



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 YATENE

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
12-5-83 Regular Mtg.*

SPECIAL MEETING

FRIDAY, NOVEMBER 18, 1983

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

Present: Purcell Powless, Richard Hill, Kathy Hughes, Gordon McLester, Tony Benson, Loretta V. Metoxen, Lois Powless.

Excused: Lloyd Powless, Mark Powless

Others: Tony Utschig, Jerry Hill

270-ACTIVITY DIRECTOR AT ONEIDA NURSING HOME - Tony Utschig

Tony Benson requested Tony Utschig to explain why the Activity Director position at the Nursing Home had not been filled. Also, what type of action has been taken to insure that the lateness of filling these types of positions will not happen again in the future as there is a possibility of a fine being imposed on the Oneida Nursing Home. The following memo was given to the Business Committee of the activities that occurred in refilling this position:

"On October 18th, Rick Johnson received a resignation from the Activity Director. This resignation and a job description were sent to Dale Wheelock on October 19th. Dale received the information on October 20th, had the job description retyped on Friday, October 21st, and posted on Monday, October 24th for internal promotions.

An application for internal promotion was received by the October 31st deadline. This applicant had some good qualifications for the job but there were questions as to whether the applicant met the guidelines of the State. Rick Johnson requested a ruling from the State regarding whether this applicant could be hired for the position. He received an answer on November 8th that this applicant could not be hired for the job. Dale was then notified on November 9th that this applicant could not be hired.

Because of a heavy workload due to staffing problems at Personnel, this job was erroneously not externally posted until three (3) working days later on November 15th. This delay did not slow up the hiring process however, because of our requirement that all jobs be posted in the Kalihwi-Saks.

270-Activity Director (Continued)

An ad has been placed in the Kalihwi-Saks, Press Gazette, Post Crescent, and Milwaukee Journal advertising this position. Qualified applicants are being received. An applicant should be hired in late November to start no later than mid December.

In regard to potential fines, whenever we have a vacancy in a key position the State Division of Health Services must be notified of the vacancy. We must then make a good faith effort to refill the position. Rick Johnson had performed his duty and notified the Green Bay Division of Health Office. In speaking with Rick in regard to making a good faith effort, he sees no problems with our compliance with this rule and has informed me that we are not in danger of being fined or penalized for our actions."

Tony Utschig was told that he and his staff were to make every effort to keep the Nursing Home from getting into a potential fine situation and to review the procedures for qualifications for internal promotions so that does not happen in the future.

060-TRAVEL REQUEST - Kathy Hughes/Purcell Powless

Travel request for Purcell Powless and Kathy Hughes to attend GLITC meeting in Duluth, MN on November 29, 1983. Lois moved to approve the travel request. Rick seconded. Kathy abstained. Motion carried.

Travel request for Loretta Metoxen to attend the Kresge Foundation Information Workshop on December 6, 1983 in St. Paul, MN. Rick moved to approve. Kathy seconded. Loretta abstained. Motion carried.

060-MEMO RE: RECOGNITION OF ANNA JOHN FOR COMMUNITY CONTRIBUTIONS - Rick Hill

Rick made a motion to refer this matter to Finance & Appropriation for location of funds. Kathy seconded. Motion carried.

010-FINANCE & APPROPRIATION RECOMMENDATIONS OF NOVEMBER 17, 1983 - K. Hughes

1. 84-036 Proposal for Senior Citizens Title III. Tribal contribution currently budgeted at \$65,268 but this amount may need to be increased at a later date due to the upgrade of the Coordinator. Budget total is currently \$138,347. Tony moved to approve the recommendation. Kathy seconded. Motion carried.
2. 84-037 Senior Citizens Modification - To increase budget by \$2,200 to purchase copier. No additional money needed from General Fund. Gordon moved to approve the recommendation. Tony seconded. Lois abstained. Motion carried.
3. 84-038 Public Transit System proposal to Brown County which has already been submitted. Request is for \$3,500 from 85-21 funding source. Rick moved to approve. Gordon seconded. Motion carried.

010-Finance & Appropriation Recommendations (Continued)

4. 84-039 Budget modification to Kalihwi-Saks budget to create line item revenue for cost of sales and line item expenditure for use allowance. No additional money needed. Kathy moved to approve the recommendation. Loretta seconded. Motion carried.
5. 84-040 Recreation Program is requesting \$3,000 for Christmas Party. General Fund-Special Projects has a balance remaining for this. Kathy moved to approve. Gordon seconded. Motion carried.
6. 84-042 Wells & Septic - Budget for October to December '83 for \$34,107.65 No contribution needed. Kathy moved to approve the recommendation. Rick seconded. Motion carried.
7. 84-028 Building & Grounds is requesting \$1,385 for materials to build a loft in the Maintenance Garage. Balance available in Capital Improvements. Rick moved to approve. Loretta seconded. Motion carried.
8. 84-029 OTE request for construction at U & 29 site for a total of \$11,248 budgeted in enterprise, therefore no contribution from General fund is needed Gordon moved to approve the recommendation. Lois seconded. Motion carried.
9. 84-043 Building & Grounds needs excavation done for expansion. Bid submitted from Bill Danforth for \$2,339.78. Balance available in Capital Improvements. Kathy moved to approve the recommendation. Gordon seconded. Tony opposed. Lois abstained. Motion carried.
10. 84-044 Refuse is requesting new tires for \$2,638. At this time no tribal contribution is being requested. Kathy moved to approve the recommendation. Rick seconded. Motion carried.

220-INTERIM HUNTING REGULATION AMENDMENTS - Jerry Hill

Jerry had taken the regulations back for redrafting after the discussion between the Business Committee and the Department of Natural Resources (DNR) The Business Committee reviewed the amendments to the hunting regulations. Loretta made a motion to approve the amendments. Rick Hill seconded. Tony and Kathy abstained. Motion carried.

220-DRAFT LETTER TO ROTH/KASTEN/PROXMIRE

A letter was drafted by the Law Office inviting Senators, Kasten, Proxmire and representative Toby Roth to Oneida regarding the land in the Green Bay City Limits. Jerry was not present to answer questions.

Rick made a motion to defer any questions until Jerry is present. Kathy seconded. Motion carried.

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060-ONEIDA HOUSING AUTHORITY REQUEST TO ATTEND XMAS PARTY

The Housing Authority sent a list of names that would like to attend the Christmas party on December 9, 1983. Kathy made a motion to approve the request. Rick Hill seconded. Motion carried.

220-LAND CLAIMS TRIP TO CANADA

Loretta Metoxen can not attend the meeting in Canada. Kathy is requested to take her place. Lois made a motion to approve Kathy to travel to Canada. Rick seconded. Kathy and Loretta abstained. Motion carried.

060-VACATION REQUEST - Loretta Metoxen

Loretta requested vacation days on December 8, 9, and December 13, 14 1983. Gordon moved to approve. Kathy seconded. Loretta abstained. Motion carried.

10:05 A.M. Lloyd Powless arrived.

220-NEW YORK LAND CLAIMS DISCUSSION - Arlinda Locklear, Jack Campisi, Reginald Horseman, Francis Skenandore, Jerry Hill

Arlinda explained the situation on the following:

Oneida Indian Nation vs. County of Oneida, 70-CV-35, also known as the test case or Judge Port's case. This case, which challenges the 1795 transaction between the Oneidas and New York State, is the only eastern land claim to go to final judgment. The counties appealed the judgment in favor of the Oneidas and, last month, the Second Circuit Court of Appeals affirmed the favorable decision. The Second Circuit also determined that Judge Port had not awarded the Oneidas enough trespass damages and sent the case back to him so that the damages can be recomputed. The Counties can ask for Supreme Court review of the Second Circuit's decision. The Counties' petition to the Supreme Court is due the end of December. The whole process (the briefing, argument and decision) would take approximately six-nine months.

Oneida Indian Nation vs. County of Oneida, 74-CV-187, this case challenges all the other post-1790 state treaties by which the Oneidas lost its whole 252,000 acre reservation. This case is also pending before Judge Port, but nothing has ever been done in the case. Because the legal issues in it are the same as those in the test case, the Judge decided to just let it sit until the test case is over.

Oneida Indian Nation vs. State of New York, 79-CV-798, It challenges the two pre-1790 transactions and seeks eviction of 60,000 property owners from five million acres. Judge McCurn dismissed this case as not being valid two years ago and last October the Second Circuit court of Appeals reversed and sent it back to Judge McCurn for trial.

Since the case has been back before Judge McCurn, he has at our request

220-New York Land Claims Discussion (Continued)

disqualified Tim Coulter from representing the Thames Band (because of the conflict of interest between the Thames Band and the Confederacy) and denied the Six Nations motion to intervene (partially because the Six nations claim against the Oneidas). Both the disqualification order and the denial of the motion to intervene have been appealed by Coulter. Arlinda expects a decision out of the Second Circuit on the first issue by the end of January 1984 and on the second issue approximately April 1984.

Judge McCurn also scheduled trial in the case for January 30, 1984. We have asked that the trial be delayed for four months so that our experts will be out from under their academic responsibilities.


There was discussion on the beginning of opening up negotiations with the State of New York.

Loretta Metoxen made a motion to authorize Jerry Hill and Francis Skenandore to begin working out plans with Arlinda for negotiations with the State of New York. Gordon seconded. Motion carried.

220-DRAFT LETTER TO ROTH-KASTEN-PROXMIRE - Law Office

The Business Committee discussed and made some changes in the draft letter with Jerry Hill. Jerry will redraft the letter for Monday.

12:00 P.M. Kathy made a motion to recess. Loretta seconded. Motion carried


L. Gordon McLeister, Tribal Secretary
Oneida Business Committee