



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

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



APPROVED AS
READ/CORRECTED

L-9 89



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 nation, the United States was

REGULAR MEETING

FRIDAY, MAY 19, 1989

I. CALL TO ORDER: Meeting called to order at 9:00 a.m.

Present: Purcell Powless-Chairman, Richard Hill-Vice Chairman, Kathy Hughes-Treasurer, Amelia Cornelius-Secretary, Lloyd Powless, Larry Barton, Ernie Stevens-Council Members

Excused: Loretta Metoxen, David King-Council Members

Others: Chris Doxtator, Chris Johns, Debra Powless, Richard Cornelius, Jennifer Hill, Randy Renquest, Kieth Cottrell, Kyle Skenandore, Bob Christjohn, Don Wilson, Cliff Cornelius, Thelma McLester, Attorney Jerry Hill, Ernie Stevens Jr., Bruce King, Artly Skenandore, Alan Doxtator, Chas Wheelock, John Spangberg, Attorney Skenandore.

OATH OF OFFICE

Oath of Office given by Rick Hill to Conservation Board member Marvin Lucas.

APPROVAL OF AGENDA

Rick Hill moved to approve the agenda as amended:

- a) Commission on Aging concerns deferred to May 25, 1989
- b) Travel - Loretta Metoxen to EPA Meeting
- c) Travel - Lloyd Powless
- d) Racial Problems in Local Schools

Kathy Hughes seconded. Motion carried.

MINUTES TO BE APPROVED - None Scheduled

IV. TABLED/UNFINISHED BUSINESS

V. REPORTS:

A. HUMAN RESOURCES - None Scheduled

VI. NEW BUSINESS

A. RESOLUTIONS

1. Higher Education F50C14209538 - Resolution #5-19-89-A

WHEREAS, the Oneida Tribe of Indians of Wisconsin has constructed higher education for more than three years, and

WHEREAS, Public Law 100-472 allows tribal governments to seek or be awarded a mature contract as outlined under Section 4, paragraph (h), which reads in part as follows:

"Mature contract means a self-determination contract that has been continuously operated by a tribal organization for three or more years and for which there are no significant and material audit exceptions in the annual financial audit of the tribal organization . . . a contract of the tribal organization in existence on the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1988, which meets this definition, shall be considered to be a mature contract."

WHEREAS, the Oneida Tribe of Indians of Wisconsin has no significant material audit exceptions in the last three years and is fully qualified to be awarded a mature contract as defined by Public Law 100-471, and

WHEREAS, the Bureau of Indian Affairs has failed to complete a timely federal regulations process which would regulate the 1988 amended Public Law 93-638 and Public Law 100-472 clearly defines a mature contract to exist upon the date amendment was enacted, and

WHEREAS, the Oneida Tribe of Indians wishes to have the Higher Education Contract F50C14209538 declared a mature contract as outlined by P.L. 100-472.

NOW, THEREFORE BE IT RESOLVED THAT: the Oneida Tribe of Indians of Wisconsin requests that the Higher Education F50C14209538 contract between the Oneida Tribe and the Bureau of Indian Affairs be declared a mature contract.

BE IT FURTHER RESOLVED THAT: the Oneida Tribe of Indians of Wisconsin wishes to amend said mature contract with a new date to read October 1, 1989 to September 30, 1990, or the proposed calendar as prescribed the Law, said contract allocation for the period will include all carryover funds from FY'89 and final allocations as awarded by the United States Congress and related allocations as agreed to by the Oneida Tribe of Indians of Wisconsin and the Bureau of Indian Affairs in the Indian Priority System (IPS) consultations.

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin requests this contract not be considered as a procurement contract and the Tribe is committee to provide quarterly financial reports thirty (30) days

RESOLUTION #5-19-89-A (Continued)

after each quarter and a final report within ninety (90) days upon completion of FY'89, and that any and all changes to the existing contract must be agreed to by both, the Oneida Tribe and the Bureau of Indian Affairs.

Rick Hill moved to adopt Resolution 5-19-89-A. Ernie Stevens seconded.
Motion carried.

DM F50C14209541 - Resolution #5-19-89-B

WHEREAS, the Oneida Tribe of Indians of Wisconsin has constructed higher education for more than three years, and

WHEREAS, Public Law 100-472 allows tribal governments to seek or be awarded a mature contract as outlined under Section 4, paragraph (h), which reads in part as follows:

"Mature contract means a self-determination contract that has been continuously operated by a tribal organization for three or more years and for which there are no significant and material audit exceptions in the annual financial audit of the tribal organization . . . a contract of the tribal organization in existence on the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1988, which meets this definition, shall be considered to be a mature contract."

WHEREAS, the Oneida Tribe of Indians of Wisconsin has no significant material audit exceptions in the last three years and is fully qualified to be awarded a mature contract as defined by Public Law 100-471, and

WHEREAS, the Bureau of Indian Affairs has failed to complete a timely federal regulations process which would regulate the 1988 amended Public Law 93-638 and Public Law 100-472 clearly defines a mature contract to exist upon the date amendment was enacted, and

WHEREAS, the Oneida Tribe of Indians wishes to have the Johnson O'Malley Contract F50C14209539 declared a mature contract as outlined by P.L. 100-47

NOW, THEREFORE BE IT RESOLVED THAT: the Oneida Tribe of Indians of Wisconsin requests that the Johnson O'Malley F50C14209539 contract between the Oneida Tribe and the Bureau of Indian Affairs be declared a mature contract.

BE IT FURTHER RESOLVED THAT: the Oneida Tribe of Indians of Wisconsin wishes to amend said mature contract with a new date to read October 1, 1989 to September 30, 1990, or the proposed calendar as prescribed the Law, said contract allocation for the period will include all carryover funds from FY'89 and final allocations as awarded by the United States Congress and related allocations as agreed to by the Oneida Tribe of Indians of Wisconsin and the Bureau of Indian Affairs in the Indian Priority System (IPS) consultations.

Resolution #5-19-89-B (Continued)

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin requests this contract not be considered as a procurement contract and the Tribe is committee to provide quarterly financial reports thirty (30) days after each quarter and a final report within ninety (90) days upon completion of FY'89, and that any and all changes to the existing contract must be agreed to by both, the Oneida Tribe and the Bureau of Indian Affairs.

Ernie Stevens moved to Adopt Resolution #5-19-89-B, Rick Hill seconded. Motion carried.

3. Employment Assistance F50C14209539

WHEREAS, the Oneida Tribe of Indians of Wisconsin has constructed higher education for more than three years, and

WHEREAS, Public Law 100-472 allows tribal governments to seek or be awarded a mature contract as outlined under Section 4, paragraph (h), which reads in part as follows:

"Mature contract means a self-determination contract that has been continuously operated by a tribal organization for three or more years and for which there are no significant and material audit exceptions in the annual financial audit of the tribal organization . . . a contract of the tribal organization in existence on the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1988, which meets this definition, shall be considered to be a mature contract."

WHEREAS, the Oneida Tribe of Indians of Wisconsin has no significant material audit exceptions in the last three years and is fully qualified to be awarded a mature contract as defined by Public Law 100-471, and

WHEREAS, the Bureau of Indian Affairs has failed to complete a timely federal regulations process which would regulate the 1988 amended Public Law 93-638 and Public Law 100-472 clearly defines a mature contract to exist upon the date amendment was enacted, and

WHEREAS, the Oneida Tribe of Indians wishes to have the Employment Assistance Contract F50C14209541, a contract between the Oneida Tribe and the Bureau of Indian Affairs to be declared a mature contract as outlined by P.L. 100-472.

NOW THEREFORE BE IT RESOLVED: that the Oneida Tribe of Indians of Wisconsin requests that the Employment Assistance F50C14209541 Contract between the Oneida Tribe and the Bureau of Indian Affairs be declared a mature contract.

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin wishes to amend said mature contract with a new date to read October 1, 1989 to September 30, 1990, or the proposed calendar as prescribed the Law, said contract allocation for the period will include all carryover funds from FY'89

Resolution #5-19-89-C (Continued)

and final allocations as awarded by the United States Congress and related allocations as agreed to by the Oneida Tribe of Indians of Wisconsin and the Bureau of Indian Affairs in the Indian Priority System (IPS) consultations.

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin requests this contract not be considered as a procurement contract and the Tribe is committed to provide quarterly financial reports thirty (30) days after each quarter and a final report within ninety (90) days upon completion of FY'89, and that any and all changes to the existing contract must be agreed to by both, the Oneida Tribe and the Bureau of Indian Affairs.

Rick Hill moved to adopt Resolution #5-19-89-C, Ernie Stevens seconded.
Motion carried.

4. Public Law 93-638 Regulation Update - Resolution
#5-19-89-D

WHEREAS, the Oneida Tribe of Wisconsin has taken an active role in participating with drafting the regulations to Public Law 100-472, and

WHEREAS, Public Law 100-472 clearly outlines a timeline which requires the United States Secretaries of Interior and Health and Human Services to develop enabling regulation, and

WHEREAS, both the Bureau of Indian Affairs and Indian Health Service have extended the timeline with limited tribal government participation, and

WHEREAS, it is concluded that the Bureau of Indian Affairs has offered no draft regulation to date, and the Indian Health Service has a base document which included extensive tribal government participation, and,

WHEREAS, both agencies are extending enabling regulation starting date to November, 1990 which does not allow tribal governments to experience the law's benefits in a timely manner, and

WHEREAS, the legislation fully intended to have the regulation process complete in six months and there was to be a report of same forwarded to the United States Congress.

NOW, THEREFORE BE IT RESOLVED: that the Oneida Tribe of Indians of Wisconsin of Wisconsin would respectfully request the Secretary of the Department of Interior and Health and Human Services to take immediate action to correct the apparent delay in the regulation delay,

BE IT FURTHER RESOLVED: that lacking a federal regulation some emergency measures be taken which implements the basis privileges offered Indian Tribal Governments as outlined in Public Law 100-472.

Resolution #5-19-89-D (Continued)

BE IT FURTHER RESOLVED, that Public Law 100-472 allows tribal governments to seek United States District Court relief to force agents of the United States to act as related to this federal statute, an action the Oneida Tribe of Indians of Wisconsin would reluctantly pursue.

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin formally requests both the Bureau of Indian Affairs and Indian Health Service take immediate steps to implement Public Law 100-472 regulations by August 1, 1989.

B. REQUESTS:

1. Bingo Pass Requests:
 - a) 3 for Oneida Fitness Center - Chris Charlier
 - b) 12 for Oneida Tutoring Program - Doug Kindness

Rick Hill moved to approve both bingo pass requests, Kathy Hughes seconded. Motion carried.

2. Commission On Aging Concerns - Deferred
3. Approval of Conservation Board By-Laws

Ernie Stevens moved to approve, Larry Barton seconded. Motion carried.

4. Request June 9, for BC & Floyd Easternman
for Update on Milwaukee Museum Project - Ken Metoxen

Floyd Easternman request to give presentation to Business Committee on June 9, and to the community in the evening on the Rain Forest display at the Milwaukee Museum. Rick Hill moved to approve, Lloyd Powless seconded. Motion carried.

C. CONTRACTS/AGREEMENTS

1. Walmart Shopping Center - Bruce King

Ernie Stevens moved to conditionally approve the Walmart sub-lease subject to the adoption of a Resolution by the Business Committee and the insertion of Articles 6, 7 & 14 of the Master Ground Lease. Amelia Cornelius seconded. Motion carried.

- 1a. Request to change Article 11 of the Master Ground Lease

"Each subleasee shall agree in writing to be bound by each and all conditions of this lease" Remove previous sentence and replace with "Lessor reserves the right to exempt any subleasee from certain terms, covenants, and/or conditions of the Master Ground Lease."

Rick Hill moved to approve the substitute sentenced in the Contract, ernie Stevens seconded. Motion carried.

CONTRACTS/AGREEMENTS (Continued)

2. Oneida Burial Ordinance - Mark Powless

Kathy McLester requested a General Tribal Council to designate the Pierre Property as a Burial Site.

Larry Barton moved to designate the Pierre Property as a burial site, Kathy Hughes seconded. Motion carried.

WHEREAS, the Oneida Business Committee deems its responsibility to and for the Oneida Tribal membership to set aside land for the collective use of its membership, and

WHEREAS, the General Tribal Council requires the establishment of a Land Committee to be responsible for the land within the Reservation boundaries, and

WHEREAS, the Land Committee has maintained responsibility and the authority to make recommendation to the Oneida Business Committee, and

NOW, THEREFORE BE IT RESOLVED: that the attached Oneida Burial Ordinance is hereby adopted and that said Ordinance shall supersede all previous Oneida Burial Ordinances and amendments thereto.

Rick Hill moved to adopt Resolution #5-19-89-E and the Burial Ordinance. Amelia Cornelius seconded. Motion carried.

Marge Stevens apologized for her anger but not her words from the previous night's meeting.

Larry Barton moved to have the Planning Office request for 3 bids for survey of the Pierre Property for burial plot sites within 30 days, Ernie Stevens seconded. Motion carried.

3. Fireworks Ordinance for information and request for adoption at May 25, 1989 meeting.

D. TRAVEL/VACATION

1. Travel: Jerry L. Hill to Oklahoma City for Sovereignty Symposium May 30, 31, and June 1, 1989. Larry Barton moved to approve, Amelia Cornelius seconded. Kathy Hughes & Ernie Stevens abstained. Motion carried.
2. Vacation: Rick Hill ½ day 5/19/89. Lloyd Powless moved to approve, Kathy Hughes seconded. Rick Hill abstained. Motion carried.
3. Vacation: Amelia Cornelius - 5/23/89. Rick Hill moved to approve, Kathy Hughes seconded, Amelia Cornelius abstained. Motion carried.
4. Vacation: Purcell Powless - 5/22-25/89. Rick Hill moved to approve, Amelia Cornelius seconded. Motion carried.
5. Travel: Loretta Metoxen to attend EPA meeting in Washington, on May 22 & 23, 1989. Rick Hill moved to approve, Larry Barton seconded. Motion carried.
6. Travel: Lloyd Powless to Milwaukee for WAC Board Meeting on May 24, 1989. Kathy Hughes moved to approve, Ernie Stevens seconded. Lloyd Powless abstained. Motion carried.

VII. OTHER

- 1) STA letter used in classroom in Green Bay Schools.

Rick Hill moved to have Attorney Hill respond to the issues and that the letter be sent to the Superintendent of the Department of Public Instruction, Green Bay School District, and West DePere Schools. Kathy Hughes seconded. Motion carried.

- 2) Resolution #5-19-89-F Gamma Contract - Attorney Hill

WHEREAS, the Oneida Tribe contracted on September 9, 1988, with GAMMA International, Ltd., to provide services related to the transmission of a live bingo game via satellite which is interconnected with other Indian tribes to conduct the same game simultaneously, and

WHEREAS, the game known as MILLION DOLLAR MEGA BINGO has benefitted the Oneida Tribe and which the Oneida Tribe will continue to conduct pursuant to its duly enacted laws, and

WHEREAS, GAMMA has requested the execution of a standardized contract entitled "Integrated Gaming Services Agreement", a copy of which is here attached, to facilitate necessary review and approvals of the United States Department of the Interior, B.I.A. and the National Indian Gaming Commission pursuant to the Indian Gaming Regulatory Act of 1988, (P.L. 100-497), and

WHEREAS, the terms of the Integrated Gaming Services Agreement includes all terms protective of the Oneida Tribe, its sovereignty, its resources which were included into the present existing contract, and

WHEREAS, the Oneida Business Committee is authorized to conduct the business of the Oneida Tribe and enter into agreements that will benefit the Oneida Tribe pursuant to the Oneida Constitution, Article IV, Section 1, as amended, and

WHEREAS, it is the desire of the Oneida Tribe to assist GAMMA in expediting approval of the Integrated Gaming Services Agreement.

NOW, THEREFORE BE IT RESOLVED: that the Oneida Business Committee empowered by the Oneida Constitution and the Oneida General Tribal Council, hereby agrees and contracts, pursuant to the terms and provisions of the attached Integrated Gaming Services Agreement, with the GAMMA Corporation to conduct live satellite bingo on the Oneida Indian Reservation under the laws of the Oneida Tribe and consistent with the Indian Gaming Regulatory Act of 1988 (P.L. 100-497)

Kathy Hughes moved to adopt Resolution #5-19-89-F approving the contract with Gamma. Lloyd Powless seconded. Motion carried. Amelia Cornelius abstained.

3. John Spangberg informed the Committee of a meeting on June 1, 1989 at 10:00 a.m. with Yates and Arberl

4. Alan Doxtator Request

Alan Doxtator requests to establish an alternative method or option for the tribal retirement plan. He was directed to develop a plan for submission and to work with the Investment Committee.

5. Criminal Case

Attorney Hill reported on a criminal case pending against a tribal member charged with fraud and the need to grant a request for case by case release of tribal information.

Amelia Cornelius moved to direct Attorney Hill to develop a policy for the Business Committee to review regarding the request for release of tribal information. Rick Hill seconded. Motion carried.

VIII. EXECUTIVE SESSION

1. Bingo Investigative Committee:

Present: Debbie Doxtator, Jerry M. Hill, Attorney Skenandore, Artley Skenandore, Ron Sommers, Winifred Thomas, Alan King.


Out of Session. Kathy Hughes moved to appoint Jim Danforth to the committee, Amelia Cornelius seconded. Rick Hill moved to table the appointment, Ernie Stevens seconded. Motion carried.

Request a special General Tribal Council meeting for the Commission report and the Work Release Program Report.

Request to send letter to local community informing them of the Commission.

IX. RECESS/ADJOURN

Motion to recess, seconded and carried.


Amelia Cornelius, Tribal Secretary
Oneida Business Committee