



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

Phone: 869-2771



Oneida, WI 54155



UGWA DEMOLUN 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.

*Approved as read
10/15/84 Res. Mtg*

SPECIAL MEETING

OCTOBER 9, 1984 P.M.

Meeting called to order at 1:00 P.M. by Chairman, Purcell Powless.

PRESENT: Purcell Powless-Chairman, Richard Hill-Vice Chairman, Kathy Hughes-Treasurer, L. Gordon McLester-Secretary, Tony Benson, David King, Lois Powless, Mark Powless, Lloyd Powless, Council Members.

OTHERS: Bob Archiquette, Bruce King, Jerry Hill, Francis Skenandore, Bob Christjohn

150-HEALTH BOARD MINUTES

June 25, 1984, Mark moved to approve. Kathy seconded. Motion carried.
August 20, 1984, Lois moved to approve with corrections. Kathy seconded. Motion carried. September 4, 1984, Mark moved to approve. Dave seconded. Motion carried.

DISCUSSION ON DR. CRAIG'S SICK LEAVE

Mark stated that his concern is that we have adequate medical care at the Health Center during Dr. Craig's absence.

Mark moved to have a meeting with Dr. Craig when he returns from his sick leave. Lloyd seconded. Discussion followed; Mark withdrew his motion and Lloyd agreed. Kathy moved to have Tony Benson bring a report back to the Business Committee on the status of the health care being provided at the Oneida Health Center. Rick seconded. Motion carried.

110-UPDATE ON HOTEL - Bruce King

Bruce stated at this time the project is looking very favorable. The Tribe has received the \$500,000 EDA grant to extend water & sewer to the hotel site. The BIA regional office has recommended funding of a \$8,300,000.00 guaranteed loan for the project. The final portion of the project is being considered by HUD in the form of a UDAG grant. By October 16, 1984 we hope to have an informal decision to the fund the UDAG grant. The final decision will be made and announced November 1, 1984.

UPDATE ON BINGO PULL TABS - Jerry Hill

Jerry is presently working on revisions of the Bingo Ordinance. The proposed definition will be changed to include instant bingo. Jerry will have the revision ready for review on Friday, October 12, 1984.

UPDATE ON NEW YORK LAND CLAIMS - Francis Skenandore

On October 1, 1984, oral arguments were held before the United States Supreme Court. Oneida of Wisconsin vs the counties of Oneida and Madison in New York. Attorney, Arlinda Locklear argued for the Oneida's of Wisconsin and Alan Van Gestel argued for the Counties. A brief history of this case is as follows: In 1795, the State of New York purported to purchase, the land the counties now own, without the consent of the United States in violation of the 1793 Indian Trade and Intercourse Act. The land was recognized as Oneida property by the United States in the 1794 Treaty of Canandaigua. In 1970, the Oneida Indian Nation of Wisconsin filed this suit based on the 1793 Act and federal treaties challenging the 1795 land purchase. Final judgement in the Federal District Court was entered in favor of the Oneida Indian Nation of Wisconsin, May 11, 1982. On September 29, 1983 the Second Circuit Court of Appeals affirmed the Federal District Court decision. The Counties ultimately appealed to the United States Supreme Court.

The questions presented for review are as follows:

- 1) The Oneidas' do not have cause of action against the Counties under the 1793 Indian Trade and Intercourse Act.
- 2) The Oneidas' claim should be barred because it was not brought until 175 years after the conveyance. (Statute of Limitations)
- 3) The United States ratified the 1795 land purchase by New York.
- 4) The Oneida claim is a political question to be remedied by Congress

It was felt some of the judges expressed a great deal of interest in the Statute of Limitations and Alan played to the emotional issue of what would happen if the Oneida's win, such as political and economic disruption. The Supreme Court is expected to hand down a decision by the spring of 1985.

Hearing in federal district court in Syracuse, NY: Oneida of Wisconsin vs. State of New York:

The issues in this hearing is whether the language of articles of confederation apply to the 1785 and 1788 treaties by which New York State purchased more than five million acres of land from the Oneidas.

Update New York Claim (Continued)

The State of New York presented their expert witnesses during the week of September 24, 1984. We presented our witnesses starting on October 3, 1984 through October 5, 1984. Our witnesses were Reginald Horseman, Professor, University of WI at Milwaukee. He covered the area of Indian diplomacy and relations from the early American colonial period up to the year 1812. The second witness was Jack Campisi, Independent Researcher, who covered the ethnicity history of the Oneida's.

The Six Nations presented one witness, professor Peter Omuf from New York, who covered jurisdiction and boundaries of the State of New York during early American expansion and development. Francis pointed out this is not a hearing on the merits of the Oneida claim, but on a motion to dismiss the hearing. A motion is an application to the Court requesting an order or rule in favor of the applicant, in this case, New York State. Motions are generally made in reference to a pending action and may concern a point of law which tests the adequacy of the pleadings. The burden during this hearing was on the State of New York, with Oneida only having to show it has a cause of action. Francis feels we have been able to show we have a cause of action, but, New York has not.

The hearings will be continuing during the week of October 8. Once the hearing are over, they don't expect Judge McCurn to hand down a decision until after the Supreme Court decision is released.

UPDATE ON ACCOUNTING DEPARTMENT - Bob Christjohn

The Accounting Department is starting week four (4) without the services of John Telfer, tribal controller. This has presented some major difficulties in that the Indirect Cost budget was being prepared, year end was starting and the annual audit stated during this time frame. These are the three (3) most important Accounting functions that transpire at any given time during the fiscal year.

The staff has gotten out the Indirect Cost Proposal. This document was late as pointed out at the October 5, 1985 Business Committee meeting. The proposal would have been late without John Telfer's illness. However, his being out has created an unacceptable time frame for the Indirect Cost budget. The preparation for the Audit, Fy '85 budgets and other factors also played a role in the Indirect Cost budget being late.

The Audit is presently on the correct time table. The auditing staff has gotten off to a good start. Material and records are accessible. Year end documentation that was not available for Fy '82 and '83 is going to present a problem. Closing is a major area that must be improved on for Fy '85. Data Processing and Accounting are developing a plan at this time.

Accounting Report (Continued)

Year end closing and the Audit go hand-in-hand. The audit will not run in a timely manner if year end (trial balance) is not accomplished. At the present time, Data Processing does have the proper software to complete year end. This problem has existed since the inception of the IBM 34 System. The projected trial balance was scheduled for October 15, 1984. This process will not take place at that time. October 22, 1984 is the latest possible date to carry out this task without adversely affecting the audit time frame.

REFUSE SERVICE

Rick made a motion to table until Friday, October 12, 1984. David seconded. Motion carried.

LETTER TO BIA REQUESTING REPROGRAMMING FUNDS OF BAND FY '85 - Lois Powless

Rick made a motion to send the following letter to Mr. Robert St. Arnold with the changes in the amount:

We are writing to request the reprogramming of monies in the Band FY '85 identified for the Tribal Court (\$75,200). We are requesting that this be done due to the Tribal referendum to support the Tribal Court having been defeated in the July election by the General Tribal Council. We would like the monies reprogrammed in the following categories:

	<u>OLD</u>	<u>NEW</u>	<u>DIFF</u>
Scholarships	205.0	241.0	36.0
Forestry	6.6	35.4	28.8
Wildlife & Parks	24.9	35.3	10.4

Please find attached a previous letter sent for reallocation and the Tribal Resolution #3-21-84-B. If there are any further questions, please contact Kathy Hughes, Treasurer at (414) 869-1260.

ONEIDA TRIBE OF INDIANS OF WISCONSIN

Tony seconded. Motion carried.

010-FINANCE & APPROPRIATION RECOMMENDATIONS

1. 84-194 Records Management Program: Transfer of funds between line items to accommodate the three months left in the contract. Kathy moved to approve. Lloyd seconded. Motion carried.

Finance & Appropriations (Continued)

2. 84-195 Personnel Office request for moving costs to Norbert Hill Center at \$1,353.00. Recommend moving and telephone hook-up be charged to NHC Renovations in General Fund. The purchase of the black box for terminal utilization IBM be made from Management Services and billed back through Use Allowance in the Personnel budget. Kathy moved to approve the request to move the Personnel Office from the Civic Center to the Norbert Hill Center at a cost of \$256.00. Lois seconded. Tony opposed. Mark abstained. Motion carried.
3. Equipment Acquisition: OTE requests purchase of mobile home to replace tobacco outlet on Hwy E. Recommends 14 x 70 from Perret Village - \$8,900.00. Money in enterprise retained earnings. NOTE: Additional costs for electricity and water are not included. Kathy moved to table the request to purchase a mobile home for Highway E tobacco outlet for a report detailing total cost to establish this outlet. Report should included estimates for utility services (i.e., electric water & sewer), parking lot (gravel/paved), etc. Included with the cost analysis should be a projected use feasibility report. Gordon seconded. Motion carried.
4. Equipment Acquisition: Purchase of Panasonic typewriter by Management Services. Typewriter will be used in the Personnel Office and will be charged through Use Allowance. \$1,495.00. Rick moved to approve. Dave seconded. Lois opposed. Gordon abstained. Motion carried.

S2166 INDIAN HEALTH CARE IMPROVEMENT ACT - Rick Hill

Rick received a call from Shirley Hill last week in regards to S2166 Indian Health Care Improvement Act. She has indicated to Rick that Dr. Grahame, the President's advisor is recommending that President Reagan veto this Bill.

Shirley is attempting to rally support by means of sending telegrams to the White House requesting the President to ratify this legislation. She is hoping that the Oneida Tribe will lend it's support in that regard.

Mark made a motion to send a letter of support. Rick seconded. Motion carried. Rick will send a mailogram.

150-FITNESS PROGRAM - Tony Benson

Tony is requesting tribal support to institute a fitness program for tribal employees. Helen Brown, Nutritionist at the Health Center, will conduct this program. The program will be open to the community if space permits. At the present time there is no cost to participate. A MCH Block grant proposal has been sent in for adolescent weight reduction and exercise programs which may be tied into this.

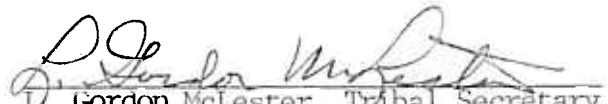
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Fitness Program (Continued)

Mark moved to support the request and that this request be sent to Finance & Appropriations on the cost of this program. Rick seconded. Kathy opposed. Gordon abstained. Motion carried.

3:00 P.M. Kathy moved to recess. Lois seconded. Motion carried.

Respectfully submitted,


D. Gordon McLester, Tribal Secretary
Oneida Business Committee