



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, April 08, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes

EXECUTIVE SESSION

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

Not Present: n/a

Arrived at: n/a

Others present: Jo Anne House, Michele Doxtator (via Microsoft Teams¹), Sarah White (via Microsoft Teams), Jack Denny (via Microsoft Teams), Kathy King (via Microsoft Teams), Angela Parks (via Microsoft Teams), Lambert Metoxen (via Microsoft Teams), Taylor Oudenhoven-Skenandore (via Microsoft Teams), Laura Lane (via Microsoft Teams);

REGULAR MEETING

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Trish King, Secretary Lisa Summers, Council members: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Ernie Stevens III, Jennifer Webster;

Not Present: n/a

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Lisa Liggins, Brooke Doxtator, Xavier Horkman, Melinda J. Danforth, Ralinda Ninham-Lamberies, Clorissa Santiago;

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:31 a.m.

II. OPENING (00:00:06)

Chairman Tehassi Hill thanked Artley Skenandore for doing a tobacco burning this morning and the words of encouragement for the Business Committee and our community in this tough time.

Chairman Tehassi Hill shared the following message for the record: As Chairman I never thought we'd be in this type of situation, having to make these types of decisions that we're looking to make today caused by this pandemic, from the COVID-19, which has caused us to shutdown our main revenue driver. It's the time that the hard decisions have to be made to reduce and cutback our tribal organization; I think it's important to know that this Committee and staff have been working for weeks now to make sure that we have the most up-to-date information on which to base our decisions. They have been working around the clock to make sure that, to the best of our abilities, the questions our employees and our community have are being answered.

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings.

As many of you are aware, Governor Tony Evers directed a Safer at Home order for Wisconsin until April 24, 2020. Oneida Nation declared a Safer at Home order until May 12, 2020. Both governments' decisions are to protect the health, safety and wellness of our employees, the community and customers. These choices also burden us with the reality of the lost income due to the suspension of gaming operations. The Nation now faces an unprecedented financial loss. The Oneida Nation has been operating without gaming revenues for three weeks now. This has depleted our financial resources in a manner which leaves us with no choice, but to cease payments for obligations we do not have money to cover. Gaming revenues decreased 100% and the last deposit from Gaming was made on March 25, 2020.

The Oneida Business Committee has a fiduciary responsibility to protect the Oneida's citizens and resources. Today the Oneida Business Committee has taken action to address critical financial obligations of the Nation. Large financial obligations within our annual budget are: GTC mandates, labor and fringe, and operational costs. GTC Mandates include: Per Capita, Education Scholarship, Elder Per Capita, GTC Stipends, Set asides to Trust, GTC Legal Resource Center, Emergency Food Pantry, and Minor Burial. Additionally, the Oneida Nation's employee base is approximately 2,880 persons. Employees were kept on payroll for approximately 21 days while we worked to update and invoke the Oneida Nation's Emergency Contingency plan which incorporates over 250 business units. The Nation utilizes weekly gaming deposits to fund payroll, which was approximately \$2M.

GTC Mandates are 9% of the total budget. Labor and fringe are 36% of the total budget. Operational costs total 22% of the total budget. Combining these components total 67% of our annual budget. The remainder of the budget is 33% marked as operational costs and payroll. Therefore, with the money saved to pay our GTC Mandates, the OBC has reallocated all available cash to sustain critical operations of the Nation. Along with our assessment of our current finances, since March 17, 2020, and based upon a projection that Gaming enterprises will open within 45 days, we believe the Nation can maintain all essential-critical operations for a short period of time. The unknown variable is the exact date when gaming operations can begin to provide revenues; until that specific date is known, we will continue to only operate critical government programs and services.

Potential actions today to cancel Per Capita, GTC meeting stipends, defer premium payments OLIPP to Trust and Elder Endowments, and to reduce the Higher Education fund, is due entirely to the lack of funds. The recovery of business and services will depend upon the time it takes for the Oneida Nation to re-open business, essentially gaming, and begin to re-build our financial standing. The overall impact is anticipated to take three (3) to five (5) years to rebuild.

We must continue as a sovereign government, and thus must operate on a very minimal budget. We must continue to keep some of our employees on payroll to be ready to implement recovery plans and operations as soon as possible. Hopefully, the curve in Wisconsin flattens to a degree where we can open our businesses and operations in an expedient manner. As we move through implementing our contingency plans, the Nation continues to be adamant and vigilant in protecting our assets, our people, our employees, and our customers. Working collectively, we will help the Nation to sustain during this financial and health crisis. Yawakó.

III. ADOPT THE AGENDA (00:06:18)

Motion by Lisa Summers to adopt the agenda with two (2) changes [1) add item IV.I. Adopt resolution entitled Suspension of Collection of Rent, Leases, Mortgages and Utilities; and 2) add item IX.B.1. Approve the ninth addendum to special counsel contract - Attorney Arlinda Locklear - file # 2020-0001, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

IV. MINUTES

A. Approve the March 5, 2020, special Business Committee meeting minutes (00:07:21)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to approve the March 5, 2020, special Business Committee meeting minutes, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

B. Approve the March 11, 2020, regular Business Committee meeting minutes (00:07:57)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to approve the March 11, 2020, regular Business Committee meeting minutes, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

C. Approve the March 17, 2020, emergency Business Committee meeting minutes (00:08:26)

Sponsor: Lisa Summers, Secretary

Motion by Lisa Summers to approve the March 17, 2020, emergency Business Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

V. RESOLUTIONS

A. Adopt resolution entitled Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy (00:08:59)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to adopt resolution 04-08-20-A Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

B. Adopt resolution entitled Placing Listed Boards, Committees and Commissions in Temporary Closure Status (00:12:02)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to adopt resolution 04-08-20-B Placing Listed Boards, Committees and Commissions in Temporary Closure Status with following change to the end of each Resolve: replace "during the Public Health Emergency" with "for the remainder of Fiscal Year 2020 and during any continuing resolution for Fiscal year 2021", seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

C. Adopt five (5) resolutions regarding Financial Resources Protection (00:15:54)

Sponsor: Trish King, Treasurer

1. Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020 (01:01:05)

Motion by Lisa Summers to adopt resolution 04-08-20-C Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

2. General Membership and Elder (age 62+) Per Capita Payment for Fiscal Year 2020 Halted in Light of Public Health Emergency and Impact on Finances (01:02:10)

Motion by Trish King to adopt resolution 04-08-20-D General Membership and Elder (age 62+) Per Capita Payment for Fiscal Year 2020 Halted in Light of Public Health Emergency and Impact on Finances with one (1) correction [in line 66, change \$16 to \$5.8], seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

3. Deferring Payments to OLIPP and Elder Endowments (01:03:39)

Motion by David P. Jordan to adopt resolution 04-08-20-E Deferring Payments to OLIPP and Elder Endowments, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

4. Halting General Tribal Council Meeting Stipend Payments for FY2020 and FY2021 (01:04:12)

Motion by Kirby Metoxen to adopt resolution 04-08-20-F Halting General Tribal Council Meeting Stipend Payments for FY2020 and FY2021, seconded by Ernie Stevens III. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

5. Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021 (01:05:23)

Motion by Trish King to approve resolution 04-08-20-G Reducing the General Tribal Council Higher Education Scholarship Payments for FY2020 and FY2021 with one (1) correction [in line 58, change \$12.5 to \$10], seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Abstained: Lisa Summers

For the record: Secretary Lisa Summers stated my abstention is due to the fact I have, currently, a student in my home that is utilizing the program.

D. Adopt resolution entitled Amendments to the Vehicle Driver Certification and Fleet Management Law (01:17:44)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to adopt resolution 04-08-20-H Amendments to the Vehicle Driver Certification and Fleet Management Law with the requested change the implementation time frame from 90 days to 180 days [in line 76, change July 7, 2020 to October 5, 2020], seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

E. Approve two (2) actions regarding the resolution entitled Amendments to the Indian Preference in Contracting Law (01:25:57)

Sponsor: David P. Jordan, Councilman

Motion by Lisa Summers to approve resolution 04-08-20-I Amendments to the Indian Preference in Contracting Law, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Motion by Lisa Summers to direct the General Manager and Chief Financial Officer to provide the Oneida Business Committee with an update within 120 days on the Indian Preference Office and Purchasing Department's progress on the development and/or updating of the required standard operating procedures, seconded by Daniel Guzman King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

F. Adopt resolution entitled Indian Preference in Contracting Law Fine and Penalty Schedule (01:30:59)

Sponsor: David P. Jordan, Councilman

Councilman Kirby Metoxen left at 10:04 a.m.

Motion by Jennifer Webster to adopt resolution 04-08-20-J Indian Preference in Contracting Law Fine and Penalty Schedule, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Kirby Metoxen

G. Adopt resolution entitled Declaring Oneida ESC Group LLC as the Nation's General Contractor (01:33:31)

Sponsor: Lisa Summers, Secretary

Motion by Ernie Stevens III to approve resolution 04-08-20-K Declaring Oneida ESC Group LLC as the Nation's General Contractor, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Kirby Metoxen

H. Enter the e-poll results into the record regarding BC resolution # 03-26-20-A Extension of March 12th Declaration of Public Health State of Emergency (01:35:10)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding BC resolution # 03-26-20-A Extension of March 12th Declaration of Public Health State of Emergency, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Kirby Metoxen

I. Adopt resolution entitled Suspension of Collection of Rent, Leases, Mortgages and Utilities (01:35:43)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to adopt resolution 04-08-20-L Suspension of Collection of Rent, Leases, Mortgages and Utilities, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Kirby Metoxen

VI. STANDING COMMITTEES

A. FINANCE COMMITTEE

1. Accept the March 2, 2020, regular Finance Committee meeting minutes (01:38:10); (01:46:55)

Sponsor: Trish King, Treasurer

Motion by Brandon Stevens to table this item to later on the agenda, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Not Present: Kirby Metoxen

Item VI.B.1. is addressed next.

Motion by Jennifer Webster to accept the March 2, 2020, regular Finance Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Item IX. is addressed next.

B. LEGISLATIVE OPERATING COMMITTEE

Secretary Lisa Summers left at 10:11 a.m.

1. Accept the March 4, 2020, regular Legislative Operating Committee meeting minutes (01:39:30)

Sponsor: David P. Jordan, Councilman

Motion by David P. Jordan to accept the March 4, 2020, regular Legislative Operating Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Kirby Metoxen, Lisa Summers

2. Accept the March 18, 2020, regular Legislative Operating Committee meeting minutes (01:40:00)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the March 18, 2020, regular Legislative Operating Committee meeting minutes, seconded by Trish King. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Kirby Metoxen, Lisa Summers

Councilman Kirby Metoxen returned at 10:11 a.m.

C. QUALITY OF LIFE COMMITTEE

1. Accept the January 23, 2020, regular Quality of Life Committee meeting minutes (01:40:24)

Sponsor: Brandon Stevens, Vice-Chairman

Motion by David P. Jordan to accept the January 23, 2020, regular Quality of Life Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Lisa Summers

VII. UNFINISHED BUSINESS

A. Table the update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C (01:40:54)

Sponsor: Lisa Summers, Secretary

Motion by Jennifer Webster to table the update and progress report regarding the implementation procedures for BC resolution # 03-11-20-C, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Jennifer Webster

Not Present: Lisa Summers

VIII. NEW BUSINESS

A. Approve two (2) actions regarding the 2020 Annual Meeting of the Stockholders of The Native American Bancorporation Co. (01:41:36)

Sponsor: Trish King, Treasurer

Secretary Lisa Summers returned at 10:13 a.m.

Motion by Trish King to approve Option 1 on the Proxy for Native American Bancorporation Co. April 21, 2020 Annual Meeting of the Stockholders and to approve the Proxy for that meeting, seconded by Kirby Metoxen. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

B. Approve two (2) actions regarding the draft Continuing Resolution for FY2021 (01:43:55)

Sponsor: Trish King, Treasurer

Motion by Jennifer Webster to accept the draft Continuing Resolution for FY2021 as information only and to direct OBC Direct Reprints to keep their areas aware of these FY2021 budget planning restrictions, seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

C. Enter the e-poll results into the record regarding the U.S. Health and Human Services Secretary's Tribal Advisory Committee nomination (01:45:52)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the U.S. Health and Human Services Secretary's Tribal Advisory Committee nomination, noting the nominee is Councilwoman Jennifer Webster, seconded by Lisa Summers. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen, Brandon Stevens, Ernie Stevens III, Lisa Summers

Abstained: Jennifer Webster

Item VI.A.1. is re-addressed next.

IX. EXECUTIVE SESSION (01:48:10)

Motion by David P. Jordan to go into executive session at 10:19 a.m., seconded by Kirby Metoxen.
Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Roll call for the record:

*Present: Councilman Daniel Guzman King; Chairman Tehassi Hill; Councilman David P. Jordan;
Treasurer Trish King; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens; Councilman
Ernie Stevens III; Secretary Lisa Summers; Councilwoman Jennifer Webster;*

Motion by David P. Jordan to come out of executive session at 10:56 a.m., seconded by Trish King.
Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

A. UNFINISHED BUSINESS

1. Table the Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (01:49:00)

Sponsor: Lisa Summers, Secretary

Motion by David P. Jordan to table the Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution and send to a BC Work Session, seconded by Jennifer Webster.
Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

2. Approve the updated reorganization proposal and Gantt chart for Oneida Retail Enterprise dated April 1, 2020 (01:49:30)

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Lisa Summers to accept the updated reorganization proposal and Gantt chart for Oneida Retail Enterprise dated April 1, 2020, as information, seconded by David P. Jordan. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

B. NEW BUSINESS

1. Approve the ninth addendum to special counsel contract - Attorney Arlinda Locklear - file # 2020-0001 (01:50:03)

Sponsor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to approve the ninth addendum to special counsel contract - Attorney Arlinda Locklear - file # 2020-0001, seconded by Jennifer Webster. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

X. ADJOURN (01:50:30)

Motion by David P. Jordan to adjourn at 10:58 a.m., seconded by Brandon Stevens. Motion carried:

Ayes: Daniel Guzman King, David P. Jordan, Trish King, Kirby Metoxen,
Brandon Stevens, Ernie Stevens III, Lisa Summers, Jennifer Webster

Minutes prepared by Lisa Liggins, Information Management Specialist
Minutes approved as presented on April 22, 2020 .



Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE