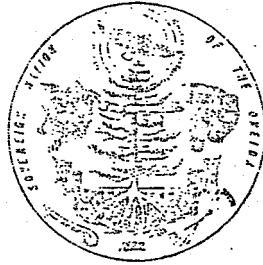


# Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-1260

Oneida, WI 54155



Approved: //  
Resol: 6/9



UNITED STATES OF AMERICA  
Because of the role in  
Oneida Chief in common  
a treaty between  
the Oneida and the  
of Pennsylvania, a new  
has the United States  
made possible

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

## SPECIAL MEETING

### TUESDAY, MAY 5, 1987 MINUTES

Meeting was called to order at 1:30 P.M. by Chairman.

Present: Chairman, Purcell Powless; Vice-Chairman, Richard Hill; Treasurer, Kathy Hughes; Secretary, L. Gordon McLester; Council Members: Mark Powless, Dave King.

Excused: Council Members Lois Powless, Lloyd E. Powless, Jr. Tony Benson.

### AGENDA

Rick Hill moved to adopt the agenda. Dave King Seconded. Motion Carried.

### TRAVEL REQUEST

Lois Powless is requesting approval to attend the BIA Budget Meeting in Ashland on May 12-13, 1987.

Lloyd Powless is requesting approval to attend the WAC Lobby Day in Madison, Wisconsin on May 6, 1987 and the Wisconsin Child Welfare Advisory Committee meeting on May 20-21, 1987 in Madison.

Rick Hill made a motion to approve the travel requests. Dave King Seconded. Motion Carried.

### VACATION REQUESTS

Kathy Hughes is requesting vacation on May 28, 29 and June 1, 1987.

Lois Powless is requesting retro-active approval of vacation on April 30, 1987.

Dave King moved to approve these requests. Rick Hill Seconded. Mark Powless Abstained. Motion Carried.

### CONSULTANT AGREEMENT FOR DEBRA JOHNSON

Dave King moved to approve the Consultant Agreement. Debra Johnson will aid the Freedom Home School Coordinator with minimal tutoring duties for 15 hours per week for 10 weeks at the rate of \$4.25 per hour. Gordon McLester Seconded. Motion Carried.

PERSONNEL - Barbara Schuman

The Committee reviewed the hiring information for Grounds Keeper Aide (3) and Pool for Building & Grounds. The Personnel Selection Committee recommended for employment (1) Gene L. Thomas, (2) Randall L. Cornelius, (3) Frank D. Perrote and for the Pool, (1) Gordon M. Peters and (2) Lawrence T. Phillips. The Personnel Selection Committee also recommended Artley M. Skenandore for the position of Vice-Principal at Grade 20 for the Oneida Tribal School.

HOTEL CORPORATION MAY REPORT

Janice Hirth and Bob Lobo discussed the May report with the Business Committee. The new Management Company M.H.M. is still trying to iron out the many problems left by the former management company L.S.M. (See attached report).

TRIBAL LOAN CREDIT PROGRAM & RESOLUTION #5-5-87-A

RESOLUTION #5-5-87-A

- WHEREAS The Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States; and,
- WHEREAS The Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and,
- WHEREAS The Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and,
- WHEREAS It is the goal of the Oneida Tribe to protect, maintain and improve the standard of living for its members and the environment in which we live, as well as expanding our tribal land base; and,
- WHEREAS There is a shortage of tribal land available for housing needs
- NOW THEREFORE BE IT RESOLVED that the Tribal Loan Credit Program is hereby established to assist adult enrolled tribal members by providing the initial downpayment toward the purchase of real property for housing to upgrade the present standard of living contingent upon meeting the guidelines and the loan agreement as set forth by the Oneida Tribe; and,
- BE IT FURTHER RESOLVED that the Oneida Business Committee hereby adopt the Tribal Loan Credit Program and that this program be administered by approved procedures through the Oneida Land Office.

TRIBAL LOAN CREDIT PROGRAM & RESOLUTION #5-5-87-A (Continued)

Kathy Hughes moved to approve the Tribal Loan Credit Program and adopt Resolution #5-5-37-A. Dave King Seconded. Motion Carried.

TABLED LAND COMMITTEE MINUTES OF JANUARY 12, 1987

"The Land Committee made the following recommendations on Monday January 12 1987:

- 1) The revolving loan fund is to be activated immediately to the tribal membership and a notice be put in Kalihwi-saks next issue.
- 2) Peter King be approved to apply for a loan through the DaPere State with 20% allowance from the Tribe.
- 3) Recommendation to cancel Mr and Mrs. Dale Powless residential loan: Poplar Lane.
- 4) Recommendation to accept Peter Kings' residential lease application for above cancelled lease.

After reviewing the recommendations, Mark Powless moved to table until a plan is in place for a Revolving Loan Plan. Gordon McLeister Seconded. Tony Benson opposed. Motion Carried.

Rick Hill moved to have Don Wilson, the Land Committee, Chris Doxtator and any Business Committee member interested to develop the plan and bring it back within thirty (30) days. Lois Powless seconded. Mark Powless abstained. Motion Carried."

Kathy Hughes moved to take the Land Committee minutes of January 12, 1987 from the table. Dave King Seconded. Motion Carried.

Kathy Hughes moved to refer the request from Peter King to the Land Committee to review the current action and bring back an updated recommendation on this matter. Rick Hill seconded. Dave King abstained. Motion Carried.

LAND COMMITTEE MINUTES OF APRIL 27, 1987

Discussion On Seminary Property: The original recommendation of the Land Committee was to make an offer to purchase the whole offer from the Diocese. The Business Committee has recommended offer be made to purchase separate parcel. Chris Doxtator has contacted John Nelson and re-affirmed that they do not want to separate the offer into separate parcels. Discussion followed on the different plans that have been researched for this property, such as a lake site. The Land Committee recommended that the Business Committee reconsider the original recommendation of the Land Committee along with all the information presented.

LAND COMMITTEE MINUTES OF APRIL 27, 1987 (Continued)

After discussion Kathy Hughes moved that the Tribe negotiate for both parcels of property with the Diocese. Dave King Seconded. Motion Carried.

Discussion followed regarding additional property owned next to the Norbert Hill Center property. Mark Powless moved that whatever property the Catholic Diocese has remaining near the Norbert Hill Center be included in the negotiations. Rick Hill Seconded. Motion Carried.

The Land Committee recommended the approval of the assignment to the Associated Bank for \$22,000 for Cleo and Wayne Cornelius. Kathy Hughes moved to approve. Dave King Seconded. Gordon abstained. Motion Carried.

Question on Linder Property. After discussion the Land Committee rescinded their previous recommendation to not consider at this time and send this property to Conservation Board for reevaluation. Rick Hill moved to approve this recommendation. Dave King seconded. Mark Powless opposed. Kathy Hughes abstained. Motion Carried.

ONEIDA TRIBAL DOG CONTROL ORDINANCE & RESOLUTION #5-5-87-B

RESOLUTION #5-5-87-B

The Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States; and,

WHEREAS The Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and,

WHEREAS The Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and,

WHEREAS It is the responsibility of the Oneida Tribal Business Committee to be responsible for the health, safety and welfare of Oneida tribal members and those people living within the Oneida Indian Reservation; and,

WHEREAS The Oneida Business Committee wishes to protect persons on the Oneida Indian Reservation from the danger of uncontrolled animals that may have been diseased or be dangerous; and,

WHEREAS It is in the best interest of the Oneida Tribe to keep the Oneida Indian Reservation free from unforeseen dangers.

NOW THEREFORE BE IT RESOLVED that the Oneida Business Committee hereby adopts the attached Dog Control Ordinance.

ONEIDA TRIBAL DOG CONTROL ORDINANCE AND RESOLUTION #5-5-87-B (Continued)

After review and discussion Mark Powless moved to approve the Oneida Tribal Dog Control Ordinance and adopt Resolution #5-5-87-B with the omission of Item E, that prevented Pit Bulls being kept on Tribal lands. Rick Hill Seconded. Kathy Hughes opposed. Motion Carried.

Kathy Hughes stated she opposed because of the omission of Item E, dealing with Pit Bulls.

Kathy Hughes moved to amend the Ordinance with the following two changes:

Page 1, Section II. LICENSE

- A. All dogs owned by Oneida tribal members and non-tribal members living on tribally owned or leased property must have a tribal license, and must be wearing proof of the tribal license at all times.

Page 3, Section III, DOG BITE CONTROL, Subsection 3., a.

- 2) Order that the dog be sacrificed and send the specimen to the State laboratory of Hygiene for analysis (cost borne by the Oneida Health Center). This may be done before the ten (10) day observation period ends.

Rick Hill seconded. Motion Carried.

HOUSING BOARD TERMS

The Business Committee had directed the Tribal Secretary to research the Business Committee minutes regarding the Housing Board terms. In replying to this direction, the Secretary stated that in researching the Business Committee minutes, the records show that Harriet Reiter was appointed on September 14, 1983. Dorothy Powless was appointed on April 16, 1985. Kathy Hughes was re-appointed on April 16, 1985. The terms for the Housing Board are four (4) years and are supposed to have staggered terms. In reviewing the records, we could not find any information how these positions are staggered. At some point, there must have been appointments to fill unfinished terms which is the reason we have two people being appointed on the same date. It is the recommendation of the Tribal Secretary that the Housing Authority or the Business Committee review this record and reconstruct the terms so that they are again staggered and that they have anniversary dates for completion of each term.

Rick Hill moved to approve the recommendation that the Housing Authority reconstruct the terms so that they are again staggered terms and anniversary dates be set for completion of terms. Gordon Seconded. Motion Carried.

VACATION ACCUMULATION

Kathy Hughes completed a review of the master file on accumulated vacation. The Tribe has employees who have been allowed to go over the 160 day maximum limitation. The Business Committee is discussing a change in the sick policy which may impact on the vacation policy. Because we do have some employees over the 160 day limitation Kathy recommended that we notify all employees that the 160 day restriction is temporarily lifted pending a review of the policy.

Gordon McLester moved to approve the recommendation. Rick Hill seconded Motion Carried.

BUSINESS COMMITTEE MINUTES TO BE APPROVED

Special Meeting of March 31, 1987 approved as read  
Special Meeting of April 3, 1987, approved as read  
Special Meeting of April 10, 1987 approved as read  
Special Meeting of April 14, 1987 approved as read

REQUEST FROM PHILLIP KING

Phillip King is currently working with eight (8) youngsters on a volunteer basis. They have formed a Jr. Golf League. They would like the Business Committee and Bingo to donate four (4) \$50 Bash tickets to the Jr. Golf League.

They would also like to hold a bake sale and raffle at Bingo. This would be to raffle off the (2) \$50 bash tickets at this time for the Bingo crowd only. This would be on June 6, 1987.

For the remaining two (2) \$50 bash tickets they would hold a community raffle for these two tickets. The winners for the community raffle will be announced on June 20, 1987.

The proceeds from these raffles and bake sale would go toward the entry fees and travel expenses and other costs incurred for this Jr. Golf League to travel to the five (5) tournaments which will be held during the summer of '87.

Kathy Hughes moved to approve this request. Rick Hill seconded. Dave King abstained. Motion Carried.

CONSULTANT AGREEMENT FOR DAVID POWLESS

The Consultant agrees to work on the following projects:

- (1) Min-Mall Project
- (2) Car Rental Service Center

CONSULTANT AGREEMENT FOR DAVID POWLESS (Continued)

- (3) Cafeteria Style Business at Bingo
- (4) OTE U-29 Outlet - Convenience Center
- (5) Office of Community Service Business Plan
- (6) Solid Waste Recycling Plant
- (7) Business Plan for Automotive Wire Harness Plant
- (8) Other Projects as Assigned

The cost will be \$3,000 per month at 100 hours per month. The contract expires on September 30, 1989. Rick Hill moved to approve. Dave King Seconded. Kathy Hughes and Gordon McLester opposed. Motion Carried.

Mark Powless moved to have John Powless give a written update on the Economic Development operation on May 19, 1987. Rick Hill Seconded. Motion Carried.

TRAVEL REQUEST FOR JERRY HILL

Kathy Hughes moved to approve the request for Jerry Hill to attend the National Gaming Conference in Ottawa, Ontario on May 13-14, 1987. Mark Powless Seconded. Motion Carried.

FREEDOM OF INFORMATION ACT - FT. HOWARD & B.I.A.

Mr. St. Arnold and Mr. Barlow

RE: Freedom of Information Act - Appeal - Oneida Tribe

Please be advised that this is an appeal from a decision dated April 7,

The Oneida Tribe contends that

1. The information released to Attorney Donald F. Kiesling was not within the scope of Mr. James Morrin's authority based upon the Freedom of Information Act exemption (4) which allows an agency to withhold "...trade secrets and commercial or financial information obtained from a person and privileged or confidential". This is analyzed in a Deputy Associate Solicitor's Opinion written by Mr. Timothy Elliott.

2. In addition a portion of the information released falls under "the attorney/client privilege" that acts to create the "Confidentiality" required by exemption (4) (many of the documents released were sent to the Oneida Tribal Attorney).

3. That the action taken by Mr. Morrin to release information prior to review by the Oneida Tribe was not just a mistake by "Civil servants who are strong advocates of Indian Tribes" but the action was the breach of a much higher standard, which is the federal trust responsibility that the Bureau of

FREEDOM OF INFORMATION ACT - FT. HOWARD & B.I.A. (Continued)

Indian Affairs is obligated and mandated to maintain. The contention that a breach of trust responsibility occurred is based upon the following facts:

a. Mr. Morrin spoke with Oneida Tribal Attorney, Francis R. Skenandore on February 27, 1987, and agreed to send to the Oneida Tribe all the subject documents to review prior to their release to Attorney Kiesling; nevertheless, Mr. Morrin released the information to Attorney Kiesling prior to the Oneida Tribes review or objection. Consequently, the Oneida Tribe has been placed in a position of questioning the trustworthiness of its "trustee"; and,

b. A clear breach of trust responsibility was exhibited by the results of Mr. Morrin's action to release the subject documents while acting in his capacity as a Freedom of Information Officer in that the tribe is now faced with limiting its flow of information to the BIA. Mr. Morrin's action has also placed the tribe in a position of being unable to monitor or control how confidential information which is sent to its trustee is to be used in the future, nor is there any way to determine what substantial harm may have been caused to the trustee, "the Oneida Tribe" by the release of the subject documents.

The above contentions can be summarized as follows:

1. The documents released should have been withheld pursuant to exemption (4) of the Freedom of Information Act which allows an agency to withhold "...trade secrets and commercial or financial information obtained from a person are privileged or confidential." USC Section 552 (b) (4). The documents that Mr. Morrin released to Fort Howard through its attorney, Donald Kiesling, included very specific and confidential financial and commercial details of the transactions that led to the development of the Rodeway Inn; and,

2. In addition to the financial disclosure issue as stated above. A portion of the documents released to Attorney Kiesling contained environmental testing results that may have been used for litigation purposes. The release of those "Confidential" documents is considered a disclosure of "attorney/client" privileged information which may result in "substantial harm" to the Tribe; and,

3. The above explanation and interpretation clearly show that Mr. John Morrin acted outside the scope of his authority as the Freedom of Information Officer for the BIA (as is analyzed in document #2) and in doing so he has breached the federal trust responsibility by not adequately protecting Oneida tribal interests from potential harm.

The attached packet and documents exhibit clearly that the contentions of the Tribe are accurate and the failure of Mr. St. Arnold to discipline Mr. Morrin is an endorsement of his actions to disallow the Oneida Tribe the right



FREEDOM OF INFORMATION ACT - FT. HOWARD & B.I.A. (Continued)

to review and/or object to documents prior to being released pursuant to a Freedom of Information Act Request. Not only is this endorsement contrary to the BIA/Tribal Trust relationship, it is also contrary to federal policy of tribal self-determination.

Sharon Cornelius explained that Mr. Robert St. Arnold has refused to discipline Mr. James Morrin for releasing information to Fort Howard subsequent to the Oneida Tribe's denying such release. In addition, the decision to release the information was clearly against a solicitors opinion to uphold the tribes right to withhold such information.

To allow the above action to take place over objections of the tribe, exhibits a negligence in the BIA's trust responsibility. It also promotes a restriction on the future flow of information between the BIA and the Oneida Tribe. Releasing information without tribal approval may have set a very detrimental precedent to our tribe and all other tribes. Therefore she requested approval to send the letter to appeal the decision of Robert St. Arnold. After discussion, Kathy Hughes moved to approve the request. Rick Hill Seconded. Motion Carried.

TRUST COMMITTEE MEETING REQUEST

Kathy Hughes moved to approve the request from The Oneida Trust Committee to meet with the Business Committee on May 12, 1987 at 3:30 P.M. Dave King seconded. Motion Carried.

LETTER TO ARLINDA LOCKLEAR

Dear Arlinda:

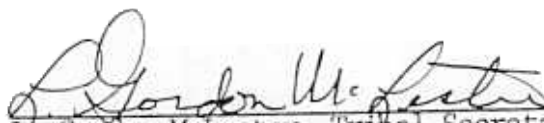
The Oneida Tribe, being aware of your intent to leave the NARF organization at the end of September 1987, would like to discuss the potential continued use of your services for the New York Land Claims.

It is our understanding that your intent is to go into private practice upon leaving NARF. If this is so, would you consider entering into a contract with the Oneida Tribe for purposes of on-going legal counsel on the New York Land Claim case? We would be interested in reviewing your proposal to meet our needs.

Gordon McLester moved to approve the above letter. Kathy Hughes seconded. Mark Powless opposed. Motion Carried.

Kathy Hughes moved to adjourn. Gordon McLester Seconded. Motion Carried. Meeting adjourned at 3:30 P.M.

Respectfully Submitted,

  
L. Gordon McLester, Tribal Secretary