Service facility are not reasonably accessible or available to persons described in and in accordance with s. 136.12 of this part if those persons:

- (1) Reside within the United States on a reservation located within a contract health service delivery area[.]

The Oneida Comprehensive Health Division, in implementing the Tribe's self-governance compact, has defined eligibility for contract health services as follows.³⁵

- Oneida tribal member or descendent residing within Brown or Outagamie County
- Member of another federally recognized tribe residing in Brown or Outagamie County with a social or economic tie to the Oneida Nation
- Member or descendent of another federally recognized tribe residing within the Oneida Reservation boundaries
- Students who meet eligibility guidelines at their permanent residence prior to leaving for school. Student must supply purchased/referred care service application with a copy of full-time student status each semester
- Eligible patient that leaves the community, may continue to be eligible for 180 days
- Non-Indian women pregnant with an eligible Native American's child for duration of pregnancy through post-partum.

Service Area

Service area is defined differently depending on the types of services as well as how those services are paid for or funded. For direct care services, if your appointment is at the Oneida Health Center facility and you meet eligibility requirements, you will receive direct care services. Whether this is funded under the self-governance compact, third-party payments such as insurance or Medicare/Medicaid, Tribal contribution or the patient may be affected by the service area designation.

For contract health services, the service area is set by regulation 42 C.F.R. 136.22 and is called the contract health services delivery area (and may be referred to as CHSDA). This regulation identifies specific delivery areas, and then a "catch-all" definition for those not specifically mentioned. *42 C.F.R. 136.22(a)(6)*. The Oneida Nation falls within this catch-all category.

With respect to all other reservations within the funded scope of the Indian health program, the contract health services delivery area shall consist of a county which includes all or part of a reservation, and any county or counties which have a common boundary with the reservation.

Changing the Contract Health Service Delivery Area

The delivery area can be requested to be changed. The Tribe's self-governance compact, in section 13, allows the Tribe to request amendments to the delivery area. The Director of the Indian Health Service will respond to the request in accordance with 42 C.F.R. 136.22.

(b) The Secretary may from time to time, redesignate areas or communities within the United States as appropriate for inclusion or exclusion from a contract health service delivery area after consultation with the tribal governing body or bodies on those reservations included within the contract health service delivery area. The Secretary will take the following criteria into consideration:

- (1) The number of Indians residing in the area proposed to be included or excluded;

³⁵ See footnote 14.

- (2) Whether the tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the tribe;
- (3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and
- (4) The level of funding which would be available for the provision of contract health services.

As part of the process of amending the designated service area, the Secretary must follow the rule making procedures set out in 5 U.S.C. 553. In summary, the rule making process requires a period of notice and comment and then a 30 day notice prior to the effective date of any approved change.

Program Redesign - Eligibility

The Self-Governance Compact, in section 2(b) identifies the purpose of the compact.

This Compact is to enable the Tribe to plan, conduct, consolidate, redesign and administer programs, services, functions, and activities (PSFA) of the Indian Health Service under the terms set forth in the Compact; to reallocate funds for such PSFAs according to the priorities of the Tribe; to provide such reallocated funds for such PSFAs as determined by tribal priorities; to enhance the effectiveness and long-term financial stability of the Tribe; and to streamline or reduce the Federal Indian Health Service bureaucracy.

The Multi-Year Funding Agreement, in section 2, authorizes the Tribe to "...provide quality health services that will at all times meet applicable standards." This same section contains the following limitation.

...the Tribe may redesign or consolidate PSFAs (or portions thereof) included in this Agreement pursuant to...25 U.S.C. s. 458aaa-4(b)(2)...and reallocate or redirect funds for such PSFAs (or portion thereof) in any manner the Tribe deems to be in the best interest of the health and welfare of the Indian Community being served, but only if the redesign or consolidation does not have the effect of denying eligibility for services to populations groups otherwise eligible to be served under applicable Federal law. (Emphasis added.)

However, 25 U.S.C. 458aaa-5(f) does allow a Tribe to retrocede all or part of a program, service, function or activity. The effect of such notice of partial or total retrocession of a program is effective one year after submission, at the end of the funding agreement, or by mutual agreement. Retrocession is further directed by regulations set forth at 42 C.F.R Part 137, Subpart L.³⁶ A tribe that retrocedes all or part of a program, service, function or activity must also return the pro-rata share of the funding.³⁷

Patient Count – Eligibility/Cost – Oneida Health Center

The Oneida Health Center, across all services, has identified approximately 26,234 patients. There are 13,755 active patients for contract health services, or about half of the total patients of

³⁶ This is located at 42 C.F.R. sections 137.245 through 137.251.

³⁷ 42 C.F.R. 137.250 *How are funds distributed when a Self-Governance Tribe fully or partially retrocedes from its compact or funding agreement?*

Any funds not obligated by the Self-Governance Tribe and associated with the Self-Governance Tribe's returned PSFAs, less close out costs, must be returned by the Self-Governance Tribe to IHS for operation of the PSFA's associated with the compact or funding agreement from which the Self-Governance Tribe retroceded in whole or on part.

the Oneida Health Center.³⁸ Of these active contract health services patients, the following subsets exist.³⁹

- 10,200 active patients are enrolled members in a federally recognized Tribe
- 8035 active patients are Oneida members or descendants, roughly 73% of the patients
- 3,555 active patients are descendants of a federally recognized Tribe, which includes the Oneida Nation, roughly 35% of the patients
- 2709 active patients are descendants of members of the Oneida Nation, roughly 76% of the descendant patients
- 2747 active patients who are descendants are 1st generation descendants, roughly 77% of the descendants⁴⁰

The Oneida Health Center allocated \$9,959,099.38 to contract health services in 2015. Of that amount, \$437,911.44, or 4%, was allocated to use by descendants. In 2014, that percentage was 7% and 2013 that percentage was 5%.

The Enrollment Department has identified that there are 17,114 members of the Oneida Nation as of December 2015. Approximately 70%, or 11,933, members live within the State of Wisconsin. Approximately 44%, or 7,599, members live within Brown or Outagamie Counties, and 4,496 of those members live on the Reservation. In comparison, only Milwaukee County is close to the Reservation population at 1436 members. The next largest population of 255 members lives in Shawano County.

There are 11 tribal health centers within Wisconsin and one urban Indian health center in Milwaukee. All operate within the Bemidji Area and each operating within a specific Contract Health Service Delivery Area and to those appearing in person at the centers, direct health services. In some circumstances, this may be limited to enrolled members of that tribe and their minor children. However, the Gerald L. Ignace Indian Health Center in Milwaukee provides services to all enrolled members of the 11 tribes within the State of Wisconsin.

Analysis

The petition contains an introduction and eight requested actions. The introduction identifies a request for a meeting to be held on a specific day of the week and within a specific time period. A petition is a request to bring a matter before the General Tribal Council. The Oneida Business Committee is responsible for collecting the necessary information for the membership, identifying available time and space in conformance with General Tribal Council directive to hold the meeting on the Reservation, and accommodate the schedules of the Chairperson or Vice-Chairperson and the petitioner. For greater discussion of scheduling General Tribal Council

³⁸ This is not the total number of patients of the Oneida Health Center as that includes individuals who do not utilize contract health.

³⁹ This is aggregate information developed through the Oneida Health Center systems. More specific information is not available as it is possible that there are patient privacy information involved in releasing that information.

⁴⁰ The remainders of the patients who are descendants are as follows- 15% are 2nd generation, 3% are 3rd generations, and less than .2% are 4th or 5th generation. There is a group of approximately 145 patients for which the descendancy is not accurately identified within the system; they are recorded as descendants, a little more than 3% of the group.

meetings, please see “Legal Opinion – Scheduling and Setting Agenda – GTC Meeting” dated November 4, 2014.

The remainder of the petition is collected into three subjects – health board, service delivery and payment, and miscellaneous.

Health Board

1. A Health Care Board be created to oversee the Oneida Health Care Center and its staff, along with the Anna John Residential Community Care Center (AJRCCC); and
2. GTC selected and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that the Health Care Board reports only to the General Tribal Council to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission; and

Creation of a Health Board is within the authority of the General Tribal Council. There are some areas which should be clarified prior to action – existing Anna John Resident Centered Board, election/appointment, and approval of actions of the board.

There is an existing entity with oversight regarding the nursing home facilities. Other than leaving the entity as it is, there are three immediate options available to the General Tribal Council regarding the existing entity.

- Increase the responsibilities of the existing entity and rename the entity the Health Board. This would require the by-laws to be redrafted and the appointments made by the Oneida Business Committee to be confirmed for the remainder of their term.
- Dissolve the existing entity. This would require the Oneida Business Committee would need to notify the entity members that the entity had been dissolved. The entity would then transfer all existing entity documents and files to the Records Management Office in an orderly manner according to the Comprehensive Policy Governing, Boards, Committees and Commissions. There may be additional stipends paid out to conclude this work.
- Incorporate the existing entity into the new Health Board. The existing members would have to be confirmed as now sitting on the new Health Board and their terms of office identified. The previous entity records would then be transferred to the new Health Board to manage. New members would then fill out the remainder of empty spaces, if any, on the new Health Board.

The suggestions above presume that the by-laws and related documents have been presented to the General Tribal Council. As presented in the petition, the General Tribal Council would be able to make a motion directing how a Health Board would be created, what happens to the existing Anna John Resident Centered Board, and directing that by-laws would be created consistent with the motion. This would require a second meeting to be held to present the by-laws for action by the General Tribal Council. It is presumed that research regarding stipends for boards with this type of responsibility will be conducted based on the final determination of the General Tribal Council and this recommendation would be brought back to the General Tribal Council with the by-laws for approval.

Prior action by the General Tribal Council regarding laws and by-laws shows that this process could take up to a year or more to complete. This is primarily the result of the difficulties in calling meetings of the General Tribal Council since 2008, working within the procedures adopted in the Legislative Procedures Act regarding notice, opportunity to comment, and

requirement to respond to comments made, and getting 1700 or more individuals to agree to each of the elements of a law or by-laws.⁴¹

The second requested action item involves “appointing” members to the new Health Board. However, typically, the following actions are taken.

- Membership elects individuals to boards, committees and commissions.
- Oneida Business Committee appoints individuals to boards, committees and commissions.
- General Tribal Council appoints individuals to task forces.⁴²

The difference in these processes is that boards, committees and commissions are entities with long-term duration and a task force serves a single purpose. Selecting from the potential population of members versus selecting from members at a General Tribal Council meeting are two very different groups of members. There are no identified previous occasions where the General Tribal Council has appointed members to a board, committee or commission other than task forces.

If the General Tribal Council appoints individuals to the new Health Board at a General Tribal Council meeting it should consider requiring individuals to apply at least 30-60 days prior to the scheduled meeting where the by-laws have been or will be presented. These applications would identify knowledge, skills, and abilities by which the General Tribal Council can make an informed decision to select from interested members.

It is recommended, however, that the General Tribal Council choose either the election process to elect members to the new Health Board by the membership, or the appointment process to appoint members to the new Health Board by the Oneida Business Committee. In either case, this should be done after the by-laws are submitted in order to determine terms of office and necessary qualifications prior to submitting for an election or making an appointment.

Further, the petitioner proposes that the resolutions of the Health Board be approved by the General Tribal Council. Entities act in two manners – by resolution or motion adopted at a duly called meeting with a quorum. The petition either ignores actions taken by motion, or leaves a gap in the recommended review/approval process for Health Board actions. In addition, in most boards, committees and commissions once a meeting is concluded, individuals can rely on the actions taken and begin implementation. As presented, the petition would delay any ability to implement a resolution until such time as the General Tribal Council received and acted upon it to ratify or reject the resolution. However, this would also leave a gap in oversight through action taken by motion by the Health Board or, in the alternative, prohibit the Health Board from taking action by motion. In either case, the delay may be detrimental to the Health Board, the clinic, nursing home, managing liability, and taking employment related actions.

⁴¹ An example of a quick adoption of amendments to a law would be the Oneida Nation Gaming Ordinance. However, more common examples are the Election Law, the Judiciary, and the Trust and Enrollment Committee by-laws.

⁴² Task forces, as used here, represent investigative entities created by the General Tribal Council and delegated specific limited authorities to complete a single task. An example is the Investigative Task Force of the 1990s.

It is recommended that instead of approving resolutions of the Health Board, that notice of actions taken be required to be presented at the Annual and Semi-Annual meetings. This would allow the General Tribal Council time to review the materials and determine if the new Health Board was acting consistent with the philosophy and policy direction of the General Tribal Council. Further, this would allow the Health Board to act in a timely manner as needed, and clinic and nursing home personnel to carry out duties without having to wait for a General Tribal Council meeting to be scheduled prior to taking action. Especially in light of there being no limitations of the subject matters that would require General Tribal Council approval.

It should also be noted that the Health Board would still be required to comply with the personnel processes, purchasing and accounting requirements, and budgeting processes of the Tribe. The Tribal School Board has the authority to approve its own personnel policies. The Tribal School Board and the school system utilize all other processes and procedures of the Tribe. In addition, entering into contracts and other services, including self-governance compacts, also require Oneida Business Committee approval where they bind the Tribe or waive sovereign immunity. Changes to these processes would ultimately have a financial effect on the Tribe in regards to budgeting for insurance coverages, financial reporting such as auditing, and additional costs in personnel and either duplicating or modifying existing systems. Members should review the Financial Analysis to get a clear picture of the impact of the petition.

Delivery Area, Eligibility and Payment

3. To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin; and
4. All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) to be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin; and
5. GTC determine and limit, if necessary, the descendancy lineage to receive care and their medical bills being paid; and

Delivery Area

It is possible for the General Tribal Council to direct the Oneida Business Committee to request an amendment to the Tribe's Contract Health Service Delivery Area. Further, the General Tribal Council can direct the Oneida Business Committee to request a programming change to the contract health program and limit the funding to members only. It is not possible to change the process by contract health funds are paid for approved expenses as this is set by federal law and regulations.

The current Contract Health Service Delivery Area is set by regulation. There are processes to change the delivery area which require approval by the Secretary. The Secretary will look at four criteria.

The first criteria are the number of Indians residing in the existing and proposed delivery area. There are 17,114 members of the Oneida Nation, of which 7599 members live in the current delivery area on the Reservation and in Brown or Outagamie Counties. There are 11,933 members living in the proposed delivery area. However, there are also 64,192 Indians residing in Wisconsin. This would result in an increase in potential clients to over 70,000 individuals. Or, in the alternative, as identified in the petition to narrow the eligibility to members only, reducing

the potential client load by 64,192 Indians and 3,555 descendants. Of those 3,555 descendants, approximately 2085 are first generation descendants.

The second criteria are whether the Indians living in the proposed delivery area are “socially and economically affiliated with the Tribe.” It is not clear what this means, however, the Tribe could argue that those members living in the Milwaukee area pose such a relationship as a result of the South Eastern Oneida Tribe programming operated by the Tribe. It is not clear that such a relationship exists beyond that area.⁴³ Further, the impact of the existence of the Gerald L. Ignace Indian Health Center in Milwaukee would have on the analysis of this criteria.

The third criteria are the geographic proximity to the Reservation. Certainly any location within the State of Wisconsin is within less than a day’s driving distance to the Reservation. However, it is not clear how this is applied. For example, programs and services of the Tribe are generally provided within the Reservation. As a result, is a member living in Douglas County (4 members), Grant County (11 members) or Pierce County (2 members) in geographic proximity to the Reservation?

The fourth criteria are the level of funding available for the provision of contract health services. Currently the Tribe receives funding related to the number of Indians living in Brown or Outagamie Counties. However, as identified further below, by reducing the eligibility to members only, the funding related to other eligible Indians would have to be transferred back to the Indian Health Service to cover that population. At the same time, the Tribe would be requesting the Secretary to increase the proposed delivery area and increase the potential population from 7,599 members to 11,933 members. In addition, this request affects other Indian Health Services funded operations by either reducing the pro rata related funds or potentially limiting access to available resources because of eligibility with the Tribe’s program.

It is not impossible to change the Contract Health Services Delivery area. But, there are numerous questions and concerns that this would raise. Further, the General Tribal Council does not have the authority to direct this change. As recommended above, the General Tribal Council can direct the Oneida Business Committee to pursue amending the delivery area, the ultimate decision is not the Tribe’s to make.

Eligibility

The petition proposes that members “receive medical care first.” Although there is no request or proposal to limit the eligible population to members only, it is not clear how members can “receive medical care first” without making that change. There are not unlimited funds available for health care activities, as a result, when does “first” apply? Does it apply to each patient, to each appointment, to each service, until all other potential members have been served? This opinion will presume that the intent is to narrow the eligibility to receive care to members only. If any other interpretation is applied, it is likely this same analysis would be applied.

The Health Center currently has approximately 26,000 patients per year. Of those patients, 14,722 are members. However, for contract health services, this number is about 13,755 patients.

⁴³ This opinion does not address the potential impact on the Urban Indian Health Clinic in Milwaukee and the Indian Health Service funding made available to that clinic.

Of these patients, 8,035 are members and 2,165 are enrolled members of another federally recognized Tribe. There are 3,555 descendants using contract health services, of which 2,709 are descendants of the Tribe and 346 are descendants of enrolled members of another federally recognized Tribe. The vast majority of descendants, over 77% are first generation descendants. A change in eligibility for contract health services to members only would reduce this patient load by 5,720 individuals.

Programming changes, such as eligibility, are within the authority of the Tribe, except where such changes would deny services to population groups who would be eligible for services without the change. In order to make this change, the Tribe would need to retrocede programming responsibilities to that group which is being made ineligible. Retrocession does not occur automatically. It requires mutual agreement, the end of a funding agreement or an effective date one year after notice is given. It will also require the Tribe to reduce the funding allocated under contract health services by the amount of people in the new ineligible group. This is approximately one-third of the current patient load.⁴⁴

Members are encouraged to review the Financial Analysis to determine what that funding level reduction might be calculated at. As identified by the Oneida Comprehensive Health Department, the amount spent on contract health services for descendants was identified as \$437,911.44. This is not the calculation of funding reduction that will occur, simply identifying the funds that were used.

Payment

Contract health services payments are payments of last resort based on Medicare-like rates in accordance with federal regulations. This requires insurers to first determine what level of compensation to pay and then the contract health services portion is addressed. A copy of the brochure and the information poster are attached for reference. Members must follow prescribed processes to maintain eligibility and receive payments.

It is possible that medical bills will not be verified within the 45 day timeline presented in the petition. As a result, making a payment within that timeline may result in increased tribal contribution. The Health Center currently operates primarily on self-governance compact funding, insurance billing (primarily tribal employee insurance), and grants. The inclusion of tribal funding to cover costs that would be unapproved under contract health services is indeterminable.

Contract Health Services has identified that payment generally occurs between 14 and 30 days after receipt of the invoice. This is generally after the services have been rendered and the invoice mailed to the patient. Contract Health Services does not have the ability to pre-pay or to receive invoices directly since the patient must utilize all other resources for payment prior to receiving assistance. In addition, there are standard delays when encountering a new vendor as well as when working through insurance and/or medical assistance programs.

⁴⁴ It is presumed that one-third of the patient load is also a pro-rata amount of the total population and would equal the amount that would be required to be returned and reduced from future funding. However, it is equally likely that this could be a greater or lesser amount of funding based on actual population levels.

There are no program revision or modification requests available under federal law or regulation. The Tribe can retrocede the program back to Indian Health Services, but it cannot modify the program to change how payment for services will be made. This portion of the petition is out of order as presented. It is not possible to recommend alternative language for this action and contract health services programming cannot be changed under the Tribe's self-governance compact.

Miscellaneous

6. GTC selected and hire an administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff; and
7. No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition; and
8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.

Hire Administrator

The General Tribal Council has delegated authority for personnel matters under the Personnel Policies and Procedures to the Human Resources Department. The original action took place in the early 1960s with the adoption of the Tribal Management System and has been in place consistently since that time. Since the early 1960s, there are no occasions where the General Tribal Council has been involved in employment issues. Further, the General Tribal Council's action occurring in the early 1980s was a directive to the Oneida Business Committee to hire a General Manager.

It is not clear how the General Tribal Council will accomplish the responsibility of hiring an "administrator" for the Health Center and the Anna John Nursing Home. There are several steps involved prior to approving the job description for posting that must take place. First, clearly identifying the purpose and position of the "administrator" to be hired. As identified above, if the administrator will be responsible for oversight of both entities, then a license is required. Further, different skill sets and knowledge are required for each type of operation. It is possible there is some overlap and a combined position could be created, but this comes at the expense of knowledge in health care or nursing home operations.

Once the job description is in final draft form, a review of the job market and current salary trends is required to determine the appropriate wage/grade the position will be placed in. This may change depending on the years of experience and education levels required. It will also change depending on the types of duties and responsibilities. It is also not clear if this would be an expense that would be covered within the Tribe's self-governance compact or require a Tribal contribution. The information presented earlier in this opinion identifies the average salary of all health administrators at \$92,000 per year. However, this is an average for an administrator of a clinic; it does not include the licensing or expertise regarding nursing homes. It is likely that this average salary will be higher.

The General Tribal Council could be convened to approve the job description for posting. Recommendations regarding various points in the job description could be presented, as well as

various salaries depending on the job duties ultimately approved. It is also possible that recommendations regarding how long and where the job description will be posted could also be approved. However, calling a General Tribal Council meeting does require time to schedule and to prepare the information to be sent out prior to the meeting. It is likely that this may take over 60 days simply to prepare, schedule, and mail materials.

Approving a job description would violate the delegated responsibilities regarding employment related matters. The need to identify the duties and responsibilities, experience requirements, and set salary levels for a position is an administrative function delegated to the Human Resources Department. The intended purpose of this delegation was to remove nepotism and politics from the employment process. It is not possible to identify any potential nepotism or other conflicts of interest within the General Tribal Council in light of the 1700+ members attending the meeting. Further, given the previous delegation of personnel related responsibilities by the General Tribal Council to the Human Resources Department and the Personnel Commission, it is likely that this action would require a two-thirds vote as an exception to the general delegation of authority.

No Action Until General Tribal Council Reviews

A petition is a request to present a subject before the General Tribal Council. It contains sufficient information for the signors of the petition to make a determination that the subject should be brought before the General Tribal Council. Upon receipt of a petition, the Ten Day Notice Policy and previous actions of the General Tribal Council require a petition and its attachments to receive an analysis. As a result of the Administrative Procedures Act and now the Legislative Procedures Act and expectations of the General Tribal Council, the analysis includes a legislative analysis, a legal analysis and a financial analysis. The petitioner is given an opportunity to provide a statement to be included in the materials and the Oneida Business Committee has committed to providing a recommendation regarding the petition request.

During this entire period, the Oneida Business Committee, as well as the organization, would have a responsibility to take action to correct an issue brought to their attention via a petition. Examples of issues that would require an immediate response would include employment related activities, grant directed activities, misuse of tribal or grant funds, and violations of Tribal law. However, it is also likely that a petition may suggest a programming or services change that would provide immediate benefit to the operations and the client-base receiving the services. As a result, delaying implementation would not be in the best interests of the Tribe and would likely be in violation of the very reason the Oneida Business Committee was created when the Constitution was amended – i.e. that it was difficult to gather the General Tribal Council together in a timely manner to make a decision.⁴⁵

Any Other Issue

The petitioner has included a “catch-all” sentence in the petition. The request in the petition governs actions related to the purpose of the petition. The petition request simply states the obvious regarding the subject before the General Tribal Council and the actions which could be

⁴⁵ In the 1930s and 1940s this involved obtaining a quorum, see resolution # GTC-2-20-49. In 2008, this issue of obtaining a quorum was addressed by adoption of the payment of a stipend to attend. This has resulted in a different issue which is locating and obtaining space available to hold 1700+ members to conduct a meeting.

taken by that body within the limitations set by that body. The determination of whether discussion or action is properly in order before the General Tribal Council occurs at that meeting.

Conclusion

The petition proposes multiple actions. Each action contains a separate analysis and impact on the vote needed. Each action is set forth below.

1. A Health Care Board be created to oversee the Oneida Health Care Center and its staff, along with the Anna John Residential Community Care Center (AJRCCC); and

This requested action would require a majority vote to adopt. However, prior to adoption the General Tribal Council should identify actions regarding the existing Anna John Resident Centered Board and how it will be addressed by adoption of this proposed action.

2. GTC selected and appoint all Health Care Board members, set their stipends, approve their by-laws and resolutions and that the Health Care Board reports only to the General Tribal Council to prevent politics of the health care system of who receives treatment by any single or multiple board, committee or commission; and

This request will take a majority vote to approve. However, there is significant clarification that will be needed. It is recommended that the General Tribal Council approve electing individuals to the proposed new board.

Adoption of this action will require follow-up action by the General Tribal Council to adopt by-laws, to set stipends. In addition, a future General Tribal Council meeting will be needed to make the suggested appointments, Finally, on-going meetings will be needed to approve resolutions before action by the new board can be implemented when approved by resolution.

3. To change the Contract Health Services Delivery Area (CHSDA) that is currently limited to Brown and Outagamie Counties but rather make it state-wide within Wisconsin; and

This proposed action will require a two-thirds vote as it affects current budgets and programming activities. A directive to increase or decrease the delivery area will have an impact on eligible parties that require approval at the federal level and is not an action the Tribe can take unilaterally. If such action is approved, it highly likely that the amount of funds negotiated in the self-governance compact will be amended.

A majority vote would be required if the General Tribal Council took action to direct the Oneida Business Committee to negotiate a change to the delivery area to be a state-wide delivery area. This action would then affect a future action and budget.

4. All enrolled members of the Oneida Tribe of Indians of Wisconsin receive medical care first and payment of the enrolled member(s) medical bill(s) to be paid first within forty-five days of receipt by the tribe, regardless of where care was received within the State of Wisconsin; and

This proposed action will require a two-thirds vote as it will have an effect on the current budget, agreements and programming activities if the motion significantly clarifies the intent and application. It is likely that this is out of order as it may not be possible to meet those requirements under contract health services programming and federal law and regulations. Such action would be prospective pending approval by the federal agency.

Further, it should be clarified regarding the effect of receiving medical care and contract health service assistance “first.” As identified above, this could mean limiting access and eligibility to members only. Or, it could mean prioritizing patient scheduling for members only. Identifying the accurate application of receiving assistance “first” will result in significantly different financial impacts. As a result, unless this is clarified in regards to impact, this proposed action would be out of order.

5. GTC determine and limit, if necessary, the descendancy lineage to receive care and their medical bills being paid; and

This proposed action would be out of order as presented. The General Tribal Council cannot limit programming activities under federal regulations which is subject to federal approval and limitations. It is possible for the General Tribal Council to direct the Oneida Business Committee to begin the process of requesting a change in programming to limit care and services under the contract health services program to members only. If the request to modify the program is approved, there is likely to be a budget impact. Presuming the alternative motion would be effective if approved and the budget impact is in future budgets, then a simple majority vote would be required.

6. GTC selected and hire an administrator to oversee the Oneida Health Center and AJRCC based upon qualified applications received after notice is approved by GTC to post for hiring until the Health Care Board is established and then they can take over the duties of overseeing the staff; and

This proposed action would require a two-thirds vote. The processes of identifying job descriptions, salaries, posting, interviewing and selection are delegated through the Oneida Personnel Policies and Procedures, Personnel Commission and the Human Resources Department. The proposed action does require clarification in order to better identify its impact. However, this will require subsequent actions by the General Tribal Council to approve a job description and posting, salary allocations, identifying how interviews and selection.

7. No action be taken by any other individual(s), department(s), board(s), committee(s), or commission(s) on any of these matters until GTC has heard this petition; and

There is no action required under this petition request. It is a comment on a petition that cannot be effective until it is brought before the General Tribal Council and then only if it is acted upon by that body. In the interim period between submission of a petition and a General Tribal Council meeting it is a responsibility of the Oneida Business Committee to take any appropriate action to protect the assets of the Tribe, which include the provision of services.

If this is considered as a directive to be taken up by the General Tribal Council at the meeting it would not be possible to retro-actively implement the proposed action. In addition, although it may be in order to direct the Oneida Business Committee to refrain from taking action after a petition is submitted and before the General Tribal Council takes action, this would require a two-thirds vote as it would overturn the essential purpose for which the Oneida Business Committee.

8. Any other issues GTC deems necessary and appropriate on this topic for the health, safety, and welfare of the Oneida Tribe of Indians of Wisconsin.”

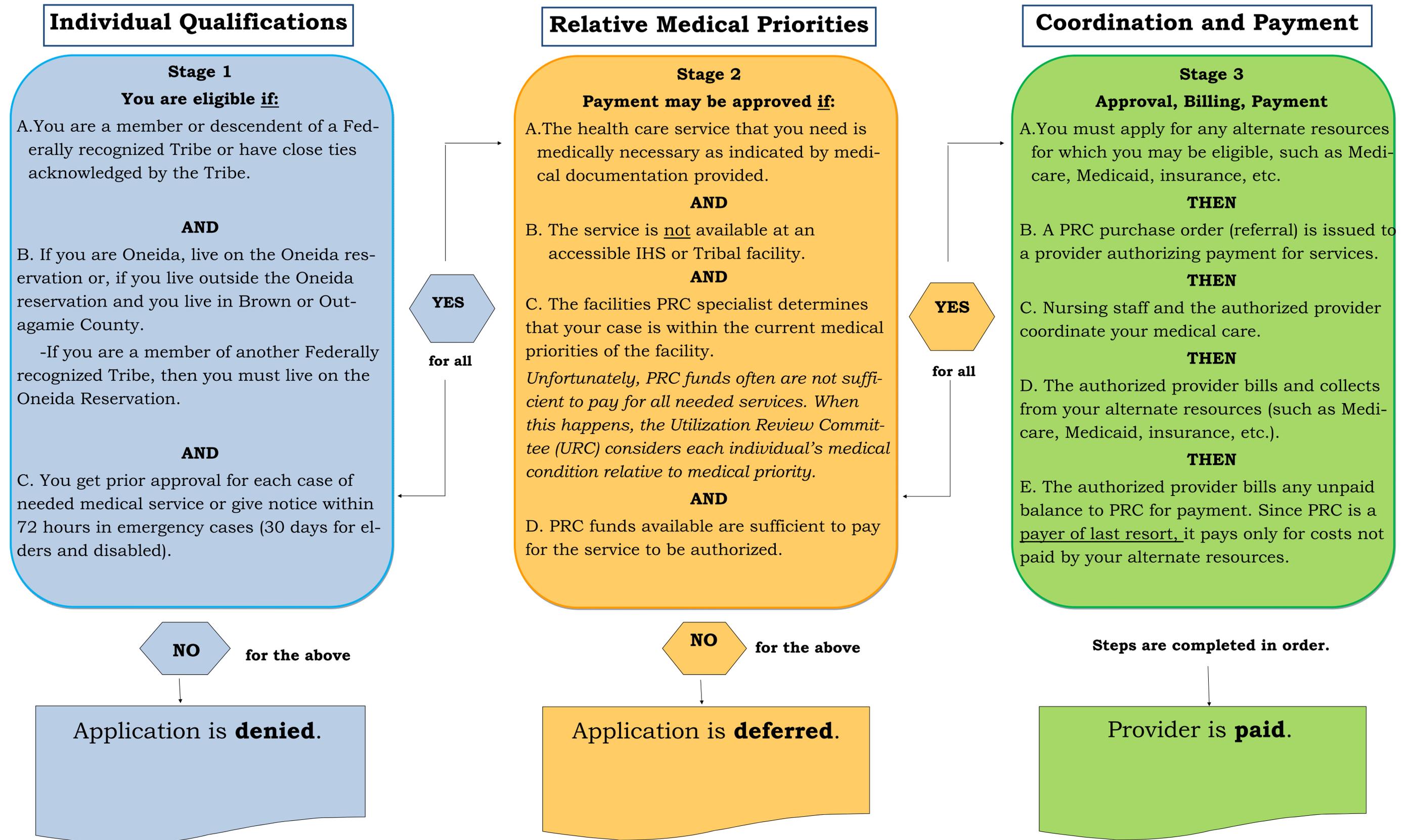
There is no action required under this petition request. It is a given that at a General Tribal Council meeting action that is reasonably related to the petition subject matter can be taken at the meeting.

If you have further questions, please contact me.

Attachments:

1. Health Board Applicant/Members Analysis Form
2. Health Board Research – Redacted – Requested to be placed on-line.
3. Purchased and Referred Care Brochure and Poster
4. Legal Opinion – Scheduling and Setting Agenda – GTC Meeting, November 4, 2014.

Can Purchased/Referred Care (PRC) pay your referral for medical care? Find out in 3 stages.



Patient Responsibilities

- **All referrals must receive prior approval.**
- Submit a P/RC application and proof of residency annually.
- Bring all bills associated with the visit to the P/RC team as soon as you receive them.
- Notify P/RC within 72 hours after seeking Emergency Room care. Elders 55 and over have 30 days to contact P/RC.
- Request your Emergency Room Report be sent to Oneida Community Health Center.
- Respond to your insurance carrier if they request additional information.
- Take note of the number of approved visits on your referral form. If more visits are needed, contact your Oneida Community Health Center health care provider.
- Apply for alternate payer resources if you are eligible prior to scheduled service.
- Contact Oneida Community Health Center if you have changed your contact information.
- **Questions about your referral? Please contact a P/RC Specialist at 920-869-2711 or 1-866-869-2711.**
- **Questions about alternate payer resources? Contact Medical Benefits at 920-869-2711 or 1-866-869-2711.**



Oneida Community Health Center

525 Airport Road
P.O. Box 365
Oneida, WI 54155

Phone: (920) 869-2711
Toll Free: 1-866-869-2711

<https://oneida-nsn.gov/Health/>



Oneida Purchased/ Referred Care



Oneida Comprehensive Health Division



Emergency Situations

LIFE THREATENING EMERGENCY CALL 911

- For after hours urgent or severe medical problems, go directly to the hospital and notify P/RC staff within 72 hours. Tribal elders age 55 and above are allowed 30 days.
- Unsure about the medical situation? Call the “on-call” provider to seek medical advice by calling 920-869-2711 or 1-866-869-2711. An “on-call” provider will be contacted to call you.
- After hours prescriptions must be filled at Walgreens located at 116 North Military Avenue, Green Bay, WI 54303. **Prior approval is needed. No controlled substances will be authorized.** If you have insurance, please provide that information to the pharmacist. You will be required to show your Tribal ID.
- When seeking emergency care outside of Brown or Outagamie County, follow the same guidelines as above. Be sure to obtain the name, address, and phone number of the hospital where care was provided.

Purchased/Referred Care (P/RC)

Purchased/Referred Care Services are medical, dental, behavioral health, pharmacy, and optical services which cannot be provided on-site through the Oneida Comprehensive Health Division.

Per Federal Regulations, P/RC funds are to be used only after all other sources (such as private insurance, Medical Assistance, Medicare, etc.) have paid.

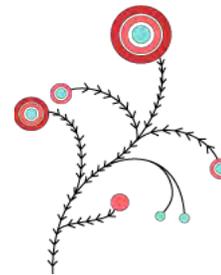
The need for P/RC services must be determined by your primary care provider at the Oneida Community Health Center (OCHC) or Behavioral Health. Your provider will issue a referral for services and P/RC will determine your eligibility.

Patients must maintain a primary medical health care provider at OCHC.

- A member of another federally recognized tribe residing in Brown or Outagamie County with socio-economic ties to the Oneida Tribe (i.e., employed by the Oneida Tribe, married to an Oneida Tribal Member, or caring for Oneida minor children);
- A student who meets the above guidelines at their permanent residence prior to leaving for school;
- A person who is eligible, but leaves the community, may continue to be eligible for 180 days;
- A non-Native woman pregnant with an eligible Native American’s baby for the duration of her pregnancy through post-partum. A written paternity acknowledgement form will need to be on file;
- Patient’s who have no insurance or expired insurance will need to be screened by the Medical Benefits Coordinators to determine eligibility for alternate resources to pay for care prior to scheduled service.

Required Documentation

- Proof of Tribal affiliation;
- Proof of residency
 - utility bill, pay check stub, copy of official government papers, active bank statement, college acceptance letters.



Eligibility Criteria

- An Oneida Tribal member or descendent residing in Brown or Outagamie County;
- A member or descendent of another federally recognized tribe residing within the Oneida Reservation boundaries;



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Defer the financial analysis of the Mike Debraska petition regarding the establishment of a Health Care Board for thirty (30) days.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

As discussed in agenda review on May 19, 2016, the Law Office has recently completed the legal analysis, which is on the May 25, 2016, regular BC meeting agenda for acceptance. Finance has not had the opportunity to review the legal analysis, nor the submission(s) from the Direct Report Office(s), if any.

Finance is respectfully requesting a 30-day deferral in order to complete the required financial analysis.

The 30-day deferral means the financial analysis would be submitted for the July 13, 2016, regular BC meeting agenda for acceptance.

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: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Review and accept the Fiscal Analysis in response to the Michael Debraska petition regarding Per Capita Payments.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Fiscal Analysis: Michael Debraska petition"/>	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: Denise Vigue, Executive Assistant / Finance Administration Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Follow up from Finance/CFO regarding the Michael Debraska petition - Per Capita Payments - for OBC review and acceptance.

- 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

Current Petitions At-A-Glance

Petitioner and Subject	Analyses		
<u>Genskow</u> – Three Resolutions			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Oneida Business Committee Accountability	✓	✓	✓
2 Repeal Judiciary Law	✓	✓	✓
3 Open Records and Open Meetings Law	✓	✓	✓
<i>GTC meeting date scheduled for 6/13/16</i>			
<u>Cornelius</u> – Report on OSGC and four resolutions			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Audit of OSGC	✓	✓	✓
2 OSGC Return Money to Tribe	✓	✓	✓
3 Freedom of the Press	✓	✓	✓
4 Tax Oneida Business Committee for Failure to Dissolve OSGC	✓	✓	✓
Report Report on OSGC	n/a	n/a	n/a
<i>GTC meeting date scheduled for 8/10/16</i>			
<u>Barton, Nancy</u> – To open and emergency food pantry			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
	✓	✓	✓
<u>Metivier, Yvonne</u> – Per Capita Payment FY17-FY21			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
	✓	✓	✓
<i>GTC meeting date scheduled for 6/13/16</i>			
<u>Debraska, Mike</u> – To establish a Health Care Board			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
<i>All analyses due at 5/25/16 BC mtg</i>			
<u>Debraska, Mike</u> – Per Capita Distribution \$3,000/\$5,000			
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
<i>BC meeting due date for progress reports is 7/13/16; All analyses due at 7/27/16 BC mtg</i>			

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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.

DATE: May 5, 2016
FROM: Lawrence Barton, Chief Financial Officer
TO: Oneida Business Committee
RE: **Fiscal Impact of Mr. Michael Debraska Petition – Per capita payment**

I. Background

A petition was submitted on April 27, 2016, and verified by the Enrollment Department. The Business Committee will consider action at the May 11, 2016 meeting. The petition contains the following:

1. *“A per capita distribution of \$3,000 to-all enrolled Oneida members under the age of 61; and*
2. *A per capita distribution of \$5,000 to all enrolled Oneida members over the age of 62; and*
3. *The distribution of this \$3/5K per capita payment take place on a date to be determined by General Tribal Council; and*
4. *If there is to be any lay-offs (terminations, furloughs or the like), restructuring, programs or department(s) reduced or eliminated, General Tribal Council will make the determination as to whom is laid-off (terminated, furloughed or the like), which areas or department(s) are restructured or programs that are or will be reduced or eliminated; and*
5. *Since, the previous \$3/5K petition submitted by Dr. John Powless was withdrawn by him in an e-mail to Tribal Secretary Lisa Liggins and seeing as how both the fiscal (financial) and legal analysis' were already completed for Dr. Powless' petition, it should only take minor modifications for both the fiscal (financial) and legal analysis' and then this petition can be brought forward for GTC's consideration in June 2016 and placed with Yvonne Metivier's per capita petition on the same agenda and heard the same day as Ms. Metivier's petition since previous Business Committee action was to place like petitions with like petitions, as previously stated by Secretary Lisa Summers and Chief Counsel.”*

To provide the analysis for this petition, Finance relied heavily on the previous fiscal analysis for the Mr. John Powless petition and reviewed several key areas anticipated to have the greatest

impact. We also provide some forecasted scenarios to give the membership perspective of the scale of the fiscal impact.

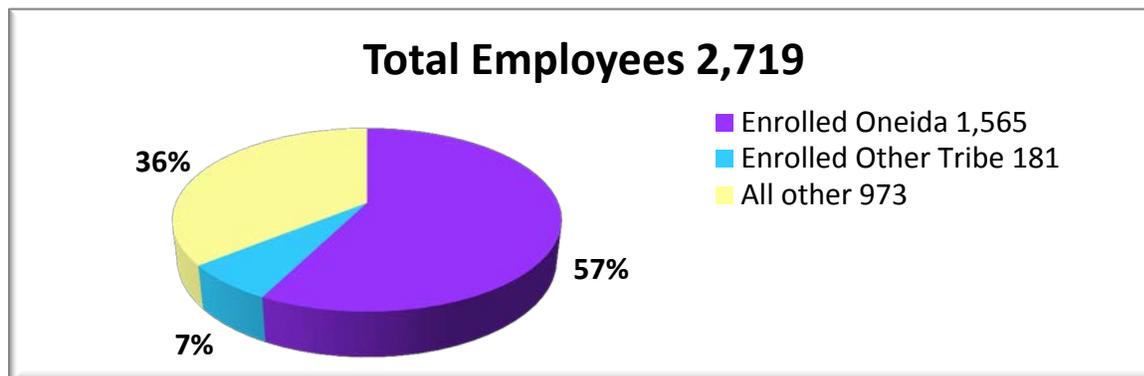
Membership

As of April 29, 2016, according to the Oneida Enrollments Department, there are currently 17,112 enrolled Oneida Tribal members. There are 14,759 members age 61 and under and 2,353 members over the age of 62.

Estimated impact of per capita petition			
Average Expense to hold a GTC Meeting			\$ 220,000
	Under 61	62+	Total Membership
Tribal Members	14,759	2,353	17,112
Proposed Per Capita Payment	\$ 3,000	\$ 5,000	
Sub Total	\$ 44,277,000	\$ 11,765,000	\$ 56,042,000
Total			\$ 56,262,000

Employment

According to Oneida Human Resources Department, as of February of 2016, the Nation employed 2,719 employees. Of that, 1,565 are Tribal members; 181 are enrolled in a different Native American Tribe; and 973 are non-Tribal. Utilizing an average wage of \$18.89 per hour with a 35% fringe rate, approximately 1,060 employees funded with Tribal Contribution would need to be laid off to cover the cost of the per capita payment. This action would severely inhibit or eliminate the Nation's ability to provide programs & services or operate many or all of the non-enterprise areas.



A lay-off would have an additional impact to unemployment compensation as the Nation is in the self-reimbursing program within the State of Wisconsin. Unemployment claims for laid-off employees would be billed to the Nation and would become an added expense for the Nation. The maximum weekly unemployment compensation per employee is currently \$370 per week; for 1,060 employees the total amount would be \$392,200. Over the maximum allowable benefit period of 26 weeks, the estimated maximum cost would be \$10,197,200.

Mortgage Receivables

Currently the Division of Land Management oversees various loan programs for Tribal members that assist with ownership and repair. The balance of this revolving loan program is

approximately \$26,635,433.84 and there are currently 420 loans held by Tribal members and 244 members who hold loans with Division of Land Management are also Tribal employees. While the approval of the petition would result in a short term pay-out, in the long term the petition has the potential to result in lay-offs and therefore impact the member's ability to pay their debt in the long term. A source report from NeighborWorks states job loss or reduced income as the number one reason why homeowners face foreclosure. A high foreclosure rate would have a detrimental impact the revolving loan fund and hinder the Division of Land Management's ability to provide future mortgage loans. Also, any resulting loss of revenue directly impacts the Nation's Land Acquisition funds utilized to expand the Nation's land base.

Programs & Services

Funding the per capita petition without an impact to jobs, programs, and services is not possible as the Nation doesn't have access to unrestricted cash equal to the fiscal impact of the petition. The decision of which specific jobs, programs or services would need to be cut would be a leadership and management decision. Considerations should be given to how a mass lay-off would impact the remaining workforce morale and overall feeling of job security. The additional potential impact to the Gaming customer and confidence in the Nation as a competent business also needs to be considered.

Benefits

Many need based programs that serve the membership are income based. The following needs-based programs may be affected by a Per Capita distribution:

- Supplemental Security Income (SSI) based on age
- Supplemental Security Income (SSI) based on disability
- Need- based Veteran's benefits
- Medicare Buy-In Programs (QMB, SLMB, and SLMB Plus)
- Wisconsin FoodShare
- Medical Assistance
- USDA Food Distribution Program on Indian Reservations (FDIPR)
- W-2
- Temporary Aid for Needy Families
- Section 8 / Housing Assistance Voucher Program (at this time, not Oneida Housing Authority)
- Title V
- Other

Land

According to the USDA, the average price of agricultural land in Brown and Outagamie counties was approximately \$7,547 in 2014. If General Tribal Council chose to sell land as the asset to cover the expenses of the per capita, at the average rate, approximately 7,454 acres of agricultural land would need to be sold. However, if such an abundance of real estate were to flood the market, the value would certainly drop. At an estimated \$5,000 per acre, Oneida would need to sell approximately 11,252 acres to cover the minimum costs of the petition.

Current Financial Condition

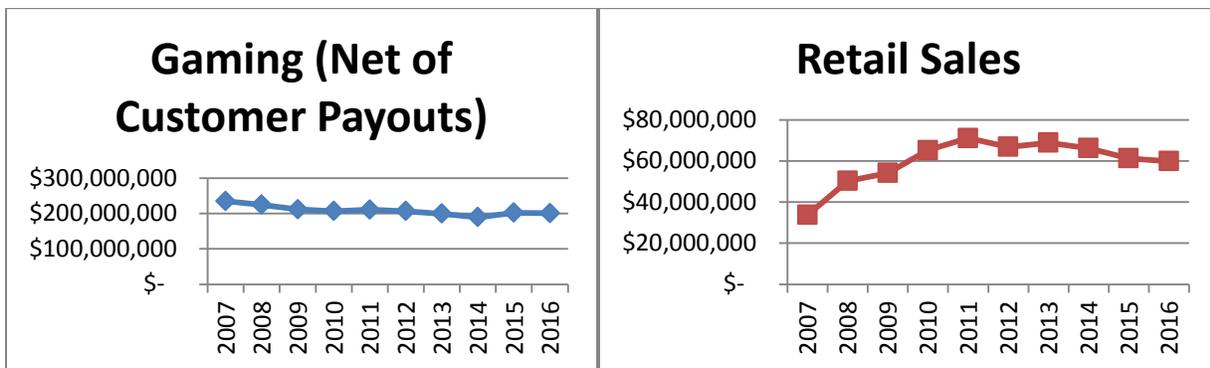
First, Gaming and Retail Revenues, the primary source of funds which pay for Tribal programs and services, have been on a declining trend over the last few years. Net profit within the fiscal year 2016 budget from Gaming is forecasted to be \$105,553,767. Net profit within the fiscal

year 2016 budget for Retail is forecasted to be \$7,327,008. This totals approximately \$112,880,775 to fund General Tribal Council (GTC) Mandates, Debt & Tribal Operations.

Fixed and mandated expenses are the following;

• General Per Capita	\$17,127,000
• Education	\$14,579,719
• Debt Payments (principal and interest)	\$12,389,294
• Elder Per Capita	\$ 4,490,000
• General Tribal Council meeting stipends	\$ 1,675,000
• Required set aside for Bond repayment	\$ 1,001,073
• Elder Trust Fund Transfer	\$ 500,000
• Elder OLIPP Premiums Funding	\$ 500,000
• <u>Burial Expenses for Minor Members</u>	<u>\$ 10,500</u>
Total	\$52,272,586

The remaining balance of Tribal Contribution is approximately \$60,608,189 to fund programs and services. There are no unbudgeted or unallocated funds available to fund the proposed per capita payment.



Debt

Total Loans of the Nation are \$60.22 million.

- Bank of America Merrill Lynch Retail Revenue Bonds \$24.89 million;
- Bank of America (Health Center Bond) \$13.59 million;
- Bank of America Line of Credit \$ 13.15 million;
- Bay Lake Bank (Thornberry) \$8.59 million.

Based on historical data, the interest and fees that would be incurred on approximately \$56,262,000 in new debt are estimated to be \$33,638,799 for a ten year period. Therefore, the total forecasted cost of the petition request would be approximately \$ 89,900,799 if debt were used as a source of funds.

Risk

• **Credit Covenant Compliance**

The line of credit agreement with Bank of America Merrill Lynch has a compliance requirement termed a Fixed Charge Coverage Ratio. This is a calculation of the amount of gaming earnings before interest, taxes and depreciation/amortization left after all transfers to the Nation for and debt payments. If debt were used as the funding source for the petition it

would be result in the Fixed Coverage Charge Ratio being reduced to .67 to 1. The Nation's minimum permissible ratio is 1.05 to 1. As a result the action may result in a default being declared by Bank of America, penalties being applied, or the loan being called. Default sanctions under the loan agreement may further restrict funds available for budgetary allocations to mandates.

- **Future Credit Underwriting/Rating**

Adding the full impact of petition as new debt would increase total debt load to \$94 million. While this is slightly less than the trend of Gaming earnings before interest, taxes, and depreciation/amortization (EBITDA) every year, it would decrease the strength of the Nation's balance sheet and most likely would result in higher pricing for the pricing of an interest rate we would pay for our debt service needs. This would result increase the total cost of any new debt issued by the Nation.

- **Depletion of Liquidity**

A potential source of funding from the 12/31/15 Treasurer's report is the Operational Carryover of \$11.4 million. This is insufficient to cover the entire \$56.2 million impact of the Petition. Additionally, the operational carryover amount would be utilized allocated in the Fiscal Year 2017 budget to help address a forecasted structural deficit of approximately \$29 million. There would be no means of balancing the Fiscal Year 2017 Budget that did not include new debt and/or significant reductions in our workforce, programs, and/or services for Fiscal Year 2017.

- **Contingency/Event Preparedness**

The Permanent Executive Contingency is another potential source of funds. However, as of 12/31/15 the balance was \$22.1 million, which is far short of the \$56.2 million impact. This is the identified funding source for the loan to the Oneida Golf Course Enterprise of up to \$8.4 million for the LPGA tournament in 2017 through 2019 General Tribal Council approved. Another \$199,000 of the fund is being added to the Fiscal Year 2016 budget for Elder Major Home Repair Services.

- **Responsible Prudent Financial Management**

Building a reserve fund to access in the event of a catastrophic loss of revenue sources is a prudent goal. Prior to 2007, it was a stated goal to build a general reserve sufficient to fund Tribal operations for one year without gaming revenue. According to the Fiscal Year 2015 audited financial statements the Nation has access to cash and current assets equal to approximately 59 days of operational expenses. This petition could place the Nation's Treasury at zero in the reserve.

- **Credit default may necessitate liquidating assets**

As indicated above, if the Oneida Nation added \$46.4 million in new debt, we would be in a situation of default with our Fixed Charge Coverage Ratio debt covenant. If we cannot find a means to bring the Nation back into compliance, that could trigger an Event of Default. One Event of Default on any of the four existing debt agreements can cause a cascading effect of a Default on the remaining agreements. This would force the Nation to raise cash by liquidating (selling) assets sufficient to raise enough cash to pay off all \$60.22 million in debt (plus any new debt taken in order to pay out a \$56.2 million per capita distribution) at one time.

- **Unrestricted Net Assets**

The Fiscal Year 2015 audited financial statements show a balance of \$82.2 million in Unrestricted Net Assets. The total cash and short term investments included in this category is \$37.2 million, an amount substantially lower than the fiscal impact of the petition.

- **Government Financial Officers Association Best Practices**

The Appropriate Level of Unrestricted Fund Balance in the General Fund best practice advises governments that it is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (i.e. revenue shortfalls and unanticipated expenditures). Discussion on the adequate level within this statement notes, “The adequacy of unrestricted fund balance in the general fund should take into account each government’s own unique circumstances. For example, governments that may be vulnerable to natural disasters, more dependent on a volatile revenue source, or potentially subject to cuts in state aid and/or federal grants may need to maintain a higher level in the unrestricted fund balance.” The Nation’s revenues from Gaming have varied significantly from year to year and funding for many programs and services are subject to cuts in state aid and federal grants annually. (Appropriate Levels of Unrestricted Fund Balance in the General Fund Best Practice Statement; Government Finance Officers Association; September 2015.)

Achieving a Structurally Balanced Budget best practice advises governments to adopt rigorous policies aimed at achieving and maintaining a true structurally balanced budget. A structurally balanced budget is when recurring revenues are equal to recurring expenses.

Determining the Appropriate Levels of Working Capital In Enterprise Funds best practice advises governments that under no circumstances should the target for working capital be less than forty-five (45) days’ worth of annual operating expenses and other working capital needs of the enterprise fund. A target of forty-five days would only be appropriate for those enterprise funds with the lowest amount of need for a buffer or safety net.

Future Outlook

There is substantial financial insecurity in fiscal year 2017 and beyond due to the recurrent \$29-35 million structural budget deficit and variability in Gaming revenues. The result in the budgets for fiscal year 2017 and beyond is multi-year Cost Containment. If Gaming revenues decline substantially, there is an increased risk to the funding for General Tribal Council mandates in future budgets. The current budget forecast for fiscal year 2017 starts with a negative variance of \$29.65 million

II. Executive Summary of Findings

A mandated expenditure of this level presents several financial risk management issues and would be deemed fiscally irresponsible.

Since the peak in revenue in 2007 to today, Gaming revenue has fallen 19%. The economic recession has forced the organization to both implement cost containment measures as well as find long-term sustainable ways to decrease expenses such as payroll and other fixed expenses. This trend is alarming and continued spending at the present rate is unsustainable.

The petition represents a 400% increase in per capita for members over the age of 62 and a 200% increase for members under the age of 62.

According to the Indian Gaming and Reorganization Act, the authorized uses for "net revenues from any tribal gaming" in 25 U.S.C. section 2710(b)(2)(B), subsections (i) through (v). Subsection ii states "*to provide for the general welfare of the Indian tribe and its members*" In 2015, 40.47 % of Gaming net revenues went to General welfare and 17.76 % to per capita. Therefore over 58% of the funding was used for direct member benefits, programs, and services.

III. Financial Impact

The financial impact if this Petition is adopted ranges from is \$66,459,200 million to \$100,097,999 million depending on the funding mechanism. If there is to be an increase in Per Capita spending due to adoption of this Petition, failure to counteract by significant reductions in jobs and services runs the risk of putting the Nation in non-compliance with the covenants of our debt agreements. Should such an event of default occur, there is the potential of forcing the Nation to liquidate assets in order to pay down the additional \$60.22 million in consolidated long term debt within a very short period of time. **The total potential fiscal impact would be between \$126,679,200 and \$160,317,999.**

IV. Recommendation

Because of our fiduciary responsibility to the Oneida Nation and General Tribal Council, the Finance Department is compelled to recommend the denial of this Petition. Finance is in opposition to this petition and cannot recommend a Per Capita plan that would seek to increase spending on Per Capita without an identified recurring source of funding.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

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

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 25 / 16

2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

Accept update of Work Plan for Cemetery Improvements project #14-002.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: James Petitjean, Interim Asst. Division Director/Development
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Paul J. Witek, Senior Tribal Architect/ Engineering Dept.
Name, Title / Dept.

Additional Requestor: Fawn Cottrell, Contract Processor/ Engineering Dept.
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

STANDING ITEM:

Purpose:

Follow-up to item XII.A from December 9, 2015 OBC Meeting for a update to Work Plan.

Background:

On December 9, 2015 the Business Committee approved a motion to request the Cemetery Improvement Project #14-002 Work Plan be a standing item on the second regular Business Committee meeting agenda of each month starting in January of 2016 for updates.

Action Requesting:

1. Acceptance of Work Plan status update for Cemetery Improvements project #14-002.

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

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

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

WORK PLAN

Cemetery Improvements Project
#14-002

5/16/16

No.	Description	Notes	Tasks	Task Coordinator	Estimated Completion Date	Status
1	Continue data readings from monitoring wells.	Monthly data readings.	a. Collect data.	CW&S Dept.	On-going	On-going
2	Install additional monitoring wells.	Install monitoring wells at existing raised plateaus and on property to east.	a. Draft and release Request For Proposals (RFP).	Engineering Dept.	12/16/15	Complete, issued 12/9/15; proposals received 12/16/15.
			b. Draft and award contract.	Engineering Dept.	1/22/16	Complete.
			c. Install monitoring wells	Vendor	2/9/16	4 wells installed Feb. 8 & 9. Remaining 2 will be coordinated with Hydrogeology study.
3	Hydrogeology Study (ground-water study).	The study will review previous reports, existing data from monitoring wells, data from new monitoring wells and provide verification/recommendations of plan of action to address groundwater concerns.	a. Identify budget source for study.	Troy Parr	12/14/15	Transfer of funds from #07-009 Building Demolitions was approved by Finance Committee 12/14/15.
			b. Draft and release Request For Proposals (RFP).	Engineering Dept.	1/28/16	Issued 1/9/16; 4 proposals received and scored 1/28/16.
			c. Draft and award contract.	Engineering Dept.	3/14/16	GEI Consultants, Inc. approved, Notice to Proceed issued.
		Study duration is anticipated to be 6 months.	d. Conduct study.	GEI	Fall 2016	Underway. May have prelim report in June.
			e. Present Final Report to OBC	Engineering Dept. / GEI	Fall 2016	Waiting on completion of item 3.d.
4	Request funding for implementation.	Funding will be requested through the CIP Budget and amounts will be based upon estimates included in the Hydrogeology Study.	a. Include budget request in annual fiscal year CIP Budget request.	Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results. Will estimate cost and include a request in FY2017.
5	Additional drain tile installation.	Contingent upon results of Hydrogeology Study. If study results confirm this is an appropriate action, work will commence as funding allows.	a. Define specific scope of work with Technical Team.	Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
			b. Drain tile installation.	CW&S Dept.	T.B.D.	Waiting on completion of item 5.a.
6	Raise grades between existing plateaus.	Contingent upon results of Hydrogeology Study. If study results confirm this is an appropriate action, work will commence as funding allows.	a. Prepare Construction Documents to define scope of work and allow bidding of work.	Vendor/ Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
			b. Request bids and award construction contract.	Engineering Dept.	T.B.D.	Waiting on completion of item 6.a.

WORK PLAN

Cemetery Improvements Project

#14-002

5/16/16

No.	Description	Notes	Tasks	Task Coordinator	Estimated Completion Date	Status
			c. Construction	Vendor	T.B.D.	Waiting on completion of item 6.b.