

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 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.

## SPECIAL MEETING

WEDNESDAY JUNE 5, 1985

Meeting called to order at 3:30 P.M.

Present: Purcell Powless-Chairman, L. Gordon McLester-Secretary, Lloyd Powless, Tony Benson, David King-Council Members

Excused: Richard Hill-Vice Chairman, Kathy Hughes-Treasurer, Mark Powless, Lois Powless-Council Members.

Others: Jerry Hill, Sharon House-Cornelius

## DISCUSSION ON GARNISHMENT PROCEEDINGS OF JUNE 4, 1985

On June 4, 1985, the Business Committee held judgement deduction conferences for John Powless, Cliff Danforth and Bruce Danforth. They were told that the Business Committee would make a decision within five (5) days on the judgement conference. The Law Office was requested to review the proceedings and bring back an opinion to this meeting today.

The Law Office explained that in the past, evictions, collections and other legal proceedings against tenants or Mutual Help home owners have been processed through the local county courts. This was provided for in the Ordinance Article VIII. 1.

Currently, the Oneida Housing Authority has discontinued using the local courts; now the Oneida Tribe must provide the forum and protection of the rights of the tenants.

The lease agreement which is signed by both the Oneida Housing Authority and the tenant requires that Notice of Termination in writing be provided to the tenant by management. Such notice must set forth the specific "good cause" upon which the termination is based. The lease agreement also requires prior written notice to the tenant for all but emergency inspection situations. Legal Notices are specifically provided for in paragraph 11. of the Agreement and the procedural requirement for any notice are there set forth.

Discussion on Garnishment Proceedings (Continued)

Finally, in paragraph 13. sets forth procedures for grievance and appeals for causes arising under the Rental Agreement. Thus, the Management (OHA) is obligated to provide written notice to the tenant under the rental agreement for termination and inspections, and in a manner that informs the tenant of their rights of appeal.

In the present three (3) cases, the following information was not provided:

- 1) Record of formal action by the Oneida Housing Authority;
- 2) Record of formal action by the Oneida Housing Authority showing that the matters were heard or deliberated upon;
- 3) Final Notice of Obligation claimed against the tenants.

The Law Office stated there are two specific and separate procedures which are: 1) Establishment of the debt or obligation; 2) Garnishment.

In the absence of a record of the Oneida Housing Authority showing due process protection for the tenant, it is recommended that these cases be remanded to the Oneida Housing Authority for submission of a full record of each case and that when this is completed it may be properly appealed by the aggrieved tenants, if they so desire.

After discussion, Gordon moved to take the following action:

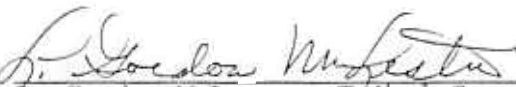
On June 4, 1985, the Oneida Business Committee met formally to consider the "appeals" of the above named persons who appeared in person.

After consideration of the materials contained in the files and comments made at the meeting by the Director of the Oneida Housing Authority, Mike Bowman, and the tenants, it is the decision of the Oneida Business Committee that these cases be remanded to the Oneida Housing Authority to cure the procedural deficiencies. These deficiencies are:

1. No record of any proceedings in these cases by the Oneida Housing Authority, and
2. No record of any notice advising the tenants of the right to appeal adverse decision of the Oneida Housing Authority Director.

Lloyd seconded. Tony abstained. Motion carried.

3:45 Dave moved to recess. Lloyd seconded. Motion carried.

  
L. Gordon McLester, Tribal Secretary  
Oneida Business Committee