

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this
Oneida Chief in cementing
a friendship between the
six nations and the Colony
of Pennsylvania, a new na-
tion the United States, was
made possible

*Approved as
Read 8-27-85*

SPECIAL MEETING

MONDAY, AUGUST 5, 1985

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

Others: Jerry Hill, Ron John, Harriet Reiter, Mike Bowman, Dorothy Powless, Francis Skenandore, Jo Swamp

This was an informal meeting to discuss the Oneida Housing Authority Grievance Procedures. Jerry Hill went over the procedures point by point -- discussion followed.

10:10 A.M., the Chairman called the meeting to order

Lois moved to approve the Hearing and Appeals Procedures from a decision of the Director of the Oneida Housing Authority and the Hearing and Appeals Procedures from Decision of the Oneida Housing Authority Board of Commissioners. Rick seconded. Motion carried.

HEARING AND APPEALS PROCEDURE FROM A DECISION OF ONEIDA HOUSING AUTHORITY DIRECTOR

- A. The Oneida Housing Authority Board of Commissioners shall hear contentions by a tenant or homebuyer when a decision of the Director was erroneous, arbitrary, or not within the scope of his/her job duties.
1. If there is more than one (1) contention, each contention shall be processed separately.
 2. The contention shall be directly related to the tenant or homebuyer
- B. The following shall be adhered to in a decision making process:
1. The Director shall notify the tenant or homebuyer of its findings and decision.
 2. The Director shall notify the tenant or homebuyer of a right to a hearing before the Board of Commissioners. The tenant or homebuyer must then request a hearing within seven (7) days of receipt of a decision form of the Director.

3. The notification procedures shall be in compliance with those set forth in the lease or contract.
 4. The Director shall notify the Board of Commissioners of his/her action.
- C. Hearing - The hearing shall be in compliance with the Oneida Constitution, the Indian Civil Rights Act and also the lease or contract with the Oneida Housing Authority Board of Commissioners. The tenant or homebuyer and the Oneida Business Committee shall be notified of the decision within seven (7) days, which shall clearly state:
- 1 The reason(s) for the decision(s).
 2. The decision(s)
 3. The conclusion of the reason(s) and the decision(s)
 - 4 That the tenant or homebuyer has ten (10) days in which to appeal the decision to the Oneida Business Committee.

APPEALS

- A. A tenant or homebuyer may request an appeal of the decision of the Oneida Housing Authority Board of Commissioners.
1. Such an appeal shall be in writing to the Oneida Business Committee, or other body appointed by the Business Committee and shall set forth the reasons for the appealing body.
 2. A copy of the appeal shall be sent to all members of the Board of Commissioners.
 3. The Oneida Business Committee, or other authorized body, shall decide the appeal based upon the written record of the proceedings. It may:
 - a. Affirm the decision.
 - b. Reverse the decision.
 - c. Remand to the Board of Commissioners for further proceedings.
 - d. Declare a special session to hear oral argument before deciding.
 4. Decisions of the Oneida Business Committee, or other authorized body shall be final.
 5. The tenant or homebuyer shall be notified in writing by the Tribal Secretary not less than five (5) days after the final decision.
 6. The tenant or homebuyer may be represented or accompanied by a person of his/her choice.

7. Any monetary obligation to the representation shall be the responsibility of the tenant or homebuyer.

HEARING AND APPEALS PROCEDURE FROM DECISION OF ONEIDA HOUSING AUTHORITY BOARD OF COMMISSIONERS

- A. The Oneida Housing Authority Board of Commissioners shall hear charges against a tenant or homebuyer, who has a lease or contract with the Oneida Housing Authority as presented to the Board by the Housing Authority Director.
 1. If there is more than one (1) violation, each violation shall be processed separately.
 2. The violation shall be directly related to the lease or contract.
- B. If a violation of a lease or contract is found, based on the information documented by the Director:
 1. The Director shall notify the tenant or homebuyer of its findings and decision.
 2. The Director shall notify the tenant or homebuyer of a right to a hearing before the Board of Commissioners.
 3. The notification procedures shall be in compliance with those set forth in the lease or contract.
 4. The Director shall notify the Board of Commissioners of his/her action.
- C. Hearing - The hearing shall be in compliance with the Oneida Constitution, the Indian Civil Rights Act and also the lease and contract with the Oneida Housing Authority Board of Commissioners. Upon completion of the hearing the final decision of the Board of Commissioners, the committee shall then deliberate and make a decision within seven (7) days. The tenant or homebuyer and the Oneida Business Committee shall be notified of the decision which shall clearly state:
 1. The reason(s) for the decision(s).
 2. The decision(s)
 3. The conclusion of the reason(s) and decision(s)
 4. That the tenant or homebuyer has ten (10) days in which to appeal the decision of the Oneida Business Committee

APPEALS

- A. A tenant or homebuyer may request an appeal of the decision of the Oneida Housing Authority Board of Commissioners.
1. Such an appeal shall be in writing to the Oneida Business Committee, or other body appointed by the Business Committee and shall set forth the reason for the appealing body.
 2. A copy of the appeal shall be sent to all members of the Board of Commissioners.
 3. The Oneida Business Committee, or other authorized body, shall decide the appeal based upon the written record of the proceedings. It may:
 - a. Affirm the decision.
 - b. Reverse the decision.
 - c. Remand to the Board of Commissioners for further proceeding.
 - d. Declare a special session to hear oral argument before deciding.
 4. Decisions of the Oneida Business Committee, or other authorized body shall be final.
 5. The tenant or homebuyer shall be notified in writing by the Tribal Secretary not less than five (5) days after the final decision.
 6. The tenant or homebuyer may be represented or accompanied by a person of his/her choice.
 7. Any monetary obligation to the representation shall be the responsibility of the tenant or homebuyer.

RESOLUTION #5-10-85-B

The Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Constitution by the Oneida General Tribal Council to protect and preserve the sovereignty of the Oneida Tribe, its rights and its resources.

The Oneida Constitution empowers the Oneida General Tribal Council to pass laws and ordinances that promote the health and welfare of the Oneida people.

The Oneida General Tribal Council established the Oneida Housing Authority pursuant to the Oneida Tribal Housing Ordinance for the purpose of providing housing for Oneida people.

The Oneida General Tribal Council, through the Oneida Business Committee, is authorized to modify the Oneida Tribal Housing Ordinance as is described in said ordinance.

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RESOLUTION #5-10-85-B (continued)

The Oneida Business Committee is delegated to pursue tribal self-sufficiency and self-government in the best interest of the Oneida Tribe.

Article VIII, Section 1 (e) and (f) of the Oneida Tribal Housing Ordinance provides for the Oneida Tribal government to vigorously cooperate with the Oneida Housing Authority in order to enforce evictions, or other contract violations of homebuyers or tenants by the use of appropriate forums.


The Oneida Business Committee establish the "ONEIDA HEARING APPEALS COMMISSION" to hear appeals from final decisions of the Oneida Housing Authority Board of Commissioners on evictions, and contract violations of tenants and homebuyers of the Oneida Housing Authority.

Article VIII, Section 1 (f) of the Oneida Housing Ordinance is modified to read:

"The Oneida Housing Appeals Commission shall have jurisdiction to hear appeals of final decision son evictions and contract violations of a tenant or homebuyer. The tribal government hereby declares that the powers of the Oneida Tribe shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violation and that the Oneida Business Committee shall establish appropriate appeal procedures, rules and regulations."

Lois moved to have the Law Office continue to work on the Oneida Hearing Appeals Commission and bring back an update. Mark seconded. Tony opposed. Lloyd and Kathy abstained. Motion carried.

10:15 A.M., Rick moved to recess. Dave seconded. Motion carried.


I. Gordon McLester, Tribal Secretary
Oneida Business Committee