



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

Oneida Tribe of Indians of Wisconsin



UGWA DEHOLUH 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.

Phone: 869-2771

Oneida, WI 54155



*Approved
As Read
June 21, 1982*

MAY 7, 1982

Meeting called to order at 9:00 A.M. by Chairman

Present: Gary Metoxen, Norbert Hill, Wendell McLester, Gordon McLester, Jay Ninham, Howard Cannon, Mark Powless, Tony Benson, Frank Cornelius

Executive Session regarding Personal Cigarette License. The Business Committee discussed the actions they would take when Tribal members request personal cigarette licenses.

Business Committee came out of executive session at 10:00.

Mark made a motion that Tribal members asking for licenses be sent the position paper of April 20, 1982.:

SALE OF UNTAXED CIGARETTES BY ONEIDA INDIVIDUAL'S ON THE ONEIDA RESERVATION

This Position Paper is in response to several requests from Tribal members who have requested an application to sell untaxed cigarettes on the Oneida Reservation. I would recommend this position paper be adopted by the Tribe to clear up any misconceptions or misunderstanding of the selling of untaxed cigarettes on the reservation.

The licensing of individual Oneida persons to sell untaxed cigarettes on the Oneida Reservation is not possible at this time for several reasons:

- (1) The Oneida Tobacco Ordinance does not provide for such licenses. While the original ordinance did make some provision for such licenses, the licensing provision was subsequently repealed by formal action of the Oneida Business Committee. Therefore, without a licensing provision such licenses may not be granted lawfully.
- (2) State law, particularly Revenue Rule 9.08, recognizes that untaxed cigarettes may be sold only by Indian sellers on the Reservation who are so authorized by the Tribal Government. Therefore, even though the State recognizes that individual Indian sellers of untaxed cigarettes may do so if, and only if permission is granted by the Tribal Government.
- (3) The licensing of sellers of untaxed cigarettes is an aspect of Tribal Governments sovereign regulatory authority. Therefore, the legal

immunity from State taxation on cigarettes is a benefit belonging to the entire Tribal membership.

- (4) Tribal regulation for such licensing would require access to certain confidential financial information which applicants cannot be obliged to provide. Without such financial information, it is not possible to determine;
- a. the actual legal ownership of any business
 - b. the regulation of the amount of cigarettes that such license could sell

Without such financial data, the Tribe would not be able to regulate for the benefit of the Tribe, but would grant away the right of the Tribe to be free of State taxation of cigarettes to individuals who would have no accountability to the Tribe.

For the above reasons, licensing of Oneida individuals to sell untaxed cigarettes on the Oneida Reservation is not possible at this time. I might add that the Oneida Tribe does endorse private enterprise where ever possible.

In conclusion, I would like to point out that Oneida Tobacco Enterprise subsidizes the following programs: Language Program, Education Opportunity, ESEA Title IV, Headstart, Indian Education, Special Education, Education Title I, Income Maintenance, Wisconsin Older Volunteers, Senior Citizens, Title IV, Senior Citizens Title III, C.H.D. Legal Services, Recreation Program, Oneida Community Library, Oneida Planning Office, Tribal Newspaper, Tribal Museum, Economic Development, Agriculture Project, Nursing Home, Refuse Pick-up and the Cannery. So, as you can see, the benefits are scattered throughout the Tribe for the benefit of all our people.

Norbert Seconded. Five (5) votes for, Howard & Frank opposed, Wendell Abstained, Motion carried. Wendell wants his reason for abstaining put in the record. Wendell abstained because of Item (4) in the memo of April 20, 1982. I hesitate to send something out which is not in our Tobacco Ordinance.

TRANSITION OF ACCOUNTING SYSTEM OF OTE

Mark moved to approve the recommendation of the memo of May 5 from Mark regarding the transition of Accounting System of O.T.E.:

One reason for going into Central Accounting is for more profitability as well as faster reporting systems. For Tribal purposes, the main reason for bringing all accounts into the Central Data Processing system is to gain overall financial accountability and control for the Business Committee.

I would suggest a task force be started with Dick Shikoski, Barbara Skenandore, Loretta Webster, Kathy Hughs, Colleen Shrovnal, and also third party experts. I would recommend that WIPFLI, Ullrich and Company be the technical experts as they have systems analyst persons and programers on their staff. I also believe that they will be consistent with the present proposal we are now engaged with.

A time schedule of the computer operations activities in terms of coding effort/ test and checkout/paralleling/etc. is necessary in order to monitor and control progress and meet a possible schedule imposed by the responsible management.

I would recommend that the management agreement be extended for a three month period from the date of this memo. I would also recommend that an assessment of the progress be made monthly.

Howard seconded Mark's motion. Motion Carried.

ENTERPRISE & DISCRETIONARY ACCOUNT - Lorreta Webster

The Business Committee reviewed the account with the Tribal Administrator. It was pointed out that the Tribe is able to put just about \$500,000.00 into Tribal Programs per year. Norbert moved to accept the report and place it on file. Howard Seconded. Motion Carried.

TRIBAL COURT SYSTEM

The Tribal Court System Hearing date is set for May 18, 1982 at 6:00 P.M. at the Seminary. Norbert made a recommendation to consider the separation of powers in the Constitution. Discussion will continue on the Constitution on Tuesday, May 11, 1982.

ARTS & CRAFTS

Repairs are needed in the Arts & Crafts office before Mary can put any stock in the office. Two quotes were given to the Business Committee for the repairs

Randy Jourdan - \$1,549.42
John Russell OTDC - \$1,800.00

Money would come from the Maintenance budget. Frank moved to accept the lowest bid from Randy Jourdan. Howard Seconded. Motion Carried.

ASSISTANT TO TRIBAL ADMINISTRATOR

Loretta had the job description on hand for the Business Committee. The Business Committee took action on a recommendation of the Tribal Administrator to transfer Kathy Hughes from the Acting Assistant Controller to Assistant Tribal Administrator. There was discussion again about the transfer of Kathy Hughes. Wendell stated if there was not a reconsideration by the Business Committee he wanted his memo on the record:

"Last week the Business Committee approved the move of the Acting Assistant Controller, Kathy Hughes to a new position, Assistant Tribal Administrator.

This happened while I was in Madison lobbying for the Tobacco veto and unfortunately was not aware this was taking place.

That position is a key position in the Accounting Office especially so because it was occupied by a Tribal Member who made the decision to accept the new position because she did not think she had any alternative.

As we are all aware one of our primary goals is to achieve self determination and one of the ways we do this is to place our Tribal Members in positions that are meaningful and continue to assist them to reach their full potential in their field of work.

Central Administration and in particular the Accounting Office has taken too much verbal abuse in the past regarding the low number of tribal members employed in this area so again I say this change is premature.

I realize the Assistant Controller has limitations in terms of technical background relating to Insurance, taxes, investments, etc. However, we must try to encourage all individuals to elevate themselves through education, training or whatever other process is available and if they decide not to continue on then we should seek out others who have the background and interest to achieve levels of technical skills we need. I feel it is incumbent on the Business Committee to reconsider their past action.

If the individual decides not to return to the Assistant Controller position then we should probably not fill that specific position until we can identify and select a Tribal Member to occupy that position. I feel it is extremely important that we only fill that position with a dedicated Tribal Member.

In the event there is no re-consideration, I would like for this letter to go into the official records. Please advise. "

Memo of May 5, 1982, from Wendell McLester to Gary G. Metoxen.

ENERGY MARKETING GROUP

Norbert moved to approve Resolution #5-7-82-A:

NOW THEREFORE BE IT RESOLVED, the Oneida Tribe of Indians of Wisconsin lease to Energy Marketing Group, Incorporated a 3000 square foot building and improvements under the terms and conditions as mutually agreed in the lease for a five year period, commencing May 15, 1982 and terminating May 14, 1987, and,

BE IT FURTHER RESOLVED, Energy Marketing Group, Incorporated shall have an option to extend the lease an additional five year period under the same terms, covenants and conditions as the original lease.

Frank Seconded. Wendell Opposed, Mark & Tony Abstained. Motion Carried.

UNIVERSITY OF WISCONSIN PROPOSAL FOR SOCIAL WORK STUDENT PLACEMENTS

Frank moved to approve Resolution No. 5-7-82-B:

NOW, THEREFORE BE IT RESOLVED, that the Oneida Tribal Council supports the University's proposal and agrees to a field placement of two graduate students, and that the Health Director and Tribal Administrator develop any necessary agreements with the students and the University, should the University's proposal be approved.

Howard seconded. Mark opposed. Wendell abstained. Motion Carried.

TRAVEL REQUEST

Tony requested to go to Madison on RNIP May 10, 1982

Mark moved to approve. Howard Seconded. Tony Abstained. Motion Carried

Howard moved to recess until 2:15 at 12:15. Mark Seconded. Motion Carried.

Meeting reconvened at 2:15 P. M.

DISCUSSION ON INDIAN CIGARETTE TAX

GLITC meeting in Madison, May 11. American Indian Study Committee, May 12.
GLITC Meeting in Oneida, May 20.

These meetings may have a reflection on the development of action we take. Mark said we should try to have GLITC join with Oneida in developing the Indian Cigarette Tax Position. Judicare has some ideas on paying a tax to the State.

Gary feels Secretary Mussolf would like to see the Oneida's come in with a plan to the Governor that would be reasonable, and the State can support. Jerry asked if the Committee is willing to work out an agreement with the State in the form of a tax. Mussolf said he is a political appointment and when the Governor goes he goes, where as the enforcement people will still be there and they are not in sympathy with the Tribes.

Contact all legislators in Madison, letter or in person.

Governor newsletter

Percent of tribal tax, what price do we raise to cover the tax.

Goals for this meeting - sustain the veto. Who would be going to Madison for this meeting. Once tentative goal is to get the support of the other Tribes.

Long range goal - We would propose some kind of legislation. Wendell wants to poll the other Tribes for there position. Gary said some of them are not concerned because they have little to lose. He said we could put together a letter showing our position to GLITC and hope we get their backing.

The letter that was sent to the Joint Finance Committee could be used, just change a few words and get that letter out immediately. In addition to our own position paper to all the legislators, Jerry will have a letter drafted Monday 1:30, May 10.

Mark requested permission to go to Madison on May 11. Wendell moved for approval. Howard Seconded. Motion Carried.

Norbert moved to recess at 3:15. Mark seconded. Motion Carried.

Respectfully Submitted


Gordon McLester, Tribal Secretary