



# **Oneida Business Committee**

**Regular Meeting**  
**9 a.m. Wednesday, Aug. 8, 2012**  
**BC Conference Room, 2<sup>nd</sup> floor, Norbert Hill Center**

## **Minutes**

**Present:** Chairman Ed Delgado, Vice Chairman Greg Matson, Treasurer Tina Danforth, Secretary Patty Hoeft, Council members Melinda J. Danforth, David Jordan, Paul Ninham, Brandon Stevens

**Excused:** Vince DelaRosa-arrived at 11:10 a.m.

**Others present:** Kenneth House, Pat Moore, Lisa Duff, Sharon Mousseau, Linda Jenkins, Marjorie Schwieger, Dianne McLester-Heim, Fred Muscavitch, Susan White, Celene Elm, Chaz Wheelock, Vicki Cornelius, Priscilla Dessart, Sandra Reveles, Jennifer Stevens, Chad Wilson, Anita Barber, Michele Doxtator, Rhiannon Metoxen

**I. Call to Order and Roll Call** by Chairman Ed Delgado at 9:05 a.m.

**II. Opening** by Chairman Ed Delgado

**III. Approve the agenda**

Motion by Patty Hoeft to approve the agenda with the following change, additions in open session: 1) Travel request to attend the Republican National Convention, 2) Travel request to attend Women Empowering Women for Indian Nation Conference, 3) Travel request from tourism for a procedural exception to attend Indian Summerfest, 4) A MOA agreement with IHS 5) Request regarding a recommendation to cut the staff in half at the Tribe's EAP program, 6) Call for a special BC meeting to approve the Tribal budget, and additions in executive session: 1) OHA personnel matter update 2) Renewal of the CFO contract and to delete the Aug. 2<sup>nd</sup> CDPC meeting minutes, seconded by Paul Ninham. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson,  
Paul Ninham, Brandon Stevens

Excused: Vince DelaRosa

**IV. Oaths of Office** administered by Patty Hoeft

**1. Oneida Arts Board** – Pat Moore

**2. South Eastern Oneida Tribal Services (SEOTS) advisory board** – Marjorie Schwieger

**V. Minutes to be approved**

**1. July 19, 2012 Special**

Motion by Patty Hoeft to approve the July 19 Special meeting minutes with the correction that we delete the "for the record" item from Brandon Stevens, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson,  
Paul Ninham, Brandon Stevens

Excused: Vince DelaRosa

**2. July 25, 2012**

Motion by Patty Hoeft to approve the July 25 meeting minutes with the addition of the "for the record" statement from Councilman Paul Ninham, seconded by Paul Ninham. Motion carried with two oppositions:

Ayes: Melinda J. Danforth, Patty Hoeft, Greg Matson, Paul Ninham, Brandon Stevens

Opposed: Tina Danforth, David Jordan

Excused: Vince DelaRosa

For the record: Patty Hoeft stated I'd like to read that.

For the record: Tina Danforth stated I am to be excused for the last meeting on the 25<sup>th</sup>, I was at a strategic planning and shareholder's meeting and board of directors meeting for Native American Bank.



Tina Danforth stated I opposed the minutes because I think there is not equity and fairness in who can make changes to the minutes after they have been drafted for the committee and it's obvious by the votes that occurred today.

For the record:

Ed Delgado stated the Treasurer did contact my office and I believe that that unexcused statement within the minutes should say excused and it was due to my own oversight, lack of oversight.

For the record:

Brandon Stevens stated I believe you have to be at the meeting to make a for the record statement.

For the record:

David Jordan stated I agree with the Chairman.

Motion by Tina Danforth to table the minutes until the next meeting so the necessary changes can be made, seconded by David Jordan. Motion failed with four oppositions:

Ayes: Tina Danforth, David Jordan, Greg Matson  
Opposed: Melinda J. Danforth, Patty Hoeft, Paul Ninham, Brandon Stevens  
Excused: Vince DelaRosa

Amendment to the motion by Tina Danforth to include that I be noted in the minutes as being excused, seconded by David Jordan. Motion failed with five oppositions:

Ayes: Tina Danforth, David Jordan  
Opposed: Melinda J. Danforth, Patty Hoeft, Greg Matson, Paul Ninham, Brandon Stevens  
Excused: Vince DelaRosa  
For the record: Greg Matson stated on the July 25 meeting minutes it wasn't included that the office of the Vice Chairman had collected data regarding the reorg, so I'd like to make that statement for the record that that was also included as a full Business Committee handout as well as information.

## **VI. Resolutions**

### **1. FY2012 Second Chance Act Supplemental Funding U.S. Department of Justice/Bureau of Justice Assistance**

Sponsor: Joanie Buckley

Motion by Paul Ninham to adopt resolution 08-08-12-A FY2012 Second Chance Act Supplemental Funding U.S. Department of Justice/Bureau of Justice Assistance, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Excused: Vince DelaRosa

## **VII. Directors and Managers quarterly reports**

### **1. Governmental Services Division – Don White**

Motion by Paul Ninham to approve the Governmental Services Division quarterly report, seconded by Tina Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Excused: Vince DelaRosa

## **VIII. Board, Committee and Commissions**

### **A. Appointments**

#### **1. Post one Southeastern Oneida Tribal Services vacancy**

Motion by Patty Hoeft to approve posting one Southeastern Oneida Tribal Services vacancy, seconded by Greg Matson. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Brandon Stevens  
Not present: Paul Ninham  
Excused: Vince DelaRosa

#### **1. To take from the table the recommendation to appoint Gary Jordan to Bay Bank Corporation board of directors**

*Excerpt from July 25, 2012: Motion by Melinda J. Danforth to table the recommendation to*

*appoint Gary Jordan to Bay Bank Corporation board of directors, seconded by Brandon Stevens.  
Motion carried with three oppositions.*

Motion by Tina Danforth to take this item from the table, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson,  
Brandon Stevens

Not present: Paul Ninham

Excused: Vince DelaRosa

Motion by Tina Danforth to appoint Gary Jordan to Bay Bank Corporation board of directors, seconded by Patty Hoeft. Motion carried with two oppositions and one abstention:

Ayes: Tina Danforth, Patty Hoeft, David Jordan

Opposed: Greg Matson, Brandon Stevens

Abstained: Melinda J. Danforth

Not present: Paul Ninham

Excused: Vince DelaRosa

For the record: Melinda J. Danforth stated the reason I'm abstaining because Gary is my relative.

For the record: Brandon Stevens stated last time I spoke to Gary he said he was going to pull his appointment and I haven't heard the opposite since.

## **B. Quarterly reports**

### **1. Southeastern Oneida Tribal Services – Pamela Ninham, Chairwoman**

*Excerpt from July 25, 2012: Motion by Vince DelaRosa to defer this report to the next meeting, seconded by David Jordan. Motion carried unanimously.*

Motion by David Jordan to forward the goals and objectives on section G, to Don White to come back with some kind of an analysis on these goals and objectives, in 60 days, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan,  
Paul Ninham, Brandon Stevens

Motion by Paul Ninham to accept the Southeastern Oneida Tribal Services quarterly report, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan,  
Paul Ninham, Brandon Stevens

### **2. Land Claims Commission – Amelia Cornelius, Chairwoman**

Motion by Patty Hoeft to accept the Land Claims Commission quarterly report, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson,  
Paul Ninham, Brandon Stevens

Excused: Vince DelaRosa

### **3. Land Commission – Amelia Cornelius, Chairwoman**

Motion by Patty Hoeft to accept the Land Commission quarterly report, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Paul Ninham,  
Brandon Stevens

Not present: Ed Delgado

Excused: Vince DelaRosa

### **4. Oneida School Board – Susan White, Chairwoman**

Motion by David Jordan to accept the Oneida School Board quarterly report, seconded by Paul Ninham. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Paul Ninham,  
Brandon Stevens

Not present: Ed Delgado

Excused: Vince DelaRosa

## **IX. Standing Committees**



**A. Legislative Operating Committee – Melinda J. Danforth, Chairwoman**

**1. Adopt Oneida Gaming Commission Bylaws Amendments**

Motion by David Jordan to adopt the Oneida Gaming Commission Bylaws Amendments, seconded by Patty Hoeft. Motion carried with one opposition:

Ayes: Melinda J. Danforth, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens  
Opposed: Tina Danforth  
Not present: Ed Delgado  
Excused: Vince DelaRosa

**B. Finance Committee – Treasurer Tina Danforth, Chairwoman**

**1. August 3 minutes**

Motion by Patty Hoeft to approve August 3 Finance Committee minutes, seconded by Tina Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens  
Not present: Ed Delgado  
Excused: Vince DelaRosa

**C. Community Development Planning Committee – Vince DelaRosa, Chairman**

**1. August 2 minutes - DELETED**

**D. Quality of Life – Paul Ninham, Chairman**

**X. General Tribal Council**

**1. Petitioner Nancy Dallas: Return control of Poplar Lane roadway to Town of Oneida**

*Excerpt from July 11, 2012: Motion by David Jordan to accept the receipt of the petition and direct it get the appropriate analysis, which is returned to the Business Committee in 30 days and that the petitioner is invited to the Community Development Planning Committee meeting to address her issue, seconded by Patty Hoeft. Motion carried unanimously.*

Motion by Patty Hoeft to accept the report from the Legislative Reference Office, seconded by Paul Ninham. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens  
Abstained: Tina Danforth  
Not present: Ed Delgado  
Excused: Vince DelaRosa

**XI. Unfinished Business**

**XII. New Business/Requests**

**1. All Tribal employees required to re-enroll in health insurance plan status report**

Sponsor: Larry Barton

Motion by Tina Danforth to direct Risk Management and Benefits to proceed with the eligibility audit, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens  
Not present: Ed Delgado  
Excused: Vince DelaRosa

**2. Approve to post a Geographical Information Systems position**

Sponsor: Butch Rentmeester

Motion by Brandon Stevens to approve posting a Geographical Information Systems position, seconded by Paul Ninham. Motion carried unanimously:

Ayes: Tina Danforth, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens  
Not present: Ed Delgado, Melinda J. Danforth  
Excused: Vince DelaRosa

**3. Approve use of Tribal documents for Tribal member book project**

Sponsor: Ed Delgado

Motion by Brandon Stevens to approve use of Tribal documents for Tribal member book project, seconded by David Jordan. Motion carried with one abstention:

Ayes: Tina Danforth, David Jordan, Paul Ninham, Brandon Stevens

Abstained: Patty Hoeft  
Not present: Ed Delgado, Melinda J. Danforth  
Excused: Vince DelaRosa  
For the record: Brandon Stevens stated this is a story that needs to be told. I think this is an important opportunity to get that under way for the history of Oneida and the inception of gaming and why we are successful today in this industry and one of the leaders across the country.

**4. Declare 2012 Special Election report as official results**

Sponsor: Patty Hoeft

Motion by Paul Ninham to declare 2012 Special Election report as official results, seconded by Brandon Stevens.

Motion carried unanimously:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens

Not present: Melinda J. Danforth, Ed Delgado

Excused: Vince DelaRosa

For the record: Patty Hoeft stated for that turnout for that special election we had 474 total voters, for that election and number of spoiled ballots were 43. I just want to recognize the Election Board and the Chairwoman is here, Vicki Cornelius, I think they did a great job and provided a good report. Thank you very much.

Motion by Melinda J. Danforth to forward the referendum questions to the Legislative Operating Committee for development of the appropriate legislative analysis, or at least informational pieces for the General Tribal Council Meeting, seconded by Paul Ninham. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens

Not present: Ed Delgado

Excused: Vince DelaRosa

**5. Approve Oneida Housing Authority Relocation Policy and Real Property Acquisition Policies and Procedures**

Sponsor: Ed Delgado/Dale Wheelock

Motion by David Jordan to have these policies and procedures vetted through the Legislative Operating Committee process, seconded by Paul Ninham. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

Abstained: Tina Danforth

Excused: Vince DelaRosa

**XIII. Travel**

**A. Travel Reports**

**B. Travel Requests**

**1. Global Gaming Expo, Oct. 1-6, 2012, Las Vegas, NV**

Sponsor: Louise Cornelius

Motion by Paul Ninham to approve the travel request, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

Excused: Vince DelaRosa

**2. 2012 Democratic National Committee Convention, Sept. 3-7, 2012, Charlotte, NC**

Sponsor: Patty Hoeft

Motion by Paul Ninham to approve the travel request for Secretary Patty Hoeft, Council members Brandon Stevens, David Jordan and Melinda J. Danforth, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

Excused: Vince DelaRosa

**XIV. Additions**



**1. Republican National Convention, Aug. 27-30, 2012, Tampa, FL**

Sponsor: Tina Danforth

Motion by Brandon Stevens to approve the travel request, seconded by Paul Ninham. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Abstained: Tina Danforth  
Excused: Vince

**2. Women Empowering Women for Indian Nation (WEWIN) conference, Aug. 20-23, 2012, Prior Lake, MN**

Sponsor: Tina Danforth

Motion by Paul Ninham to approve the travel request, seconded by Tina Danforth. Motion carried with three abstentions:

Ayes: Patty Hoeft, David Jordan, Greg Matson, Paul Ninham  
Abstained: Melinda J. Danforth, Tina Danforth, Brandon Stevens  
Excused: Vince DelaRosa

**3. Tourism: Procedural exception for nine Tribal employees and two Oneida Royalty to attend Indian Summerfest, Sept. 7-9, 2012, Milwaukee, WI**

Sponsor: Joanie Buckley

Motion by Paul Ninham to approve the procedural exception, seconded by David Jordan. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Excused: Vince DelaRosa

**4. MOA between Indian Health Service (IHS) and Oneida Tribe for project BE 12-G87 Consolidated Source Assessment and Groundwater Study**

Sponsor: Ed Delgado

Motion by David Jordan to approve the MOA between IHS and Oneida Tribe for project BE 12-G87 Consolidated Source Assessment and Groundwater Study, seconded by Tina Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Excused: Vince DelaRosa

**5. Review EAP usability**

Sponsor: Patty Hoeft

Motion by Patty Hoeft to maintain funding in the FY13 budget for the continuation of the two staff position in the Tribe's EAP program, seconded by Paul Ninham. Motion carried with one opposition:

Ayes: Melinda J. Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Opposed: Tina Danforth  
Excused: Vince DelaRosa  
For the record: Tina Danforth stated I oppose this decision because 1) it was an add on the agenda, 2) I still have no pertinent information, written or otherwise saying why this budget decision should be changed, 3) it is an action of inequity and it is an action that is not fair to the rest of the organization that went through the budget process and the considerations were made 4) if we're going to do budget considerations with no back up, with no opportunity for other people to get a second consideration about the budget, then we need to do that across the board and with that the timeliness of it is not appropriate.  
For the record: Greg Matson stated as this committee continues to reorg, sometimes in consensus sometimes other, each one of these budget items needs to be considered as we think on our feet. Some things don't require the full-fledged paperwork trail, because things are changing on a regular basis up here. So just



for the record, I believe some of these votes can be supported without the backup paperwork, just because of the environment change.

For the record:

Brandon Stevens stated I think in making the decision in the budget meeting we did not have the correct information to make the first decision in the first place. It is correct for me saying that the Division Director that was no longer supervising the department had an outgoing recommendation and the Division Director that is now supervising had no input in the recommendation so this would be affording that Division Director the opportunity to look at the utilization moving forward.

For the record:

Melinda J. Danforth stated if we're going to begin to look at eliminating positions that affect Tribal members, I think we need to do it comprehensively and not just piece by piece. I think that when we talk in total about reorganization and looking at potential layoffs in the future or potential reorg, we need to do it comprehensively and not just singly and this affected and impacted a Tribal member and we've heard from our General Tribal Council and the community that they want to be the last to go. So if this is the case and point for exactly all the things that the Treasurer has indicated that it's not fair, that it's not equal, those are the exact reasons, the opposite reasons about why I support this motion.

For the record:

David Jordan stated during that budget meeting, we were, I was never informed when I was sitting in that room that this was going to affect any member, that was going to lose a position and I don't believe we can actually make that decision in a budget meeting, it should be brought to the BC.

Motion by David Jordan to table this item, seconded by Tina Danforth. Motion failed with five oppositions:

Ayes: Tina Danforth, David Jordan

Opposed: Melinda J. Danforth, Patty Hoeft, Greg Matson, Paul Ninham, Brandon Stevens

Excused: Vince DelaRosa

\*Vince DelaRosa arrived at 11:10 a.m.

#### **6. Schedule special BC meeting with public comment session to approve FY2012 Tribal budget**

**Sponsor: Patty Hoeft**

Motion by Patty Hoeft to call a special BC meeting on Tuesday, Aug. 14, 2012 requiring the Business Committee as a whole to conduct a public comment session followed by approval of the balanced budget that will then be sent on to GTC for final adoption, seconded by Brandon Stevens. Motion carried with two oppositions and two abstentions:

Ayes: Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Opposed: Melinda J. Danforth, Tina Danforth

Abstained: Greg Matson, Paul Ninham

For the record:

Greg Matson stated I am not sure of anyone's schedule right now and I agree with Melinda.

For the record:

Tina Danforth stated I opposed because, 1) there has not been appropriate communication between the Secretary's and my office regarding the Aug. 14 date, 2) it imposes a scheduling difficulty for things that have been planned out amongst myself and my staff, 3) I will not be in attendance on the 14<sup>th</sup>, I made you fully aware of that. I am scheduled to be on a plane from Monday to Monday, so I will be out of the area. I also oppose because I don't agree what was being recommended around changes around the process two days, three work days before it is supposed to occur.

For the record:

Patty Hoeft stated the Business Committee came to a balanced budget that went beyond the original calendar. The Treasurer has failed to provide a new date for the Business Committee meeting so that we could adopt it. This effort by myself was to get a date in front of the Business Committee so we could decide when we would want to get together, to have a meeting to adopt the budget. The only time I knew the Business Committee would be available, as a whole, to talk about this would be at today's meeting. The balanced budget from the work



meetings only came as of recently. Since Thursday on Aug. 2...since Thursday, Friday, Monday, Tuesday and today, we got no direction from the Treasurer on when to hold to hold a special meeting and we only find out at this meeting that she has plans to be out of town, next week, the week after that, and the week after that.

For the record: Brandon Stevens stated this date would provide us the opportunity, having the budget on Friday afternoon, to look at it, agree with any changes and provide any recommendations and further changes to be forwarded to that Tuesday meeting for our consideration.

For the record: Paul Ninham stated I abstained because I don't care if we do it Friday, if we do it Monday or Tuesday, or just like Councilwoman Danforth had mentioned, a Saturday or Sunday. Just so that we go ahead and we notice the community on this, it doesn't matter what day for me.

For the record: Ed Delgado stated I'm very disappointed that we saw not to accommodate the request of the Treasurer to be in attendance at that budget meeting.

## **XV. Action in open session on items from Executive Session Discussion meeting of Aug. 7, 2012**

### **A. Reports**

#### **1. New York land claim settlement update – Ed Delgado/Diane House**

Motion by David Jordan to accept the verbal report and letter from the New York Indian Nation, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

Motion by David Jordan to approve travel for Chairman Ed Delgado, Treasurer Tina Danforth, Secretary Patty Hoeft and Councilman Brandon Stevens to talk with the leader of the New York Indian Nation, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

#### **2. Chief Counsel report – Jo Anne House**

### **B. Audit Committee – Councilman Brandon Stevens, Chairman**

#### **1. Create a governance process for budgeted and/or approved positions**

Motion by Brandon Stevens to direct Finance, Human Resource Department and Internal Audit committee to meet and develop a collaborative policy for the hiring process, seconded by Greg Matson. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

#### **2. Approve June 21, 2012 minutes**

Motion by Patty Hoeft to approve June 21, 2012 Audit Committee minutes, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

#### **3. Internal Audit June report with attachment A**

Motion by Patty Hoeft to accept Internal Audit June report with attachment A, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

#### **4. Mini Baccarat Audit and lift the confidentiality requirement allowing Tribal members to view the audit**

Motion by David Jordan to approve Mini Baccarat Audit and lift the confidentiality requirement allowing Tribal members to view the audit, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

### **C. Unfinished Business/BC directives**

#### **1. Oneida Total Integrated Enterprise (OTIE) increase in shared revenue**

Sponsor: Ed Delgado

*Excerpt from July 25, 2012: Motion by Melinda J. Danforth to direct the Chief Financial Officer to*



*review the report submitted by OTIE and to make a written recommendation to the Oneida Business Committee at the Aug. 7, 2012 executive meeting, seconded by Patty Hoeft. Motion carried unanimously.*

Motion by Patty Hoeft to accept the report, seconded by Paul Ninham. Motion carried with two oppositions and one abstention:

Ayes: Melinda J. Danforth, Patty Hoeft, Greg Matson, Paul Ninham, Brandon Stevens  
Opposed: Tina Danforth, Vince DelaRosa  
Abstained: David Jordan

Motion by Patty Hoeft to request the law office to return, in conjunction with the finance department, an opinion regarding amending the operating agreement seconded by Melinda J. Danforth. Motion carried with three oppositions and one abstention:

Ayes: Melinda J. Danforth, Patty Hoeft, Greg Matson, Paul Ninham  
Opposed: Tina Danforth, Vince DelaRosa, David Jordan  
Abstained: Brandon Stevens

Motion by David Jordan to direct OTIE to provide a onetime disbursement of \$120,000 to the Tribe, seconded by Melinda J. Danforth. Motion carried with two oppositions:

Ayes: Melinda J. Danforth, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Opposed: Tina Danforth, Vince DelaRosa  
For the record: David Jordan stated I'm taking advantage of, that's why I made the motion to take the \$120,000 that's offered. Granted this entity that the Tribe entered into many years ago, at this time we were supposed to have the full \$6M paid back to the Tribe.  
For the record: Tina Danforth stated its also my understanding that the last operating agreement, which has been amended as of Dec. 7, 2010 that they were to obligate and distribute to the Tribe 25 percent and that was based on the quote, I'm going to quote here "The payment shall be up to 75 percent of the net profit derived from the company from each fiscal year. The following definitions shall be used in determining a payment to the member, which is the Tribe and it defines net profit, gross revenues, expensive operation and legally obligated distributions," and that is why I opposed the \$120,000 because it does not meet the requirement of 75 percent of net profit, because that has not been formulated since 2010 by OTIE. That is not my obligation that is not finance's obligation that is the corporation's obligation to provide that to the Tribe.

Motion by Vince DelaRosa to have a formal written analysis done on current operations and the business relationship between OTIE and the Oneida Tribe. I am asking that this analysis be conducted by the CFO and the Treasurer's office. This will include an assessment of an agreement from a 2010 agreement which my office became aware of on August 7, 2012, be in writing in 30 days back to the Business Committee, seconded by David Jordan. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens  
Abstained: Tina Danforth

Motion by Tina Danforth that the Treasurer's office and the CFO's office get the full cooperation and commitment of OTIE to conduct this analysis, which means all financial information that is on their books and their ledgers, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

Motion by Brandon Stevens to direct the BC to meet with OTIE board and the Nye's in the next 30 days, regarding all the issues that are arising, seconded by Paul Ninham. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens



Abstained: Tina Danforth

**D. New Business/Requests**

**1. Oneida Airport Hotel Corporation (OAH) update**

Sponsor: Brandon Stevens

Motion by Brandon Stevens to accept the update, seconded by Vince DelaRosa. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

Abstained: Patty Hoeft

**2. Approve limited waiver of sovereign immunity with Corner Stone**

Sponsor: Ed Delgado

Motion by Greg Matson to defer this item to the Chief Financial Officer, seconded by Paul Ninham. Motion carried with one opposition and two abstentions:

Ayes: Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham

Opposed: Tina Danforth

Abstained: Melinda J. Danforth, Brandon Stevens

For the record: Tina Danforth stated my opposition is because I don't believe full information and disclosure has not been made as to the necessity of the sovereign immunity and the content thereof from Corner Stone.

**3. Approve contract with DiTronics Financial Services, LLC**

Sponsor: Larry Barton

Motion by Tina Danforth to approve the contract with DiTronics Financial Services, LLC with a limited waiver of sovereign immunity, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

**4. 3 Fires investment report**

Sponsor: Ed Delgado

Motion by Tina Danforth to direct the necessary staff, the Law Office, Finance Office to conduct the selling of the Oneida Tribe's interest to Sam Manuel at the recommended buyout offer of \$1.25M and no less if at all possible, seconded by David Jordan. Motion failed with four oppositions and one abstention:

Ayes: Melinda J. Danforth, Tina Danforth, David Jordan

Opposed: Vince DelaRosa, Greg Matson, Paul Ninham, Brandon Stevens

Abstained: Patty Hoeft

For the record: David Jordan stated this Tribe has invested in some good things and some bad things in the past. This absolutely one of the worst things, it didn't work out for this Tribe. They need us to put in a million dollars that has to be OK'd by the GTC. In this short period of time it will not happen and I will not back something that needs to be approved by the GTC at a stake of a million dollars that is unbudgeted for and I think the GTC is fed up with these bad investments. We need to get out of them and that's for the record. To me, California is upside down, the whole entire state is. There is city after city, filing bankruptcy. The writing's on the wall.

For the record: Vince DelaRosa stated my concern is that to try and harvest the best return, as we try and engage in an exit strategy. I agree with Councilman Jordan, that there are problems with this investment and certainly problems out in California. We're not going to see nothing more than about \$770,000 on return. I don't want to take a \$4.3M or more haircut with Tribal member dollars, so I think we have to do more. We have to reach out to more people. Obviously the first issue here would be, is to try and see what we can do with San Manuel in terms of trying to extend the Umpqua deal. I don't think that's unreasonable to ask them that we need some more time to negotiate. I know that they've put a deadline of 30 days in terms of the extension, but I think we can ask for more time. I just think we should work a little bit harder to try and save these investment dollars on behalf of the Tribal members. I can't support trying to sell at \$1.2, we won't realize anything above \$700,000. \$770,000 on an investment, over \$5M, I just think that



is just too big of a loss without looking other opportunities to save some of that revenue that belongs to Tribal members.

For the record:

Brandon Stevens stated I think there's options that were discussed, that were not relayed to the loan group that was discussed by the committee and that I think to further vet this out, I also agree with Councilman Jordan there are a lot of factors that would point us in the direction of getting out of the investment, but as far as long term, the property is cash-flowing. The loan agreement and the loan structure is very defunct and so there are options for us to proceed in looking further into something that would be more meaningful to our role, before losing the entire amount of the investment.

For the record:

Greg Matson stated I just think that some of the information that has been shared by some of those meetings that we did have, that even in a support effort of the sale we'll end up with no return, just because of the structure of the overall. That's where we're going to end up. We're going to ask for the approval of the sale and the sale will result in no return. So that's my opposition to the overall offer. There again, for the record and very few records I agree with Vince, there needs to be further discussion by other groups other than those involved currently. So I think it's a no win-win for many people involved, I highly respect the CFO's recommendations, I agree with many levels of the Chief Counsel's oversight, but I just believe there will be no return with the purchase.

For the record:

Paul Ninham stated my comments are just actually reflective of Councilman's DelaRosa's.

For the record:

Ed Delgado stated if we don't come to a decision, this Business Committee cannot come to a decision pretty soon, that we not only stand to lose the whole investment but may even incur debt due to legal fees.

For the record:

David Jordan stated something would be better than nothing.

#### **E. Additions**

##### **1. Oneida Housing Authority personnel matter**

Sponsor:

Motion by Tina Danforth to accept the update, seconded by Vince DelaRosa. Motion carried with one opposition and one abstention:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Paul Ninham

Opposed: Greg Matson

Abstained: Brandon Stevens

##### **2. CFO contract renewal**

Motion by Tina Danforth to approve the CFO contract, seconded by David Jordan. Motion carried unanimously:


Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

#### **XVI. Adjourn**

Motion by David Jordan to adjourn at 12:41 p.m., seconded by Tina Danforth. Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Greg Matson, Paul Ninham, Brandon Stevens

**Minutes Approved as presented/corrected on Sept. 12, 2012.**



Patricia Hoeft, Tribal Secretary  
ONEIDA BUSINESS COMMITTEE



