



Oneida Business Committee

Executive Session
9 a.m. Tuesday, June 9, 2015
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
9 a.m. Wednesday, June 10, 2015
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

To get a copy of the agenda, go to: <http://oneida-nsn.gov/>

- I. Call to Order and Roll Call**
- II. Opening**
- III. Adopt the agenda**
- IV. Oaths of Office**
 - A. Oneida Arts Board** – Sylvia Cornelius
 - B. Oneida Election Board** – Lori Elm
 - C. Oneida Environmental Resource Board** – Tom Oudenhoven and Richard Baird
 - D. Oneida Personnel Commission** – Patricia Denny and Sharon Alvarez
 - E. Oneida Powwow Committee** – Worden Shane Webster
- V. Minutes**
 - A. Approve May 27, 2015 regular meeting minutes**
 - B. Approve May 29, 2015 special meeting minutes**
- VI. Resolutions**
 - A. Adopt resolution titled Amending Quality of Life Standing Committee Charter**
Sponsor: Fawn Billie, Councilwoman
 - B. Adopt resolution titled Resolution for Wellness**
Sponsor: Fawn Billie, Councilwoman
 - C. Adopt resolution titled Investigative Leave Policy Amendments**

Sponsor: Brandon Stevens, Councilman

VII. Appointments (No Requested Action)

VIII. Standing Committees

A. Legislative Operating Committee

Sponsor: Councilman Brandon Stevens, Chair

1. **Accept Legislative Operating Committee meeting minutes of May 20, 2015**
2. **Approve the creation of administrative court and endorse letter of co-operation**

B. Finance Committee

Sponsor: Treasurer Trish King, Chair

1. **Approve Finance Committee meeting minutes of June 1, 2015**

C. Community Development Planning Committee (No Requested Action)

D. Quality of Life (No Requested Action)

IX. General Tribal Council

A. Petitioner Madelyn Genskow: Request Saturday meeting to address 4 resolutions

Sponsor: Lisa Summers, Tribal Secretary

Excerpt from April 22, 2015: Lisa Summers to accept the legal analyses for resolution #3, regarding Boards, Committees, and Commissions and resolution #4 regarding Elder Home Repair and to allow an additional 30 days for the Finance office to complete their analyses, seconded by Fawn Billie. Motion carried unanimously

Excerpt from March 25, 2015: (1) Motion by Melinda J. Danforth to accept the legal opinion for the budget development portion of the petition, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the legal opinion for the swimming lessons portion of the petition, seconded by Tehassi Hill. Motion carried unanimously.

Excerpt from February 22, 2015: Motion by Lisa Summers to accept the legislative analysis and provide an additional sixty (60) days for the Law and Finance offices to submit the appropriate analyses, seconded by Tehassi Hill. Motion carried unanimously:

Excerpt from January 28, 2015: Motion by Tehassi Hill to accept the status update from the Legislative Reference Office, seconded by Jennifer Webster. Motion carried unanimously.

Excerpt from December 10, 2014: Motion by Lisa Summers to accept the verified petition submitted by Madelyn Genskow, to send the petition to the Law, Finance and Legislative Reference offices to begin work on the appropriate analyses, and that a progress report be submitted in 30 days, seconded by Jenny Webster. Motion carried unanimously.

B. Petitioner Madelyn Genskow: Special GTC meeting to address three resolutions

Sponsor: Brandon Stevens, Councilman

Excerpt from April 8, 2015: Motion by Jennifer Webster to accept the verified petition submitted by Madelyn Genskow; to send the verified petition to the Law, Finance, Legislative Reference and Direct Report offices for the legal, financial, legislative and administrative analyses to be completed; to direct the Law, Finance, and Legislative Reference offices to submit the analyses to the Tribal Secretary's office within 60 days, and that a progress report is submitted in 45 days; to direct the Direct Report offices to submit the appropriate administrative analyses to the Tribal Secretary's office within 30 days, seconded by Lisa Summers.

X. Unfinished Business *(No Requested Action)***XI. Tabled Business** *(No Requested Action)***XII. New Business****A. Approve the reallocation of Special Projects funds**

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

B. Approve Business Committee SOP titled Conducting Electronic Voting (E-Polls)

Sponsor: Lisa Summers, Tribal Secretary

XIII. Travel**A. Travel Reports** *(No Requested Action)***B. Travel Requests****1. Procedural exception: Travel and Expense Policy for up to 10 attendees – 2015 Special Election – Milwaukee, WI – July 10-12, 2015**

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

XIV. Reports *(This section of the agenda is scheduled to at 1:30 p.m.)***A. Operational Reports****1. Internal Services Division FY '15 2nd quarter report¹** – Joanie Buckley, Division Director/ISD**2. Organizational Development FY '15 2nd quarter report** – Melanie Burkhart, Organizational Development Specialist**3. Self-Governance FY '15 2nd quarter report** – Chis Johns, Self-Governance Coordinator *(No report submitted)***B. Corporate Reports****1. Oneida Airport Hotel Corporation FY '15 2nd quarter report** – Janice Skenandore-Hirth, Chairwoman

Liaison: Trish King, Tribal Treasurer

2. Oneida Golf Enterprise Corporation FY '15 2nd quarter report – Janice Skenandore-Hirth, Agent

Liaison: Trish King, Tribal Treasurer

3. Bay Bancorporation Inc. FY '15 2nd quarter report – Jeff Bowman, President *(No report submitted)*

Liaison: Tina Danforth, Tribal Chairwoman

4. Oneida Total Integrated Enterprises FY '15 2nd quarter report – William “Butch” Rentmeester, Chairman

Liaison: Tehassi Hill, Councilman

¹ Internal Services Division FY '15 2nd quarter report is due at the next Business Committee meeting, but is being presented early due to scheduling conflicts.

5. **Oneida Engineering Science & Construction Group, LLC FY '15 2nd quarter report** – Jacquelyn Zalim, Chairwoman
Liaison: Tehassi Hill, Councilman
6. **Oneida Seven Generations Corporation FY '15 2nd quarter report** – Pete King, King Solutions LLC
Liaison: Tina Danforth, Tribal Chairwoman

C. Boards Committees and Commissions

1. **Oneida Election Board FY '15 2nd quarter report²** – Lori Elm, Chairwoman
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman
Excerpt from May 27, 2015: Motion by Jennifer Webster to defer the Oneida Election Board FY '15 2nd quarter report to the next Business Committee meeting, seconded by David Jordan. Motion carried unanimously.
2. **Oneida Land Claims Commission FY '15 2nd quarter report** – Amelia Cornelius, Chairwoman (*No report submitted*)
Liaison: Brandon Stevens, Councilman
Excerpt from May 27, 2015: Motion by Jennifer Webster to defer the Oneida Land Claims Commission FY '15 2nd quarter report back to the Land Claims Commission and for the Land Claims Commission to report on their activities from January 1, 2015-March 31, 2015, as it is not contained within the report, seconded by Lisa Summers. Motion carried unanimously.

XV. **Executive Session**

A. Reports

1. **Oneida Airport Hotel Corporation FY '15 2nd quarter report** – Janice Skenandore-Hirth, Chairwoman
Liaison: Trish King, Tribal Treasurer
2. **Oneida Golf Enterprise Corporation FY '15 2nd quarter report** – Janice Skenandore-Hirth, Agent
Liaison: Trish King, Tribal Treasurer
3. **Bay Bancorporation Inc. FY '15 2nd quarter report** – Jeff Bowman, President (*No report submitted*)
Liaison: Tina Danforth, Tribal Chairwoman
4. **Oneida Total Integrated Enterprises FY '15 2nd quarter report** – William “Butch” Rentmeester, Chairman
Liaison: Tehassi Hill, Councilman
5. **Oneida Engineering Science & Construction Group, LLC FY '15 2nd quarter report** – Jacquelyn Zalim, Chairwoman
Liaison: Tehassi Hill, Councilman
6. **Oneida Seven Generations Corporation FY '15 2nd quarter report** – Gene Keluche, Sagestone Management LLC (*This item is scheduled for 2:00 p.m.*)
Liaison: Tina Danforth, Tribal Chairwoman

² The Oneida Election Board FY '15 2nd quarter report was due at the May 13, 2015, regular Business Committee meeting and was inadvertently left off the agenda.

7. Chief Counsel report – Jo Anne House, Chief Counsel

B. Audit Committee

Sponsor: Councilman Tehassi Hill, Chair

1. Approve Audit Committee meeting minutes of April 9, 2015

C. Unfinished Business

1. Accept Intergovernmental Affairs and Communications recommendation regarding State Legislation AB215

Sponsor: Lisa Summers, Tribal Secretary

Excerpt from May 27, 2015: *Motion by Lisa Summers that the Law Office and the Intergovernmental Affairs and Communications department work together to provide a recommendation on whether or not to support State Legislation AB215 and for the recommendation to be brought back for the June 10, 2015, Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.*

2. Review complaint re: SEOTS Advisory Board dated May 10, 2015

Sponsor: Tina Danforth, Tribal Chairwoman

Excerpt from May 27, 2015: *Motion by Melinda J. Danforth to defer this complaint to the next Business Committee meeting with the Tribal Secretary continuing to follow up with the complainant to obtain additional information, seconded by David Jordan. Motion carried unanimously.*

3. Review jurisdictional issue

Sponsor: Jo Anne House, Chief Counsel

Excerpt from May 27, 2015: **(1)** *Motion by Lisa Summers to defer this item to the next Business Committee meeting and for the Law Office to bring back a recommendation on how to proceed, seconded by Tehassi Hill. Motion carried unanimously.* **(2)** *Motion by Melinda J. Danforth to direct the Law Office to send correspondence to the Department of Public Works, the Division of Land Management and the Development Division clarifying the responsibilities of the Tribe to maintain the Site I roads, seconded by Fawn Billie. Motion carried unanimously.*

D. Tabled Business (No Requested Action)

F. New Business

1. Approve 54 new enrollments

Liaison: Brandon Stevens, Councilman

2. Approve of letter of engagement for Baker Tilly Virchow Krause LLP # 2015-0459

Sponsor: Larry Barton, Chief Financial Officer

3. Approve plan services and fee agreement for The Retirement Advantage # 2015-0494

Sponsor: Larry Barton, Chief Financial Officer

4. Request to release executive session document

Sponsor: Lisa Summers, Tribal Secretary

5. Approve 2015 performance evaluation process for direct reports to the Business Committee

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

- 6. Approve the Pardon and Forgiveness Screening Committee recommendation for Jeremy Wheelock**
Sponsor: Lisa Summers, Tribal Secretary
- 7. Approve the Pardon and Forgiveness Screening Committee recommendation for Kelly Braaten**
Sponsor: Lisa Summers, Tribal Secretary
- 8. Approve the Pardon and Forgiveness Screening Committee recommendation for Richard Guyette**
Sponsor: Lisa Summers, Tribal Secretary
- 9. Approve the Pardon and Forgiveness Screening Committee recommendation for Robert Mills**
Sponsor: Lisa Summers, Tribal Secretary

XVI. Adjourn

Posted on the Tribe's official website, www.oneida-nsn.gov, at 4:30 p.m., Friday, June 5, 2015, pursuant to the Open Records and Open Meetings Law, section 7.17-1. For additional information, please call the Business Committee Support Office at (920) 869-4364.

The meeting packet of the open session materials for this meeting is available to Tribal members by going to the Members-Only section of the Tribe's official website at: www.oneida-nsn.gov/MembersOnly For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Sylvia Cornelius to the Oneida Arts Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting for the Oneida Arts Board was in the April 2, 2015 issue of the Kalihwisaks for three (3) vacancies for a three (3) year term with the deadline of April 17, 2015. There was one (1) applicant for the three (3) vacancies on the Oneida Arts Board. The appointment was made on the May 13, 2015 BC Agenda.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office for Lori Elm to the Oneida Election Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting for the Oneida Election Board was in the April 2, 2015 issue of the Kalihwisaks for one (1) vacancy to finish a term until 8/14/17 with the deadline of May 8, 2015. There were four (4) applicants for the one (1) vacancy on the Oneida Election Board. The appointment was made on the May 27, 2015 BC Agenda.

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Tom Oudenhoven and Richard Baird to the Environmental Resource Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting was in the February 5, 2015 issue of the Kalihwisaks for four (4) vacancies on the Environmental Resource Board for a three (3) year term with the deadline of March 6, 2015. There were six (6) applicants for the four (4) vacancies on the Environmental Resource Board. On April 22, 2015 Nicole Steeber and Gerald Jordan were appointed and Dakota Webster and Gerald Cornelius were put on hold until the Chair met with the board. On May 11, 2015 the Chair met with the board and came to an agreement. At the May 27, 2015 BC meeting the recommendation of Dakota Webster and Gerald Cornelius were denied and Tom Oudenhoven and Richard Baird were appointed.

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office for Patricia Denny and Sharon Alvarez to the Oneida Personnel Commission.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The original posting for the Oneida Personnel Commission was in the February 5, 2015 issue of the Kalihwisaks for two (2) vacancies for 5 year terms with the deadline of March 6, 2015. Due to an error in the posting it was reposted with the deadline of April 17, 2015. There were twelve (12) applicants for the two (2) vacancies on the Oneida Personnel Commission. The appointment was made on the May 27, 2015 BC Agenda.

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Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office for Worden Shane Webster to the Oneida Pow Wow Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Kathleen M. Metoxen, Executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting for the Oneida Pow Wow Committee was in the April 2, 2015 issue of the Kalihwisaks for one (1) vacancy for 3 year term with the deadline of May 8, 2015. There were six (6) applicants for the one (1) vacancy on the Oneida Pow Wow Committee. The appointment was made on the May 27, 2015 BC Agenda.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve May 27, 2015 regular meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="May 27, 2015 regular meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee**

Executive Session
8 a.m. Tuesday, May 26, 2015
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
9 a.m. Wednesday, May 27, 2015
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes - DRAFT**EXECUTIVE SESSION**

Present: Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

Not Present: Chairwoman Tina Danforth;

Arrived at: ;

Others present: Jim Bittorf, Louise Cornelius, Chad Fuss, Larry Barton, Michele Doxtator, Becky Webster;

REGULAR MEETING

Present: Chairwoman Tina Danforth, Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Jennifer Webster;

Not Present: ;

Arrived at: Brandon Stevens at 9:00 a.m.;

Others present: Beverly Skenandore, Brad Graham, Bill Graham, Laura Manthe, Tim Ninham, Cletus Ninham, Pat Moore, Debbie Reiter-Mehojah, Jack Mehojah, Debbie Danforth, Anita Barber, Louis Mehojah, Pat Pelky, Leyne Orosco, Leanne Doxtator, Stacie Danforth, Jeff Witte, Dale P Wheelock, Michelle Hill, Michele Doxtator, Cathy Bachhuber;

I. Call to Order and Roll Call by Chairwoman Tina Danforth at 8:56 a.m.

II. Opening by Councilman Tehassi Hill

III. Adopt the agenda

Motion by Tehassi Hill to adopt the agenda with two changes (to add agenda item XV.C.2. Approve All Points Intel LLC contract # 2015-0353 and to delete agenda item XV.E.3. Support Gaming General Manager decision for additional duties pay and approve procedural exception for retro-active additional duties pay) and noting the scheduled times for two items (agenda item VIII.C.1. Approve the 2015 Comprehensive Housing Plan, including Neighborhood Development Plan with Infrastructure Budget [scheduled at 11:00 a.m.] and agenda item X.A. Accept Highway 54 One-Stop update [scheduled at 1:30 p.m.]), seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

IV. Oaths of Office administered by Secretary Lisa Summers

A. Oneida Environmental Resource Board – Nicole Steeber

DRAFT

- B. Anna John Resident Centered Care Community Board** – Patricia Moore
- C. Oneida Child Protective Board** – Beverly Skenandore
- D. Oneida Police Department** – Rochel Smith, Cletus Ninham, and Justine Mehojah

V. Minutes**A. Approve May 7, 2015 emergency meeting minutes**

Motion by Melinda J. Danforth to approve the May 7, 2015 emergency meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

B. Approve May 13, 2015 regular meeting minutes

Motion by David Jordan to approve the May 13, 2015 regular meeting minutes, seconded by Melinda J. Danforth. Motion carried with one abstention:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers

Abstained: Jennifer Webster

VI. Resolutions**A. Adopt resolution titled Marriage Law Amendments**

Sponsor: Brandon Stevens, Councilman

Motion by Brandon Stevens to adopt resolution 05-27-15-A Marriage Law Amendments, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

VII. Appointments**A. Appoint Dakota Webster and Gerald Cornelius to the Oneida Environmental Resource Board**

Sponsor: Tina Danforth, Tribal Chairwoman

Excerpt from April 22, 2015: Motion by Trish King to appoint Gerald Jordan and Nicole Steeber to the Environmental Resource Board and defer the other recommendations back to the Tribal Chairwoman's office to work with the Environmental Resource Board on a recommendation for the Oneida Business Committee's final approval, seconded by Brandon Stevens. Motion carried with one opposed and one abstention.

Motion by David Jordan to accept the Chair's recommendation and appoint Dakota Webster and Gerald Cornelius to the Oneida Environmental Resource Board, seconded by Melinda J. Danforth. Second of motion withdrawn by Melinda J. Danforth. Motion seconded by Brandon Stevens. Motion failed with six opposed:

Ayes: David Jordan, Brandon Stevens
 Opposed: Fawn Billie, Melinda J. Danforth, Tehassi Hill, Trish King, Lisa Summers, Jennifer Webster

Motion by David Jordan to appoint Tom Oudenhoven and Richard Baird to the Environmental Resource Board, seconded by Jennifer Webster. Motion carried with two abstentions:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, Trish King, Brandon Stevens, Jennifer Webster
 Abstained: David Jordan, Lisa Summers

B. Appoint Patricia Denny and Sharon Alvarez to the Oneida Personnel Commission

Sponsor: Tina Danforth, Tribal Chairwoman

DRAFT

Excerpt from May 13, 2015: Motion by David Jordan to defer this item to the next regular Business Committee meeting and to direct the Tribal Secretary to bring back a report regarding the postings and questions that Mr. Graham has, seconded by Fawn Billie. Motion carried unanimously.

Motion by Lisa Summers to accept the recommendation of the Chair and appoint Patricia Denny and Sharon Alvarez to the Oneida Personnel Commission, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Chairwoman Tina Danforth departs at 9:27 a.m.; Vice-Chairwoman Melinda J. Danforth assumes responsibilities of the Chair.

1. Report on vacancy posting

Sponsor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to accept the report from the Secretary's Office as information and to request the LOC to make the necessary policy amendments to the Comprehensive Policy Governing Boards, Committees and Commissions to address this issue, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

C. Appoint Lori Elm to the Oneida Election Board

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to appoint Lori Elm to the Oneida Election Board, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

D. Appoint Worden Shane Webster to the Oneida Pow Wow Committee

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by David Jordan to appoint Worden Shane Webster to the Oneida Pow Wow Committee, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

VIII. Standing Committees**A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

1. Accept Legislative Operating Committee meeting minutes of May 6, 2015

Motion by David Jordan to accept the Legislative Operating Committee meeting minutes of May 6, 2015, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

B. Finance Committee

Sponsor: Treasurer Trish King, Chair

1. Approve Finance Committee meeting minutes of May 18, 2015

DRAFT

Motion by David Jordan to approve the Finance Committee meeting minutes of May 18, 2015, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers, Jennifer Webster
Not Present: Tina Danforth

C. Community Development Planning Committee

Sponsor: Vice-Chairwoman Melinda J. Danforth, Chair

1. Approve the 2015 Comprehensive Housing Plan, including Neighborhood Development Plan with Infrastructure Budget (Scheduled at 11:00 a.m. on 5/27/15)

Motion by Melinda J. Danforth to support the Neighborhood Development Plan concept, with the understanding that the reorganization portion of the concept be moved to the Business Committee's reorganization work meetings, and that the \$800,000 FY-14 CIP dollars be supported in the FY-16 budget, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King,
Brandon Stevens, Lisa Summers, Jennifer Webster

D. Quality of Life

Sponsor: Councilwoman Fawn Billie, Chair

1. Change Quality of Life standing meeting schedule

Motion by David Jordan to change Quality of Life standing meeting schedule as requested, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers, Jennifer Webster
Not Present: Tina Danforth

IX. General Tribal Council**A. Approve Semi-Annual meeting packet for July 6, 2015**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to defer the approval of the Semi-Annual meeting packet for July 6, 2015, to a special Business Committee meeting on May 29, 2015, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers, Jennifer Webster
Not Present: Tina Danforth

Treasurer Trish King departs at 9:55 a.m.

B. Petitioner Frank Cornelius: Special GTC meeting to address four resolutions

Sponsor: Brandon Stevens, Councilman

Excerpt from May 13, 2015: (1) Motion by Trish King to acknowledge receipt of the petition submitted by Frank Cornelius, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Trish King to send the verified petition to the Law, Finance, Legislative Reference and Direct Report Offices for legal, financial, legislative and administrative analyses to be completed; to direct the Law, Finance and Legislative Offices to submit the analyses to the Tribal Secretary within 60 days and a that a progress report is submitted in 45 days, seconded by David Jordan. Motion carried unanimously. (3) Motion by David Jordan to direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary within 30 days, seconded by Trish King. Motion carried unanimously.

Motion by David Jordan to direct the Tribal Secretary to reach out to Petitioner Frank Cornelius to request the four resolutions mentioned in the petition be submitted in 30 days, seconded by Lisa Summers. Motion carried unanimously:

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Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers, Jennifer Webster
 Not Present: Tina Danforth, Trish King

Treasurer Trish King returns at 9:57 a.m.

X. Unfinished Business**A. Accept Highway 54 One-Stop update (Scheduled at 1:30 p.m. on 5/27/15)**

Sponsor: Michele Doxtator, Retail Profit Area Manager

Excerpt from May 13, 2015: Motion by Melinda J. Danforth to request the Retail Manager to provide an update on the Highway 54 One-Stop project, specifically on the over-budget allocation and how they are going to come into compliance with the General Tribal Council motion, and that the update is brought to the next Business Committee meeting in open session, seconded by Trish King. Motion carried unanimously.

Motion by David Jordan to defer this item to the next Business Committee meeting in order to get more information from the project team. Motion withdrawn.

Motion by Lisa Summers accept the update as information and this item continue to be placed on the CDPC agenda for further dialogue and updates with the CDPC team, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
 Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

XI. Tabled Business (No Requested Action)**XII. New Business****A. Set 2015 Special Election date**

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by David Jordan for retroactive approval of the provided Special Election schedule for the 2015 Special Election held July 11, 2015, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster
 Not Present: Tina Danforth

Chairwoman Tina Danforth returns at 10:11 a.m. and resumes the responsibilities of the Chair.

B. Approve funding for creation of lacrosse field(s)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Jennifer Webster to approve the creation of the lacrosse fields and for the requestor to continue to work with Pat Pelky, Division Director/DOLM, seconded by David Jordan. Motion withdrawn.

Motion by Jennifer Webster to support the concept of the creation of the lacrosse fields, to defer the request to Land Commission and for the requestor to continue to work with Pat Pelky, Division Director/DOLM, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

XIII. Travel**A. Travel Reports****1. Tribal Chairwoman Tina Danforth – NAFOA – Austin, TX – Apr. 19-22, 2015**

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Motion by Melinda J. Danforth to accept the travel report for Tribal Chairwoman Tina Danforth – NAFOA – Austin, TX – Apr. 19-22, 2015, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

2. Tribal Chairwoman Tina Danforth – NIGA – San Diego, CA – Mar. 30-Apr. 2, 2015

Motion by Lisa Summers to accept the travel report for Tribal Chairwoman Tina Danforth – NIGA – San Diego, CA – Mar. 30-Apr. 2, 2015, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

3. Tribal Chairwoman Tina Danforth – MAST Impact Week – Washington DC – Mar. 8-11, 2015

Motion by Melinda J. Danforth to accept the travel report for Tribal Chairwoman Tina Danforth – MAST Impact Week – Washington DC – Mar. 8-11, 2015, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

4. Councilman Tehassi Hill – 2014 Tribal Environmental Program Management Conference – Chicago, IL – Apr. 6-9, 2015

Motion by Jennifer Webster to accept the travel report for Councilman Tehassi Hill – 2014 Tribal Environmental Program Management Conference – Chicago, IL – Apr. 6-9, 2015, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

5. Tribal Secretary Lisa Summers – CACIC Conference – Carlton, MN – Apr. 27-30, 2015

Motion by David Jordan to accept the travel report for Tribal Secretary Lisa Summers – CACIC Conference – Carlton, MN – Apr. 27-30, 2015, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

B. Travel Requests

1. Procedural exception: Travel and Expense Policy for 4 attendees – ECS User Conference – Madison, WI – July 14-16, 2015

Sponsor: Debbie Danforth, Division Director/Medical Operations

Motion by Melinda J. Danforth to approve the procedural exception to the Travel and Expense Policy for 4 attendees – ECS User Conference – Madison, WI – July 14-16, 2015, seconded by Jennifer Webster.

Motion carried with one opposed:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers, Jennifer Webster

Opposed: Trish King

2. Tribal Vice-Chairwoman Melinda J. Danforth and Secretary Lisa Summers – 4th Annual Partners in Action – Baraboo, WI – Jun. 22-25, 2015

Motion by Jennifer Webster to approve the travel request for Tribal Vice-Chairwoman Melinda J. Danforth, Secretary Lisa Summers and a third traveler, if needed, to attend – 4th Annual Partners in Action – Baraboo, WI – Jun. 22-25, 2015, seconded by Lisa Summers. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Abstained: Melinda J. Danforth

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Motion by Lisa Summers to recess at 11:37 a.m. and to reconvene at 1:30 p.m., seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

XIV. Reports (This section of the agenda is scheduled to begin following item X.A)

Called to order by Vice-Chairwoman Melinda J. Danforth at 1:31 p.m.

Chairwoman Tina Danforth, Councilmembers Brandon Stevens and Fawn Billie are not present.

A. Operational Reports (No Requested Action)**B. Corporate Reports (No Requested Action)**

Councilman Tehassi Hill departs at 1:53 p.m.

C. Boards Committees and Commissions**1. Oneida Election Board FY '15 2nd quarter report¹ – Lori Elm, Chairwoman**

Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Jennifer Webster to defer the Oneida Election Board FY '15 2nd quarter report to the next Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

Ayes: David Jordan, Trish King, Jennifer Webster

Opposed: Lisa Summers

Not Present: Fawn Billie, Tina Danforth, Tehassi Hill, Brandon Stevens

For the record: I opposed because the reporting schedule for all the Boards, Committees, and Commissions go out at the same time to all of the Boards, Committees, and Commissions and regardless if there's a changeover in leadership, we've provided that information to each Board, Committee, and Commission timely and appropriately.

Councilman Tehassi Hill returns at 1:55 p.m.

Motion by Lisa Summers for the liaison to a notice to the Election Board reminding them that the reporting schedule has been provided to them and that while we understand the circumstances, they still have a responsibility to get their report submitted timely, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster

Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

2. Oneida Nation School Board FY '15 2nd quarter report – Debra Danforth, Chairwoman

Liaison: Fawn Billie, Councilwoman

Motion by David Jordan to accept the Oneida Nation School Board FY '15 2nd quarter report, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster

Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

3. Oneida Land Claims Commission FY '15 2nd quarter report – Amelia Cornelius, Chairwoman

Liaison: Brandon Stevens, Councilman

¹ The Oneida Election Board FY '15 2nd quarter report was due at the May 13, 2015, regular Business Committee meeting and was inadvertently left off the agenda.

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Motion by Jennifer Webster to defer the Oneida Land Claims Commission FY '15 2nd quarter report back to the Land Claims Commission and for the Land Claims Commission to report on their activities from January 1, 2015-March 31, 2015, as it is not contained within the report, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

4. Oneida Land Commission FY '15 2nd quarter report – Amelia Cornelius, Chairwoman
Liaison: Tehassi Hill, Councilman

Motion by Lisa Summers to defer the Oneida Land Claims Commission FY '15 2nd quarter report to the June 24, 2015, Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

XV. Executive Session

A. Reports

1. Gaming General Manager report – Louise Cornelius, Gaming General Manager

Motion by Melinda J. Danforth to accept the Gaming General Manager report, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Motion by Melinda J. Danforth to send the policy regarding contracted employees to the June 2, 2015, Business Committee work meeting, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Melinda Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

2. Chief Counsel report – Jo Anne House, Chief Counsel

Motion by David Jordan to accept the Chief Counsel report and for the written report to be added to this meeting packet by the end of the day, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

3. Intergovernmental Affairs and Communications report – Nathan King, Director

Motion by Jennifer Webster to accept the Intergovernmental Affairs and Communications report, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Motion by Lisa Summers that the Law Office and the Intergovernmental Affairs and Communications department work together to provide a recommendation on whether or not to support State Legislation AB215 and for the recommendation to be brought back for the June 10, 2015, Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

4. Officers' report – Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Melinda J. Danforth to accept the Officers' report, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

B. Audit Committee (No Requested Action)

DRAFT**C. Unfinished Business****1. OSGC Agent and Corporate Charter**

Sponsor: Lisa Summers, Tribal Secretary

Excerpt from May 13, 2015: Motion by Trish King to accept the update and approve continued work on this item with the final work to be brought to the Business Committee on May 26 in executive session, seconded by Fawn Billie. Motion carried unanimously.

Excerpt from April 22, 2015: (1) Motion by Trish King to accept the report on the Oneida Seven Generations Corporation's Agent and Corporate Charter, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Jennifer Webster to direct the Tribal Secretary and Chief Counsel to follow-up on this, seconded by Trish King. Motion carried unanimously. (3) Motion by Jennifer Webster to direct the Law Office to oversee and have primary responsibility to manage this contract and report back at the next Oneida Business Committee regular meeting, seconded by Fawn Billie. Motion carried unanimously.

Motion by Lisa Summers to adopt resolution 05-27-15-B Adoption of Amendments to the Oneida Seven Generations Corporate Charter Limiting Purposes to Commercial Leasing Activities Only, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Motion by Lisa Summers to adopt resolution 05-27-15-C Appointment of Agent to Oneida Seven Generations Corporation and noting that this resolution replaces resolution BC-12-24-13-A, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Motion by Lisa Summers accept as information the letter dated May 18, 2015 and titled Notice of Ending of Agent Appointment made by Resolution BC-12-24-13-A Notice of Termination of Agent Agreement, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

2. Approve All Points Intel LLC contract # 2015-0353

Excerpt from May 13, 2015: Motion by Fawn Billie to defer All Points Intel LLC contract # 2015-0353 to the next Business Committee meeting, seconded by Melinda J. Danforth. Motion carried unanimously.

Motion by Melinda J. Danforth to approve the All Points Intel LLC contract # 2015-0353, seconded by David Jordan. Motion carried with one abstention:

Ayes: Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Abstained: Fawn Billie

D. Tabled Business**1. Approve Attorney Sweeny contract # 2015-0096**

Sponsor: Lisa Summers, Tribal Secretary

Excerpt from May 13, 2015: (1) Motion by Melinda J. Danforth to approve the Attorney Sweeny contract # 2015-0096 with a start date of May 13, 2015, and for the Oneida Personnel Commission to bring back any outstanding bills, from January 1, 2015 to present, to the Business Committee for consideration, seconded by Fawn Billie. Motion withdrawn. (2) Motion by Brandon Stevens to table this item, seconded by Fawn Billie. Motion carried unanimously.

Excerpt from April 08, 2015: Motion by Melinda J. Danforth to direct the Personnel Commission liaison, Tribal Secretary Summers, to contact the Personnel Commission regarding the alternative language addressing the retainer and the maximum contract amount, seconded by Trish King. Motion carried unanimously.

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Excerpt from March 25, 2015: Motion by Melinda J. Danforth to defer this item to the next regular Business Committee meeting and to direct Tribal Secretary, as the liaison to the Personnel Commission, to coordinate the answers to the questions that were given yesterday, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to approve the Attorney Sweeny contract #2015-0096 with an effective date of June 1, 2015, and with a maximum amount of \$14,000.00 for the remainder of the fiscal year, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Motion by Tehassi Hill to rescind the main motion, seconded by David Jordan. Motion carried, meeting the 2/3 requirement:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

Motion by Lisa Summers to take this item from the table, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

Motion by Tehassi Hill to approve the Attorney Sweeny contract #2015-0096 with an effective date of June 1, 2015 and with a maximum amount of \$14,000.00 for the remainder of the fiscal year, seconded by David Jordan. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

E. New Business**1. Approve one new enrollment**

Liaison: Brandon Stevens, Councilman

Motion by Fawn Billie to approve one new enrollment, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

2. Discuss potential changes to resolution BC-10-22-14-A

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Melinda J. Danforth to send this item to a Business Committee work meeting to develop solutions to the issues at hand, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

~~3. Support Gaming General Manager decision for additional duties pay and approve procedural exception for retro-active additional duties pay~~

~~Sponsor: Tina Danforth, Tribal Chairwoman~~

~~This item was deleted at the adoption of the agenda~~

4. Review complaint re: SEOTS Advisory Board dated May 10, 2015

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Melinda J. Danforth to defer this complaint to the next Business Committee meeting with the Tribal Secretary continuing to follow up with the complainant to obtain additional information, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

DRAFT**5. Land Claims update from Attorney Locklear (Scheduled at 12:00 p.m. on 5/26/15)**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Melinda J. Danforth to accept the update from Attorney Locklear and request Intergovernmental Affairs and Communications to proceed with option four as presented and develop and action plan to be brought back to the Business Committee in 30 days, seconded by Lisa Summers.

Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

6. Approve Karma Group contract # 2015-0472

Sponsor: Nathan King, Director/IGAC

Motion by Jennifer Webster to approve Karma Group contract # 2015-0472, seconded by Melinda J. Danforth. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

7. Approve LRO staff attorney contract # 2015-0478

Sponsor: Brandon Stevens, Councilman

Motion by Brandon Stevens to approve LRO staff attorney contract # 2015-0478 and amending the end date for the period of employment from "June 15, 2018" to "June 15, 2020", seconded by Fawn Billie.

Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

8. Review jurisdictional issue

Sponsor: Tehassi Hill, Councilman

Motion by Lisa Summers to defer this item to the next Business Committee meeting and for the Law Office to bring back a recommendation on how to proceed, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Motion by Melinda J. Danforth to direct the Law Office to send correspondence to the Department of Public Works, the Division of Land Management and the Development Division clarifying the responsibilities of the Tribe to maintain the Site I roads, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

9. Industrial Hemp Law update

Sponsor: Brandon Stevens, Councilman

Motion by Melinda J. Danforth to accept as information, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

10. Support new business development for Thornberry Creek at Oneida

Sponsor: Larry Barton, Chief Financial Officer

Motion by Lisa Summers to defer this item to the next Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

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XVI. Adjourn

Motion by Tehassi Hill to adjourn at 2:20 p.m., seconded by Lisa Summers. Motion carried unanimously:

Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens

Minutes prepared by Lisa Liggins, Executive Assistant
Minutes approved as presented/corrected on _____.

Lisa Summers, Tribal Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve May 29, 2015 special meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="May 29, 2015 special meeting minutes"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT

Oneida Business Committee



**Special Meeting
10 a.m. Friday, May 29, 2015
BC Conference Room, 2nd floor, Norbert Hill Center**

Minutes - DRAFT

SPECIAL MEETING

Present: Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Jennifer Webster;

Not Present: Chairwoman Tina Danforth;

For the record: Chairman Tina Danforth is on vacation.

Arrived at: ;

Others present: ;

I. Call to Order and Roll Call by Vice-Chairwoman Melinda J. Danforth at 10:04 a.m.

II. Opening by Tribal member Brian Doxtator

III. Adopt the agenda

Motion by Lisa Summers to adopt the agenda as presented, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

For the record: Melinda Danforth stated today we are celebrating the victory of Oneida Seven Generations and Green Bay Renewable Energy vs. The City of Green Bay. We won that case today at the Wisconsin State Supreme Court. The decision is out. Congratulations to everybody.

IV. Unfinished Business

A. Approve the Semi-Annual meeting packet for July 06, 2015

Sponsor: Lisa Summers, Tribal Secretary

Excerpt from May 27, 2015: Motion by Lisa Summers to defer the Semi-Annual packet July 06, 2015, to a special Business Committee meeting on May 29, 2015, seconded by Fawn Billie. Motion carried unanimously.

Motion by Brandon Stevens to include the late reports report in the semi-annual packet, seconded by David Jordan. Motion carried with two opposed:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens

Opposed: Lisa Summers, Jennifer Webster

Not Present: Tina Danforth

DRAFT

Motion by Jennifer Webster to include in the Tribal Secretary's cover memo, the following: 1) that there are late reports included in the packet and 2) that late reports will not be included in future packets, seconded by Lisa Summers. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
 Abstained: Brandon Stevens
 Not Present: Tina Danforth

Motion by Lisa Summers to send the issue of what to do with the entities that do not submit semi-annual reports to a Business Committee work meeting, seconded David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster
 Not Present: Tina Danforth

Motion by Brandon Stevens to approve the packet with the noted changes, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster
 Not Present: Tina Danforth

V. Travel**A. Travel Requests****1. Approve travel for Councilman Tehassi Hill – 2015 National Association of Distribution Programs on Indian Procedural Indian Reservations (NAFDPIR) Conference – Albuquerque, NM – June 14-19, 2015**

Motion by David Jordan to approve the travel request for Councilman Tehassi Hill to attend the 2015 National Association of Distribution Programs on Indian Procedural Indian Reservations (NAFDPIR) Conference – Albuquerque, NM – June 14-19, 2015, seconded Trish King. Motion carried with one abstention:

Ayes: Fawn Billie, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster
 Abstained: Tehassi Hill
 Not Present: Tina Danforth

2. Approve travel for Councilwoman Jennifer Webster – NIHSDA Tribal Leader Conference – Sacramento, CA – June 15-18, 2015 or Billings, MT – August 15-18, 2015

Motion by David Jordan to approve the partially grant-funded travel request for Councilwoman Jennifer Webster to attend NIHSDA Tribal Leader Conference – Sacramento, CA – June 15-18, 2015, seconded by Lisa Summers. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers
 Abstained: Jennifer Webster
 Not Present: Tina Danforth

VI. Adjourn

Motion by Lisa Summers to adjourn at 10:50 a.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster
 Not Present: Tina Danforth

DRAFT

Minutes prepared by Lisa Liggins, Executive Assistant
Minutes approved as presented/corrected on _____.

Lisa Summers, Tribal Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt resolution titled Amending Quality of Life Standing Committee Charter

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Quality of Life Charter"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Quality of Life Committee respectfully requests the approval of the Standing Committee charter.

The Quality of Life committee has met to amend the charter to help identify purpose, structure, rules and responsibilities. This charter has been reviewed and approved by the Law Office and replaces the charter adopted by resolution BC-06-08-11-E.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Tribe of Indians of Wisconsin



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



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 made possible.

BC Resolution _____ Amending the Quality of Life Standing Committee Charter

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and

WHEREAS, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

WHEREAS, the Oneida Business Committee adopted resolution # BC-6-8-11-E which created the Quality of Life Standing Committee and adopted the charter; and

WHEREAS, the Quality of Life Standing Committee has met and reviewed the charter and has approved requested amendments to the charter to be approved by the Oneida Business Committee; and

WHEREAS, the a standing committee is not subject to the Comprehensive Policy Governing Boards, Committees and Commissions;

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee approves the amendments to the Quality of Life Standing Committee Charter effective immediately.

Oneida Business Committee

Quality of Life Committee Charter

1. Purpose:

The Quality of Life Committee is a standing committee of the Oneida Business Committee that will have oversight responsibility of the following areas of the Tribe: Language and Culture, Health, Human Services and Public Safety. This oversight responsibility also extends to any board, committee, or commission related to these specific areas.

2. Structure:

- a. The Quality of Life Committee shall be comprised of four (4) OBC members appointed by the OBC. The Remaining 5 Business Committee members shall be ad hoc.
- b. Three (3) members shall make a quorum. A quorum is required at all meetings in order to be considered a formal meeting of the Quality of Life Committee.
- c. If necessary an ad hoc member can fill in for a regular member in order to meet the quorum.
- d. All decisions shall be made by majority vote.
- e. The Division Directors and Wellness Council along with their appropriate staff shall be directed to attend the Quality of Life Committee meetings with relevant agenda topics.

3. Responsibilities & Rules:

- a. The Quality of Life Committee is responsible for making policy recommendations to the Business Committee concerning those areas it has oversight responsibility for. The Business Committee will determine whether to accept the Quality of Life Committee's recommendations.
- b. The Quality of Life Committee will work with the Wellness Council to develop recommendations for the Business Committee's consideration.
- c. Quality of Life committee meetings will be held monthly with a prescribed agenda that will align with one or all four of the current OBC Strategic Directions:
 - Advancing On^yote?a.ka principles
 - Committing to build a responsible nation
 - Creating a positive organizational culture
 - Implementing "Good Governance" process
- d. Quality of Life Committee Rules: The purpose of these rules is to define the structure, purposes, and duties of the Quality of Life Committee, Standing Committee of the Business Committee.

- i. All matters pertaining to standing committee organization and membership and responsibilities shall be construed in favor of the declared will of the Business Committee in these rules, consistent with the intent in Article IV of the Oneida Tribe Constitution and the charter.
- ii. Coordinate all policy matters relating to the Quality of Life Committee in cooperation with any interested governmental agency.
- iii. Monitor activity and strategies with regards to areas of policy oversight assigned to this committee and align with Strategic Directions of the current Business Committee.
- iv. Make recommendations to the Business Committee for the Business Committee's consideration.

4. Process:

- a. Meeting shall be held on the second (2nd) Thursday of each month.
- b. The Quality of Life Chairperson's staff will prepare the meeting packets, minutes and track all issues.
- c. A list of business unit's representatives and a list of boards/committees/commissions will be provided by the Division Directors, Wellness Council and Quality of Life Committee respectively of who may participate in the Quality of Life Committee meetings.
- d. The Quality of Life Committee shall provide the OBC with the following at least once per month:
 - i. Meeting minutes
 - ii. Specific Action items from the Meeting minutes requiring OBC approval
 - iii. A report will be given to the OBC Quarterly

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 27 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Resolutions

[Text box containing "Resolutions"]

Accept as Information only

Action - please describe:

Request for Motion to adopt this resolution by the Oneida Business Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Fawn Billie, Council Member

[Text box containing "Fawn Billie, Council Member"]

Primary Requestor: Tina Ama, Oneida Health Promotion
Your Name, Title / Dept. or Tribal Member

[Text box containing "Tina Ama, Oneida Health Promotion"]

Additional Requestor: Name, Title / Dept.

[Empty text box]

Additional Requestor: Name, Title / Dept.

[Empty text box]

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Wellness Resolution is a product from the Wellness Council & the Quality of Life Committee. We are requesting this resolution be adopted by the Oneida Business Committee. The Wellness Resolution aligns with the strategic direction of Building a Responsible Nation by making wellness a priority. It also supports creating a Positive Organizational Culture by encouraging healthy eating and active living amongst our citizens.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

**Oneida Tribe of Indians of Wisconsin
Legislative Reference Office**

Lynn A. Franzmeier, Staff Attorney
Taniquele J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214

<https://oneida-nsn.gov/Laws>

Statement of Effect
Wellness Resolution

Summary

This Resolution allows the Oneida Wellness Council to seek opportunities and establish mechanisms to support individual, community and environmental efforts to improve the public's health by developing and implementing policies and practices that support and promote healthy eating and active living.

The Oneida Wellness Council will make efforts in supporting and promoting healthy eating and active living in accordance with standards set forth in the this Resolution. The Quality of Life Standing Committee is required to report to the Oneida Business Committee within one year of the adoption of this Resolution and report annually thereafter on steps taken to improve the public's health.

Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office

Analysis from Legislative Reference Office

The Oneida Business Committee (OBC) adopted BC Resolution # 10-12-11-A which authorized the Oneida Comprehensive Health Division to create and implement an Oneida Community/Employee Wellness Council (Council). The Quality of Life Standing Committee oversees the Council which consists of representatives from the Tribe, Oneida School Board, Oneida Nation Commission on Aging and an Oneida youth. The purpose of the Council is to oversee the wellness assessments, wellness action plans, healthy lifestyle activities, healthy lifestyle education, promoting physical activity and health food options in the workplace and in the community, policy development and the advancement of living a Holistic/Balanced life.

Standards

This Resolution requires the Council, working with community members and Tribal departments, to make efforts in supporting and promoting health eating and active living in accordance with standards set forth in this Resolution. These standards include the following:

- The Parks, Recreating, Planning Departments as well as other Tribal departments are encouraged to make an effort to develop and maintain a consistent parks and trails system that is accessible to neighborhood parks; assess and improve existing local active living infrastructures; enhance safety (i.e. traffic, lighting, intersections) to improve access to public spaces that can be used for physical activity; support recreation programs and encourage active living and ensure that physical activity facilities are accessible and affordable in a fiscally responsible way.
- The OBC reaffirms healthy living by 1) supporting policies that promote a healthy lifestyle; 2) asking the Oneida Wellness Council to communicate with the community the

various activities, services and facilities that can be used to improve healthy living; and 3) supporting the Environmental Health & Safety Division in mapping trails, paths and other non-motorized routes that are open to the public in order to maximize community access.

- The OBC supports efforts to: develop and sustain edible landscapes, community gardens and local farmers' markets; work with the Division of Land Management to designate land that could be used for additional community gardening; provide access to grocery stores, corner stores, farmers' markets and community gardens; promote organic gardening; incorporate farming and local food into economic development policies and funding programs; and develop and implement a food council policy which will support and promote policy development related to the local food supply.
- The OBC encourages health and wellbeing initiative for its employees by: developing and implementing a comprehensive employee wellness program; creating and promoting opportunities for employees to engage in physical activity during work and ensuring that healthy food and beverage options are available to employees.
- The Oneida Wellness Council will advocate for the development of action plans to be used as a guide for programs for the purpose of monitoring and tracking the implementation and success.

Conclusion

There are no legal bars adopting this Resolution

Oneida Tribe of Indians of Wisconsin



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



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 made possible.

BC Resolution _____ Resolution for Wellness

- 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 of America; 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 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Center for Disease Control cites that 7 of the 10 leading causes of death in the United States are Chronic Diseases, and almost 50% of Americans live with at least one Chronic Illness; and
- WHEREAS,** illness and injury associated with unhealthy lifestyle or modifiable risk factors is reported to account for 25% of employee health care expenditures (Anderson, 2000); and
- WHEREAS,** medical costs attributed to obesity and overweight are estimated to be annually 42% higher than those for normal weight (CDC, 2008); and
- WHEREAS,** the U.S. Surgeon General reports that 75% of all illnesses can be attributed to lifestyle-related causes and 53 % of the American population is classified as "inactive;" and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby declares that the Oneida Wellness Council shall seek opportunities and establish mechanisms to support individual, community and environmental efforts to improve the public's health by encouraging the development and implementation of policies and practices that support and promote healthy eating and active living.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Quality of Life Standing Committee by this resolution shall report back to the Oneida Business Committee within one year of the date of this Resolution's adoption and annually thereafter regarding steps taken to implement the Resolution.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Oneida Wellness Council, working in cooperation with community members and departments throughout the organization, shall make efforts to support and promote healthy eating and active living among its citizens in accordance with the standards set forth in this Wellness Resolution.

WELLNESS STANDARDS

SECTION 1. ACKNOWLEDGEMENT OF CURRENT PRACTICES

The Oneida Business Committee acknowledges that the Oneida Tribe of Indians of Wisconsin has established a high quality of life for its citizens in the community and currently provides a variety of resources (e.g. facilities, parks, trails, programs, services, events, etc.) for people of all ages to lead a healthy lifestyle. The Oneida Business Committee continues to advocate for the sustainability of existing

offerings while at the same time recognizes the need to investigate additional policies and practices to be considered for implementation.

SECTION 2. BUILT ENVIRONMENT

The Oneida Business Committee encourages the Parks, Recreation, Planning departments as well as other appropriate Tribal departments to make every effort to:

- Develop and maintain a cohesive system of parks and trails, incorporating accessible neighborhood parks
- Establish processes to assess and improve existing local active living infrastructures
- Enhance personal and community safety (e.g., traffic, lighting, intersections) to improve access to and use of public routes, trails and other public spaces where people are or could be physically active
- Support recreation programs that encourage active living
- Ensure that physical activity facilities (park facilities, playgrounds, trails, etc.) are accessible and affordable to the participants in such a way that is fiscally responsible.

SECTION 3. PARKS AND RECREATION

The Oneida Business Committee reaffirms healthy living commitments by:

- Supporting the development and implementation of policies that promote healthy lifestyles, including healthy vending machines and concessions policies;
- Calling for high quality communications: Oneida Wellness Council will (Oneida website, parks and trail guide, parks and recreation program brochure, Kalihwisaks, etc.) facilitate community access to Oneida trails, paths, parks, picnic shelters, recreation facilities, schools, and any other sites or facilities open to the public for recreation purposes, including information about locations, hours of operation, contact information, website information, a calendar of annual community events and listing of available amenities and services (e.g., rentals of space or equipment).
- Supporting Environmental Health & Safety Division to map trails, paths and other non-motorized routes to maximize community access; so long as access is allowed pursuant to the Public Use of Tribal Land Law, to parks, centers and open spaces, and share public area maps with adjacent communities to promote connectivity among and between communities.

SECTION 4. ACCESS TO HEALTHY FOODS

In order to increase access to healthy foods and beverages, the Oneida Business Committee supports efforts to:

- Continue development and sustainability of edible landscapes, community gardens and local farmers' markets;
- Designate land owned by the Tribe (and coordinated with Division of Land Management) that could be made available for additional community gardening;
- Detect and take active steps to resolve any public transportation barriers that inhibit community access to full-service grocery stores, supermarkets, corner stores, farmers' markets and community gardens;
- Promote organic gardening practices;
- Recognize that the local food system accounts for a significant amount of economic activity and incorporate farming and local food into the economic development policies and funding programs;
- Develop and implement a food policy council made of stakeholders representing a variety of Tribal departments that have a solid understanding of the local food system. The Council shall support and promote policy development related to the local food supply; including the development of a policy that allows for a healthy beverage and food option in Tribe-operated vending machines as well as in Tribal meetings and gatherings.

SECTION 5. EMPLOYEE WELLNESS

To increase healthy eating and physical activity in Tribe-operated worksites and serve as a model for other employers, the Oneida Business Committee encourages the following Health and Wellbeing initiatives:

- Development and implementation of a comprehensive employee wellness program that encourages and rewards participation;
- Create and promote opportunities for employees to engage in physical activity during the work day (e.g. modifications to workstation to allow for more standing, on-site exercise classes, walking meetings, etc.);
- Ensure healthy food and beverage options are available to employees for Tribal meetings (if applicable) and gatherings.

SECTION 6. IMPLEMENTATION

The Oneida Wellness Council shall advocate for the development of action plans to be used as guides for programs for the purpose of monitoring and tracking the implementation and success.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 6 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve Resolution: Investigative Leave Policy Amendments

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365
 Oneida, WI 54155
 (920) 869-4376
 (800) 236-2214
<http://oneida-nsn.gov/LOC>


Committee Members

Brandon Stevens, Chairperson
 Tehassi Hill, Vice Chairperson
 Fawn Billie, Councilmember
 David P. Jordan, Councilmember
 Jennifer Webster, Councilmember

Memorandum

To: Oneida Business Committee
From: Brandon Stevens, LOC Chairperson *BS*
Date: June 10, 2015
Re: Investigative Leave Policy Amendments

Please find attached the following for your consideration:

1. Resolution: Investigative Leave Policy Amendments
2. Statement of Effect: Investigative Leave Policy Amendments
3. Fiscal Impact Statement: Investigative Leave Policy Amendments
4. Investigative Leave Policy Amendments (redline)
5. Investigative Leave Policy Amendments (clean)

Overview

The attached Resolution will adopt amendments to the Investigative Leave Policy (Policy). Amendments to the Policy were requested to delete a section which prohibits the use of investigative leave when a complaint is filed. While the original intent of this section was to prohibit the use of investigative leave when one employee files a complaint against another, as defined under the Tribe's personnel policies and procedures; a decision by the Oneida Appeals Commission has interpreted the Policy to apply anytime the term "complaint" is used in an investigation. In order to avoid prohibiting a supervisor from taking action to protect the Tribe, reduce the amount of time an employee can be placed on investigative leave and streamline the Policy, the following amendments were made:

- Remove language that states that investigative leaves do not apply to investigations regarding appeals of disciplinary actions or employee complaint investigations.
- Reduce how long an employee can be placed on investigative leave; this timeframe has been reduced from 30 calendar days to 15 calendar days.
- Reduce how long an employee's investigative leave can be extended; this timeframe has been reduced from 30 calendar days to 15 calendar days.
- Require the employee's supervisor to notify the employee when to return to work and/or the disciplinary action that will be taken.
- Add an enforcement provision.
- Amend the appeal process, only allowing the employee to appeal a disciplinary action that arises from an investigation.

A public meeting was held on April 30, 2015 in accordance with the Legislative Procedures Act and the comments were received were considered by the Legislative Operating Committee on May 20, 2015.

Requested Action

Approve the Resolution: Investigative Leave Policy Amendments

Oneida Tribe of Indians of Wisconsin



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



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 made possible.

BC Resolution _____ Investigative Leave Policy Amendments

- 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 of America; 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 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
 - WHEREAS,** the Investigative Leave Policy was adopted by the Oneida Business Committee by resolution BC-04-07-99-A and amended by resolution BC-08-13-14-D; and
 - WHEREAS,** the amendments to the Investigative Leave Policy remove language that states that investigative leaves do not apply to investigations regarding the appeals of disciplinary actions or employee complaint investigations; and
 - WHEREAS,** the amendments reduce how long an employee can be placed on investigative leave as well as reduce the timeframe of an extension; and
 - WHEREAS,** the amendments require the employee's supervisor to notify the employee when to return to work and/or the disciplinary action that will be taken; and
 - WHEREAS,** the amendments add an enforcement provision; and
 - WHEREAS,** other amendments change the appeal process, only allowing the employee to appeal a disciplinary action that arises from an investigation; and
 - WHEREAS,** a public meeting was held on April 30, 2015, in accordance with the Legislative Procedures Act.
- NOW THEREFORE BE IT RESOLVED,** that the attached amendments to the Investigative Leave Policy are hereby adopted.

Legislative Reference Office
P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214
<http://oneida-nsn.gov/LOC>



Committee Members
Brandon Stevens, Chairperson
Tehassi Hill, Vice Chairperson
Fawn Billie, Councilmember
David P. Jordan, Councilmember
Jennifer Webster, Councilmember

Statement of Effect
Investigative Leave Policy Amendments

Summary

This Resolution adopts amendments to the Investigative Leave Policy (Policy) which will avoid prohibiting a supervisor from protecting the Tribe, reduce the amount of time an employee is subject to an investigative leave and streamline the Policy.

Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office

Analysis by the Legislative Reference Office

On December 17, 2014, amendments to the Investigative Leave Policy (Policy) were requested by the Law Office to delete a section within the Policy that prohibits the use of investigative leave when a complaint is filed. While the original intent of this section was to prohibit the use of investigative leave when one employee files a complaint against another; as defined under the Tribe's personnel policies and procedures, a decision by the Oneida Appeals Commission has interpreted the Policy to apply anytime the term "complaint" is used in an investigation.

Proposed amendments to the Policy include the following:

- Remove language that states that investigative leaves do not apply to investigations regarding appeals of disciplinary actions or employee complaint investigations.
- Reduce how long an employee can be placed on investigative leave; this timeframe has been reduced from 30 calendar days to 15 calendar days.
- Reduce how long an employee's investigative leave can be extended; this timeframe has been reduced from 30 calendar days to 15 calendar days.
- Require the employee's supervisor to notify the employee when to return to work and/or the disciplinary action that will be taken.
- Add an enforcement provision.
- Amend the appeal process, only allowing the employee to appeal a disciplinary action that arises from and investigation.

A public meeting on the proposed amendments was held on April 30, 2015 pursuant to the Legislative Procedures Act. The comments pertaining to this Policy were considered by the Legislative Operating Committee on May 20, 2015.

Conclusion

Adoption of this Resolution would not conflict with Tribal law.

ONEIDA TRIBE OF INDIANS Page 50 of 207 OF WISCONSIN



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



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ONEIDA FINANCE OFFICE
Office: (920) 869-4325 • Toll Free: 1-800-236-2214
FAX # (920) 869-4024

MEMORANDUM

DATE: May 29, 2015
FROM: Rae Skenandore, Project Manger
TO: Larry Barton, Chief Financial Officer
CC: Ralinda R. Ninham-Lamberies, Assistant Chief Financial Officer
RE: **Financial Impact of the Investigative Leave Policy**

I. Background

The Investigative Leave Policy was originally approved with BC resolution 04-07-99A. Amendments were requested by HRD and based on Appeals Commission ruling that indicated the language of the policy needed clarification. The policy outlines the process and timelines to be used to complete a work-related investigation into alleged acts that could result in disciplinary acts or termination.

II. Executive Summary of Findings

The amendments clear up some ambiguities in the previous policy by adding distinct timelines and identifying the specific requirements that an employee on investigative leave must follow in order to be paid during that time. No startup costs are associated with the implementation of this policy and no new personnel are needed. Existing in-house staff will communicate the amendments to the organization and the policy can be enacted immediately upon approval and notification of the HRD manager. HRD is responsible for the oversight and approval of an investigative leave and will inform supervisors of the changes in the policy.

III. Financial Impact

No financial impact.

III. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.

Investigative Leave Policy

Article I. Purpose and Policy
 Article II. Adoption, Amendment, Repeal
 Article III. Definitions
 Article IV. Scope
 Article V. Authorization
 Article VI. Employee Notice
 Article VII. Investigator(s) and Reports

Article VIII. Duration
 Article IX. Employee Responsibilities
 Article X. Pay and Benefits
 Article XI. Enforcement
 Article XII. Appeal
 Article XIII. Confidentiality

<i>Analysis by the Legislative Reference Office</i>					
Title	Investigative Leave Policy (Policy)				
Requester	Chief Counsel	Drafter	Lynn A. Franzmeier	Analyst	Candice E. Skenandore
Reason for Request	It has recently been interpreted that this Policy cannot be utilized if a “complaint” has been filed. The intent of this Policy was to prohibit an employee complaint about another employee (i.e. personal issue between two employees or a peer level complaint affecting the work environment), not a “complaint” in an investigation. In addition, it has been requested that the investigation period be reduced to 15 days.				
Purpose	The purpose of this Policy is to address investigative leave for employees undergoing work-related investigations <i>[See 1-1]</i> .				
Authorized/ Affected Entities	This Policy affects Tribal employees employed by any program or enterprise but does not pertain to elected or appointed officials and political appointees <i>[See 3-1 (a)]</i> . Other identified entities include the employee’s supervisor and/or area manager, Human Resource Department (HRD), HRD Manager, Division Directors or their equivalent and possibly the Equal Employment Opportunity Officer.				
Due Process	An employee can appeal any disciplinary action arising out of an investigation pursuant to the Tribe’s personnel policies and procedures <i>[See 12-1]</i> .				
Related Legislation	Back Pay Policy <i>[See 10-4]</i> , appeals and releasing confidential information will follow the processes set out in the Tribe’s personnel policies and procedures <i>[See 12.1 & 13-1]</i> ,				
Enforcement	Any violation of this Policy is subject to disciplinary action as set out in the Tribe’s personnel policies and procedures <i>[See 11-1]</i> .				

Overview

An employee will be placed on investigative leave when a situation requires an investigation and the employee’s presence can influence the outcome or if an employee allegedly commits an act which prevents the employee from meeting employment eligibility such as required licenses, Tribal fidelity bond or background investigation requirements. This Policy; however, cannot be used as a form a discipline *[See 4-1 & 4-2]*. The Policy will:

- Require the supervisor to obtain prior approval before placing an employee on investigative leave *[See 5]*;
- Call for the supervisor to place an employee in an alternative work assignment during the investigation so long as alleged action does not prevent the employee from working elsewhere in the Tribe, an alternative work assignment is available and the employee meets the minimum qualifications of the of the alternative work assignment *[See 5-4]*;
- Require the supervisor to provide written notice to the employee being placed on investigative leave *[See 6]*;
- Identify who is responsible for completing the investigation *[See 7]*;
- Set out how long an employee can be placed on investigative leave *[See 8]*;
- Specify the employee’s responsibilities while on investigative leave *[See 9]*;
- Explain how pay and benefits are handled while the employee is on investigative leave

For OBC consideration (redline)
06/10/15

- 19 including when an employee is eligible for back pay [See 10];
20 ■ Subject the employee to discipline in accordance with the Tribe’s personnel policies and
21 procedures if the employee violates this Policy [See 11];
22 ■ Identify how appeals are conducted [See 12] and
23 ■ Require information related to the investigation to be confidential and can only be
24 released in accordance with relevant laws and personnel policies and procedures [See
25 13].

Proposed Amendments

- 26
27
28 The following are proposed amendments to the Policy:
29 ■ The term “disciplinary action” has been removed from the Policy, the definition of
30 “employee” has been revised to be consistent with other Tribal laws and the definition for
31 “investigative leave” has been enhanced to better reflect the intent of the Policy [See
32 redline 3-1].
33 ■ This Policy no longer states that investigative leave does not apply to investigations
34 regarding appeals of disciplinary actions or employee complaint investigations [See
35 redline 4-3]. This amendment will help avoid any further confusion as to whether this
36 Policy can be utilized when a complaint is filed.
37 ■ Currently, the HRD Manger must, among other things, decide to place an employee on
38 investigative leave. Because there may be times when the HRD Manager is not available
39 when a request is made, language has been added that allows the HRD Manager or
40 his/her designee to make the necessary determinations [See 5-1 & 5-2].
41 ■ The current Policy allows the supervisor to authorize an alternative work assignment for
42 the employee placed on investigative leave if the alleged action does not preclude the
43 employee from working elsewhere in the Tribe. The proposed Policy will also require
44 that an alternative work assignment be available and the employee meets the minimum
45 qualifications of the alternative work assignment prior to the supervisor authorizing an
46 alternative work assignment [See 5-4].
47 ■ The timeframe for how long an employee can be placed on investigative leave has been
48 reduced from 30 calendar days to 15 calendar days. In addition, if an extension is granted
49 to the investigative leave, that extension can only last an additional 15 calendar days
50 instead of 30 calendar days which is current practice [See 6-2 & 8-1]. This amendment
51 will reduce the amount of time a supervisor and/or area manager will be required to
52 complete an investigation; however, the amount of time an employee is subject to an
53 investigative leave is cut in half.
54 ■ The Policy now clarifies that no matter who conducts the investigation, the employee’s
55 supervisor is responsible for notifying the employee when to return to work and/or of
56 what disciplinary action will be taken [See 7-3]. In addition, if anyone other than the
57 employee’s supervisor conducts the investigation, the supervisor must complete an
58 investigation within 48 hours of receiving the report to determine if any corrective
59 actions are needed [See 7-3 (b)].
60 ■ An enforcement provision was added to the Policy that subjects an employee to

For OBC consideration (redline)
06/10/15

61 disciplinary action in accordance with the Tribe’s personnel policies and procedures if the
62 employee violates this Policy [See 11-1].

- 63 ■ An employee can only appeal a disciplinary action that arises from an investigation
64 pursuant to the Tribe’s personnel policies and procedures [See 12-1]. The current Policy
65 allows an employee to appeal the findings in the written report and/or a decision in
66 accordance with the Tribe’s personnel policies and procedures; however, the Personnel
67 Policies and Procedures only allow employees to appeal disciplinary actions [See
68 *Personnel Policies and Procedures Section V.D.3*].

70 **Considerations**

71 The Legislative Operating Committee may want to consider the following:

- 72 ■ There are inconsistencies with how the Tribe views political appointees. There are times
73 when Tribal legislation includes political appointees in the definition for “employee” and
74 other times political appointees are excluded from the “employee” definition. This
75 Policy does not apply to political appointees but the proposed Furlough Policy will apply
76 to political appointees [See 3-1 (a) and proposed Furlough Policy draft 3, 3-1 (a)].

78 **Miscellaneous**

79 A public meeting was held on April 30, 2015. Minor language changes have been made
80 to provide more clarity to the Policy.

81 **Article I. Purpose and Policy**

82 1-1. The purpose of this Policy is to ~~addresses~~address investigative leave for employees
83 undergoing work-related investigations.

84 1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to maintain confidentiality and
85 avoid undue influence when conducting an investigation into an employee’s alleged wrong
86 doings.-
87

88 **Article II. Adoption, Amendment, Repeal**

89 2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-#04-07-99-
90 A, and amended by resolution BC-#08-13-14-D-~~and~~ _____.

91 2-2.- This Policy may be amended or repealed by the Oneida Business Committee or the General
92 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

93 2-3. Should a provision of this Policy or the application thereof to any person or circumstances
94 be held as invalid, such invalidity shall not affect other provisions of this Policy which are
95 considered to have legal force without the invalid portions.

96 2-4. In the event of a conflict between a provision of this Policy and a provision of another
97 policy, the provisions of this Policy shall control.

98 2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of
99 Wisconsin.
100
101

For OBC consideration (redline)
06/10/15

102 **Article III. Definitions**

103 3-1. This section shall govern the definitions of words and phrases used within this Policy. All
104 words not defined herein shall be used in their ordinary and everyday sense.

105 ~~(a) —“Disciplinary action” shall mean the process as set forth in the Tribe’s personnel~~
106 ~~policies for dealing with job-related behavior that does not meet expected and~~
107 ~~communicated performance standards.~~

108 ~~(b)~~(a) “Employee” shall mean any individual who is employed by the Tribe and is
109 subject to the direction and control of the Tribe with respect to the material details of the
110 work performed, or who has the status of an employee under the usual common law rules
111 applicable to determining the employer-employee relationship. “Employee” includes, but
112 is not limited to; an individual employed by any program or enterprise of the Tribe, but
113 does not include elected or appointed officials or ~~individuals employed by a Tribally~~
114 ~~Chartered Corporation, and political appointees. For purposes of this Policy, individuals~~
115 ~~employed under an employment contract as a limited term employee are employees of~~
116 ~~the Tribe, not consultants~~political appointees.

117 ~~(e)~~(b) “Investigative leave” shall mean a temporary absence ~~without~~from regular job
118 duties ~~and without pay~~ for the purpose of ~~determining~~conducting an investigation to
119 determine whether conduct or ~~not~~alleged conduct by an employee should result in
120 disciplinary action ~~needs to be taken~~and/or termination of employment.

121 ~~(d)~~(c) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.
122

123 **Article IV. Scope**

124 4-1. An employee shall be placed on investigative leave when one (1) of the following occurs:

125 (a) ~~An~~A situation requires an investigation ~~needs to~~ be conducted and ~~an~~the employee’s
126 presence ~~would~~may influence the outcome.—

127 (b) An employee allegedly commits an act which would preclude ~~them~~the employee
128 from meeting employment eligibility including required Licenses, the Tribal Fidelity
129 Bond, or Background Investigation requirements.

130 4-2. This Policy shall not be used as a form of discipline.

131 ~~4-3. Investigative leave shall not apply to investigations regarding appeals of disciplinary~~
132 ~~actions or employee complaint investigations.~~

134 **Article V. Authorization**

135 5-1. This leave, or an extension of this leave, shall only be used when an employee’s supervisor
136 receives prior approval from the Human Resources Department Manager or his or her designee
137 and:

138 (a) their Division Director; or

139 (b) if there is no Division Director, the person at the highest level of the chain of
140 command.—

141 5-2. If the Human Resources Department Manager or his or her designee and the Division
142 Director or his or her equivalent do not agree with placing the employee on investigative leave,
143 then the final decision shall rest with the Human Resources Department Manager or his or her

For OBC consideration (redline)
06/10/15

144 | designee.
145 | 5-3. The prior approval requested in 5-1 shall be granted or denied within forty-eight (48) hours
146 | of receiving the request.-
147 | 5-4. During the investigative leave, the employee's supervisor shall authorize an alternative
148 | work assignment if all the following occur:
149 | (a) The alleged action does not preclude the employee from working elsewhere in the
150 | organization-;
151 | (b) An alternative work assignment authorized is available; and
152 | (c) The employee meets the minimum job requirements of the alternative work assignment.
153 | 5-5. If an employee is placed in an alternative work assignment under ~~this~~ section 5-4, the
154 | alternative work assignment shall be considered a part of the investigative leave and the
155 | employee shall continue to receive their same rate of pay.
156 |

157 | **Article VI. Employee Notice**

158 | 6-1. When the employee is placed on investigative leave, the employee shall immediately
159 | receive a written notice from the employee's supervisor; the notice shall contain the following:
160 | (a) The specific allegation(s) being investigated;
161 | (b) The employee shall be on unpaid status, unless he or she is placed in an alternative
162 | work assignment;
163 | (c) The alternative work assignment, if appropriate;-
164 | (d) The expected length of the investigation;
165 | (e) Whether or not the investigation is being forwarded to an outside agency;
166 | (f) The telephone number and name of person to contact in case of questions;
167 | (g) The procedures to return to work upon completion of the investigation; and
168 | (h) That the employee still remains as an employee with the Tribe.
169 | 6-2.-If the employee's investigative leave is extended past the original ~~thirty~~ (30 fifteen (15))
170 | calendar days pursuant to section 8-1, the supervisor shall immediately notice the employee in
171 | writing of this extension and the reason for the extension.
172 |

173 | **Article VII. Investigator(s) and Reports**

174 | 7-1. The employee's supervisor and/or area manager shall be responsible for completing the
175 | investigation. If the employee ~~is one who being investigated reports~~ directly ~~reports~~ to the
176 | Oneida Business Committee, the Tribal Equal Employment Opportunity Officer shall conduct
177 | the investigation.
178 | 7-2. If the allegations against the employee include criminal actions, or actions that may affect
179 | licensing, the ~~investigations may be completed by an appropriate agency, including but not~~
180 | ~~limited to: Police Departments, District Attorneys, Oneida Security, the Oneida Gaming~~
181 | ~~Commission, and Social Services~~ supervisor shall conclude the employment related investigation
182 | without waiting for the results of a criminal or licensing investigation.
183 | 7-3. The person(s) conducting an investigation shall prepare a written report that shall include
184 | the findings of the investigation, and provide a copy of the written report to the employee and, if
185 | ~~necessary~~ someone other than the employee's supervisor- conducts the investigation, a copy of

186 the written report shall be provided to the employee's supervisor.

187 (a) 7 4. ~~Within~~ If the employee's supervisor conducts the investigation, the written
 188 report shall inform the employee when to return to work, if applicable, and/or of what
 189 disciplinary action will be taken against the employee based on the report.

190 (b) If someone other than the employee's supervisor conducts the investigation, within
 191 forty-eight (48) hours of ~~creating or~~ receiving the written ~~reports~~report, the supervisor
 192 shall ~~be responsible for informing~~ complete the investigation by determine any corrective
 193 actions needed, inform the employee in writing when to return to work if applicable,
 194 and/or ~~deciding~~inform the ~~discipline which may~~employee of any applicable disciplinary
 195 action that will be ~~appropriate~~ taken against the employee based on the report.

197 **Article VIII. Duration**

198 8-1. An investigative leave shall be no longer than ~~thirty (30)~~fifteen (15) calendar days, with the
 199 ability to extend one (1) time for an additional ~~thirty (30)~~fifteen (15) calendar days with a valid
 200 explanation of the reason for the extension. The extension shall be determined by the same
 201 individuals who placed the employee on investigative leave in section 5-1. However, if the
 202 investigation is forwarded to an outside agency, these timelines shall not apply.-

203 8-2. Investigative leave shall end upon any of the following occurrences:

- 204 (a) the expiration of the ~~thirty (30)~~fifteen (15) calendar day time limit, if applicable;
- 205 (b) the expiration of the ~~thirty (30)~~fifteen (15) calendar day extension if granted;
- 206 (c) termination of the employee's employment based on the investigation;
- 207 (d) the employee's return to work ~~when the~~based on the written report submitted to the
 208 employee after an investigation is completed ~~prior to the expiration of the time limits~~
 209 given in (a) and/or (b) as officially documented by whomever is designated as the official
 210 investigative body; or
- 211 (e) the employee chooses to resign or retire.

213 **Article IX. Employee Responsibilities**

214 9-1. An employee placed on investigative leave shall:

- 215 (a) ~~Not~~ report to work or the worksite without prior supervisory approval;
- 216 ~~—~~(b) Abide by all Tribal laws and policies, ~~including prohibited gaming activities;~~ and
- 217 (c) Fully cooperate with the investigation as requested by those conducting the
 218 investigation.

220 **Article X. Pay and Benefits**

221 10-1. Paid leave shall not be authorized ~~in accordance with the Tribe's personnel policies and~~
 222 ~~procedures and the Oneida Nation Gaming Ordinance.~~

223 10-2. An employee placed on investigative leave shall not receive any wages or benefits unless
 224 placed in an alternative work assignment. If the employee refuses the alternative work
 225 assignment and is returned to work, the employee shall not receive any back pay or benefits.

226 10-3. If an alternative work assignment is not available, the employee may use his or her
 227 accrued vacation and/or personal time while on investigative leave.-

228 10-4. An employee shall receive back pay and benefits for the time the employee was on
 229 investigative leave, ~~including prorated credit for vacation/personal time~~ pursuant to ~~Section 4-4~~
 230 ~~of~~ the Back Pay Policy if all of the following occur:

- 231 (a) The employee was not offered an alternative work assignment when placed on

- 232 | investigative leave; and-
- 233 | (b) The employee is returned to his or her position; and-
- 234 | (c) The employee is not disciplined ~~or terminated~~ based on the investigation.

235

236 | **Article XI. ~~Enforcement~~ ~~Appeal~~**

237 | 11-1. ~~In~~ Any employee found violating this Policy shall be subject to discipline in accordance

238 | with the Tribe's personnel policies and procedures.

239

240 | **Article XII. ~~Appeal of the Tribe, an~~**

241 | 12-1. An employee ~~can~~ may appeal ~~the findings in the written report and/or the decision~~ any

242 | disciplinary action arising out of ~~the~~ an investigation ~~within ten (10) business days of receiving~~

243 | ~~the written report required in 7-3.~~ in accordance with the Tribe's personnel policies and

244 | procedures.

245

246 | **Article ~~XII~~ XIII. Confidentiality**

247 | ~~1213-1.~~ Information related to an investigation is confidential. ~~Access or sharing of this~~

248 | ~~information shall be limited to those who have a legitimate "need to know" and may only be~~

249 | ~~released~~ in ~~compliance~~ accordance with relevant laws and personnel policies and procedures.-

250 | ~~1213-2.~~ All investigation materials shall be maintained in the ~~employees~~ employee's

251 | personnel file with the Human Resources Department.—

252

253 | *End.*

254

255 | OBC Approved 4-07-99-A

256 | Amended- BC-08-13-14-D

Investigative Leave Policy

Article I. Purpose and Policy
 Article II. Adoption, Amendment, Repeal
 Article III. Definitions
 Article IV. Scope
 Article V. Authorization
 Article VI. Employee Notice
 Article VII. Investigator(s) and Reports

Article VIII. Duration
 Article IX. Employee Responsibilities
 Article X. Pay and Benefits
 Article XI. Enforcement
 Article XII. Appeal
 Article XIII. Confidentiality

1
 2 **Article I. Purpose and Policy**
 3 1-1. The purpose of this Policy is to address investigative leave for employees undergoing
 4 work-related investigations.

5 1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to maintain confidentiality and
 6 avoid undue influence when conducting an investigation into an employee’s alleged wrong
 7 doings.
 8

9 **Article II. Adoption, Amendment, Repeal**

10 2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-04-07-99-A,
 11 and amended by resolution BC-08-13-14-D and _____.

12 2-2. This Policy may be amended or repealed by the Oneida Business Committee or the General
 13 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

14 2-3. Should a provision of this Policy or the application thereof to any person or circumstances
 15 be held as invalid, such invalidity shall not affect other provisions of this Policy which are
 16 considered to have legal force without the invalid portions.

17 2-4. In the event of a conflict between a provision of this Policy and a provision of another
 18 policy, the provisions of this Policy shall control.

19 2-5. This Policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of
 20 Wisconsin.
 21

22 **Article III. Definitions**

23 3-1. This section shall govern the definitions of words and phrases used within this Policy. All
 24 words not defined herein shall be used in their ordinary and everyday sense.

25 (a) “Employee” shall mean any individual who is employed by the Tribe and is subject to
 26 the direction and control of the Tribe with respect to the material details of the work
 27 performed, or who has the status of an employee under the usual common law rules
 28 applicable to determining the employer-employee relationship. “Employee” includes, but
 29 is not limited to; an individual employed by any program or enterprise of the Tribe, but
 30 does not include elected or appointed officials or political appointees.

31 (b) “Investigative leave” shall mean a temporary absence from regular job duties for the
 32 purpose of conducting an investigation to determine whether conduct or alleged conduct
 33 by an employee should result in disciplinary action and/or termination of employment.

34 (c) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.
 35

36 **Article IV. Scope**

37 4-1. An employee shall be placed on investigative leave when one (1) of the following occurs:

38 (a) A situation requires an investigation be conducted and the employee’s presence may
 39 influence the outcome.

40 (b) An employee allegedly commits an act which would preclude the employee from

41 meeting employment eligibility including required Licenses, the Tribal Fidelity Bond, or
42 Background Investigation requirements.

43 4-2. This Policy shall not be used as a form of discipline.

44

45 **Article V. Authorization**

46 5-1. This leave, or an extension of this leave, shall only be used when an employee's supervisor
47 receives prior approval from the Human Resources Department Manager or his or her designee
48 and:

49 (a) their Division Director; or

50 (b) if there is no Division Director, the person at the highest level of the chain of
51 command.

52 5-2. If the Human Resources Department Manager or his or her designee and the Division
53 Director or his or her equivalent do not agree with placing the employee on investigative leave,
54 then the final decision shall rest with the Human Resources Department Manager or his or her
55 designee.

56 5-3. The prior approval requested in 5-1 shall be granted or denied within forty-eight (48) hours
57 of receiving the request.

58 5-4. During the investigative leave, the employee's supervisor shall authorize an alternative
59 work assignment if all the following occur:

60 (a) The alleged action does not preclude the employee from working elsewhere in the
61 organization;

62 (b) An alternative work assignment is available; and

63 (c) The employee meets the minimum job requirements of the alternative work assignment.

64 5-5. If an employee is placed in an alternative work assignment under section 5-4, the
65 alternative work assignment shall be considered a part of the investigative leave and the
66 employee shall continue to receive their same rate of pay.

67

68 **Article VI. Employee Notice**

69 6-1. When the employee is placed on investigative leave, the employee shall immediately
70 receive a written notice from the employee's supervisor; the notice shall contain the following:

71 (a) The specific allegation(s) being investigated;

72 (b) The employee shall be on unpaid status, unless he or she is placed in an alternative
73 work assignment;

74 (c) The alternative work assignment, if appropriate;

75 (d) The expected length of the investigation;

76 (e) Whether or not the investigation is being forwarded to an outside agency;

77 (f) The telephone number and name of person to contact in case of questions;

78 (g) The procedures to return to work upon completion of the investigation; and

79 (h) That the employee still remains as an employee with the Tribe.

80 6-2. If the employee's investigative leave is extended past the original fifteen (15) calendar days
81 pursuant to section 8-1, the supervisor shall immediately notice the employee in writing of this
82 extension and the reason for the extension.

83

84 **Article VII. Investigator(s) and Reports**

85 7-1. The employee's supervisor and/or area manager shall be responsible for completing the
86 investigation. If the employee being investigated reports directly to the Oneida Business

87 Committee, the Tribal Equal Employment Opportunity Officer shall conduct the investigation.

88 7-2. If the allegations against the employee include criminal actions, or actions that may affect
89 licensing, the supervisor shall conclude the employment related investigation without waiting for
90 the results of a criminal or licensing investigation.

91 7-3. The person(s) conducting an investigation shall prepare a written report that shall include
92 the findings of the investigation, and provide a copy of the written report to the employee and, if
93 someone other than the employee's supervisor conducts the investigation, a copy of the written
94 report shall be provided to the employee's supervisor.

95 (a) If the employee's supervisor conducts the investigation, the written report shall
96 inform the employee when to return to work, if applicable, and/or of what disciplinary
97 action will be taken against the employee based on the report.

98 (b) If someone other than the employee's supervisor conducts the investigation, within
99 forty-eight (48) hours of receiving the written report, the supervisor shall complete the
100 investigation by determine any corrective actions needed, inform the employee in writing
101 when to return to work if applicable, and/or inform the employee of any applicable
102 disciplinary action that will be taken against the employee based on the report.

103

104 **Article VIII. Duration**

105 8-1. An investigative leave shall be no longer than fifteen (15) calendar days, with the ability to
106 extend one (1) time for an additional fifteen (15) calendar days with a valid explanation of the
107 reason for the extension. The extension shall be determined by the same individuals who placed
108 the employee on investigative leave in section 5-1. However, if the investigation is forwarded to
109 an outside agency, these timelines shall not apply.

110 8-2. Investigative leave shall end upon any of the following occurrences:

111 (a) the expiration of the fifteen (15) calendar day time limit, if applicable;

112 (b) the expiration of the fifteen (15) calendar day extension if granted;

113 (c) termination of the employee's employment based on the investigation;

114 (d) the employee's return to work based on the written report submitted to the employee
115 after an investigation is completed; or

116 (e) the employee chooses to resign or retire.

117

118 **Article IX. Employee Responsibilities**

119 9-1. An employee placed on investigative leave shall:

120 (a) Not report to work or the worksite without prior supervisory approval;

121 (b) Abide by all Tribal laws and policies; and

122 (c) Fully cooperate with the investigation as requested by those conducting the
123 investigation.

124

125 **Article X. Pay and Benefits**

126 10-1. Paid leave shall not be authorized.

127 10-2. An employee placed on investigative leave shall not receive any wages or benefits unless
128 placed in an alternative work assignment. If the employee refuses the alternative work
129 assignment and is returned to work, the employee shall not receive any back pay or benefits.

130 10-3. If an alternative work assignment is not available, the employee may use his or her
131 accrued vacation and/or personal time while on investigative leave.

132 10-4. An employee shall receive back pay and benefits for the time the employee was on

133 investigative leave pursuant to the Back Pay Policy if all of the following occur:
 134 (a) The employee was not offered an alternative work assignment when placed on
 135 investigative leave; and
 136 (b) The employee is returned to his or her position; and
 137 (c) The employee is not disciplined based on the investigation.

138
139 **Article XI. Enforcement**

140 11-1. Any employee found violating this Policy shall be subject to discipline in accordance
141 with the Tribe’s personnel policies and procedures.

142
143 **Article XII. Appeal**

144 12-1. An employee may appeal any disciplinary action arising out of an investigation in
145 accordance with the Tribe’s personnel policies and procedures.

146
147 **Article XIII. Confidentiality**

148 13-1. Information related to an investigation is confidential and may only be released in
149 accordance with relevant laws and personnel policies and procedures.

150 13-2. All investigation materials shall be maintained in the employee’s personnel file with the
151 Human Resources Department.

152
153 *End.*

154
155 OBC Approved 4-07-99-A
156 Amended- 08-13-14-D

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 6 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept: May 20, 2015 LOC Meeting Minutes

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The purpose of this memo is to request the OBC to consider accepting the attached May 20, 2015 LOC meeting minutes. In accordance with the LOC Bylaws, all minutes shall be submitted to the Tribal Secretary's Office within 30 calendar days after approved by the LOC [See LOC Bylaws, 4-2 (a)].

Action Requested:

Accept the LOC meeting minutes of May 20, 2015.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214
<http://oneida-nsn.gov/LOC>



Committee Members

Brandon Stevens, Chairperson
Tehassi Hill, Vice Chairperson
Fawn Billie, Councilmember
David P. Jordan, Councilmember
Jennifer Webster, Councilmember

LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

May 20, 2015 9:00 a.m.

PRESENT: Tehassi Hill, Brandon Stevens, Fawn Billie, David P. Jordan

EXCUSED: Jennifer Webster

OTHERS PRESENT: Taniquelle Thurner, Danelle Wilson, Fawn Cottrell, Jacob Metoxen, Candice Skenandore, James Bittorf, Rebecca Webster, RC Metoxen, Michelle Mays, Leyne Orosco, Pat Garvey, Rae Skenandore

I. Call To Order and Approval of the Agenda

Brandon Stevens called the May 20, 2015 Legislative Operating Committee meeting to order at 9:02 a.m.

Motion by Tehassi Hill to approve the agenda with the Industrial Hemp Law item being moved to executive session and that the LOC go into executive session first; seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to go into executive session at 9:03 a.m.; seconded by David P. Jordan. Motion carried unanimously.

Motion by Tehassi Hill to come out of executive session at 9:25 a.m.; seconded by Fawn Billie. Motion carried unanimously.

II. Minutes to be approved

1. May 6, 2015 LOC Meeting Minutes

Motion by Tehassi Hill to approve the May 6, 2015 LOC meeting minutes; seconded by David P. Jordan. Motion carried unanimously.

III. Current Business

1. ONGO Amendments (04:07-09:16)

Motion by Fawn Billie to defer the ONGO Amendments to the Legislative Reference Office and direct that a legislative and fiscal analysis be developed once the draft is completed; seconded by Tehassi Hill. Motion carried unanimously.

2. Violence Against Women Act (VAWA) (09:24-10:00)

Motion by Fawn Billie to accept the Violence Against Women Act (VAWA) memorandum as FYI; seconded by Tehassi Hill. Motion carried unanimously.

3. Election Board Bylaws Amendments (10:04-10:36)

Motion by Fawn Billie to accept the Election Board Bylaws Amendments memorandum; seconded by David P. Jordan. Motion carried unanimously.

4. Personnel Commission Bylaws Amendments (10:42-11:18)

Motion by Fawn Billie to accept the memorandum regarding the status of the Personnel Commission Bylaws Amendments and to defer the item back to the sponsor's office; seconded by David P. Jordan. Motion carried unanimously.

5. Investigative Leave Policy Amendments (11:30-18:59)

Motion by David P. Jordan to defer the Investigative Leave Policy Amendments to the Legislative Reference Office to make the noted changes and to prepare this item for OBC consideration; seconded by Tehassi Hill. Motion carried unanimously.

6. Marriage Law Amendments (19:14-20:27)

Motion by David P. Jordan to forward the Marriage Law Amendments to the OBC for consideration; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions**1. Petition: Cornelius- Special GTC meeting to address 4 Resolutions (20:29-26:21)**

Motion by Fawn Billie to accept the Petition: Cornelius- Special GTC meeting to address 4 Resolutions and to add to the active files list; seconded by Tehassi Hill. Motion carried unanimously.

Note: David P. Jordan will be the sponsor

Motion by Fawn Billie to forward a memorandum to the OBC addressing concerns that the Resolutions are not attached to petition; seconded by Tehassi Hill. Motion carried unanimously.

V. Additions**VI. Administrative Updates****VII. Executive Session****1. Industrial Hemp Law (01:22-03:39)**

Motion by David P. Jordan to accept the update and to forward the Industrial Hemp Law to the Oneida Business Committee to be discussed in executive session; seconded by Tehassi Hill. Motion carried unanimously.

VIII. Recess/Adjourn

Motion by Fawn Billie to adjourn the May 20, 2015 Legislative Operating Committee Meeting at 9:51 a.m.; seconded by David P. Jordan. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to approve the creation of an administrative court by the LOC and endorse a letter of co-operation to be created that directs the Tribe's boards, committees and commissions to assist the LOC in the creation of the administrative court.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Tribe of Indians of Wisconsin

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Committee Members

Brandon Stevens, Chairperson
 Tehassi Hill, Vice Chairperson
 Fawn Billie, Councilmember
 David P. Jordan, Councilmember
 Jennifer Webster, Councilmember

Memorandum

To: Oneida Business Committee *BS*
From: Brandon Stevens, LOC Chairperson
Date: June 3, 2015
Re: Tribal Hearing Bodies Recommendation

With adoption of the Judiciary Law, it has been recommended that some Tribal boards, committees and/or commissions should have their hearing authority transferred to an administrative court that would be created under the Judiciary. In order to identify which entities may have their hearing authority transferred; the Legislative Operating Committee (LOC) directed research be conducted regarding current Tribal boards, committees and commissions and their hearing authority. Attached is the memo and information that was compiled based on that research. While not all boards, committees and commissions would have their hearing authority removed with the creation of an administrative court, after reviewing the materials provided, the LOC has determined that it would be in the Tribe's best interest to move forward with creating an administrative court. In addition to amendments to the Judiciary Law creating this court, numerous Tribal laws will also need to be amended to transfer the hearing body authority.

The LOC is looking for support from the Oneida Business Committee (OBC) to move forward with creating the administrative court and is requesting the OBC to assist the LOC in this endeavor by endorsing a letter of co-operation to the current boards, committees, and commissions to require those entities, upon request, to assist the LOC as they create this legislation.

Requested Action

Approve the creation of an administrative court and endorse a letter of co-operation to be created that directs the Tribe's boards, committees and commissions to assist the LOC in the creation of the administrative court.

TRIBAL HEARING BODY RESEARCH



March 19, 2014

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Michelle L. Mays, Attorney
Lynn A. Franzmeier, Attorney
Layatalati Hill, LTE Attorney
Taniquelle J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4375
(800) 236-2214
<https://oneida-nsn.gov/Laws>

Memorandum

TO: Legislative Operating Committee
FROM: Candice E. Skenandore, Legislative Analyst
DATE: March 19, 2014
RE: Tribal Hearing Body Research

At the February 5, 2014 Legislative Operating Committee (LOC) meeting, the LOC requested that the Legislative Reference Office conduct research on the Tribal hearing bodies in order to prepare for the possibility of transferring the hearing authority to an administrative law judge. The LOC specifically asked that the research identify the hearing bodies' responsibilities, hearing processes, communication requirements, recognized rules and possible hurdles.

The research shows that the following 11 Boards, Committees or Commissions have hearing authority:

- | | |
|--|-------------------------------------|
| ▪ Oneida Child Protective Board | ▪ Oneida Personnel Commission |
| ▪ Oneida Election Board | ▪ Oneida Police Commission |
| ▪ Oneida Environmental Resource Board | ▪ Oneida Nation School Board |
| ▪ Oneida Gaming Commission | ▪ Oneida License Commission |
| ▪ Oneida Land Commission | ▪ Oneida Trust/Enrollment Committee |
| ▪ Pardon and Forgiveness Screening Committee | |

The attached packet contains the following:

- | | |
|-------------------------|--|
| ▪ Table of Contents | ▪ Hearing and Stipend Comparison Chart |
| ▪ Hearing Body analyses | |
| ▪ Hearing Body Chart | ▪ Considerations |

This packet goes through each Board, Committee and Commission that has hearing authority. Each analysis will state the entity's purpose, provide a brief overview including where the entity receives its authority. Furthermore, the analyses will identify the entity's hearing authority responsibilities, hearing processes, communication requirements, recognized rules (if any), possible hurdles that may arise if the hearing authority is transferred (if any) and the legislation that may need to be amended if the entity's hearing authority is transferred. A Hearing Body Chart is included in the packet that illustrates where that entity gets its authority. This chart also identifies when the authority was adopted, who has the power to amend that authority and the legislation that will need to be amended if that authority is transferred. In addition to this chart, a Hearing and Stipend Comparison Chart is included in this packet to show approximately how many hearings each entity held in each quarter of 2013 and the last quarter of 2012. The Hearing

and Stipend Comparison Chart also contains the readily available information regarding stipend payments that each member receives for participating in hearings. If the LOC desires information regarding stipend payments from before 2013, additional time to access archived information and update the Hearing and Stipend Comparison Chart would be needed.

Additional Boards, Committees and Commissions

This research does not include the Oneida Appeals Commission, the Advisory Review Board created by the Protection and Management of Archeological & Historical Resources Law or the appropriate agencies identified under the Employee Protection Policy to hold closed meetings to obtain testimony from an employee that discloses protected information.

Oneida Appeals Commission

In January 2013, General Tribal Council (GTC) adopted the Judiciary Law, which dissolves the Oneida Appeals Commission effective March 1, 2015 [See *GTC Resolution 01-07-13-B*]. Due to the passage of this Resolution, the Oneida Appeals Commission has not been included as one of the hearing bodies in the attached packet.

Advisory Review Board

The intent of the Advisory Review Board created by the Protection and Management of Archeological & Historical Resources Law was to provide general advice and guidance to the Oneida Cultural Heritage Department and the Preservation Officer; recommend archaeological, cultural and historic resources identified by the Preservation Officer for the inclusion on the Oneida Register of Historic or Culturally Significant Resources; and call upon Tribal elders, traditional authorities and staff having technical expertise for advice. The Advisory Review Board's actions and decisions are subject to review in accordance with the Administrative Procedures Act [See *Protection and Management of Archeological & Historical Resources 12.5*]. According to the Cultural Heritage Area Manager, the Oneida Museum established an advisory group to review collection materials, etc. Although employees and professionals sit on the Advisory Board as needed, there is no formal Board at this time and it was not included in the attached packet.

Appropriate Agencies under the Employee Protection Policy

The Employee Protection Policy identifies Internal Audit, the Gaming Commission, Tribal School Board, Police Commission and Personnel Commission as appropriate agencies that can hold closed meetings to obtain testimony from an employee that discloses information that is protected. The appropriate agencies must follow the hearing procedures set out in the Administrative Procedures Act. Although the Employee Protection Policy identifies these agencies as having hearing authority, the Employee Protection Policy only specifies the Personnel Commission as the entity that proceeds with alleged retaliation grievances and the agencies' hearing authority, as delegated under this Policy, has not been included in the attached packet [See *Employee Protection Policy 4-2 (b), 4-7, 5-3, 5-4 & 5-5*].

If you have any questions, please let me know.

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ONEIDA CHILD PROTECTIVE BOARD

ONEIDA CHILD PROTECTIVE BOARD

Purpose

The purpose of the Child Protective Board (Board) is to secure a stable environment that includes the physical, mental, cultural and financial well-being of Oneida children [See 2014 GTC Annual Report, pg. 54]. Furthermore, the Board protects the best interests of Oneida children and promotes the stability and security of Oneida families by establishing minimum standards for the removal of Oneida children from their families [See Board Bylaws 1-5].

Overview

The Board was established and gets its authority from the Oneida Child Protective Board Ordinance (Ordinance) pursuant to Oneida Business Committee (OBC) Resolution # 09-25-81. The OBC delegated to the Board all of the Tribe's authorities and responsibilities under the Indian Child Welfare Act, and any applicable rules and regulations [See OBC Resolution 09-25-81 and Board Bylaws 1-2]. The Board stands in the place of a tribal court and is a decision making body and is comprised of seven members appointed by the OBC with four year terms [See Board Bylaws 1-2 & 1-4].

Responsibilities

The following are hearing authority responsibilities of the Board:

- Decision making body [See Board Bylaws 1-6 (A)]
- Serves as the original hearing body in matters concerning decisions by the Oneida Child Care Department regarding the issuance of child care provider certification [See Board Bylaws 1-6 (E)]¹
- The Board's Recording Clerk maintains and makes available to the Oneida Appeals Commission (Commission), all necessary written opinions of the Board that generates in resolving Child Care Provider disputes that come before the Board [See Board Bylaws 4-4]

Hearing Process

The Board's Recording Clerk must notify all Board members and the petitioner and respondent of the time and place of all hearings no less than ten business days in advance of the hearing date. All documents filed in connection with any matter set for a hearing must be filed with the Recording Clerk at least five business days in advance of the hearing date. A majority vote by the Board members at the hearing will make a determination on the matter. Three Board members must be present at a hearing in order to constitute a quorum; once the quorum is established at the hearing; all official actions are valid and binding. The Recording Clerk maintains the Board's records and all decisions of the Board. Any parent or representative can appeal a Board's action regarding Indian Child Welfare matters to the Commission [See Board Bylaws 6-6 and 7]. An aggrieved person can appeal to the Board, then to the OBC and lastly to the General Tribal Council [See Ordinance, OBC Resolution 09-25-81].

Communication

¹ The Oneida Child Protective Board Chairperson believes that the Board's Bylaws that designated the Board as the original hearing body in matters that concern decisions made by the Oneida Child Care Department were changed; however she is not sure if the change was officially made. This is still waiting to be confirmed.

All decisions made by the Board must be in writing and copies must be made available to all parties at the hearing. The Board must inform the parties of their right to appeal to the Commission [*See Board Bylaws 7*].

Recognized Rules

The Board is bound by the Administrative Procedures Act; all Board hearings are conducted pursuant to Section 1.10-1 of the Administrative Procedures Act [*See Board Bylaws 1-6 (E) & 7-1*].

Miscellaneous

If the Board's hearing body authority is transferred, the Board's Bylaws will need to be amended and OBC Resolution 09-25-81 will need to be repealed [*See Bylaws 1-2; 1-6 (A & E); 4-4; 5-2; 5-3; 6; 7; 9-1 (B) and OBC Resolution 9-25-81*].



ONEIDA ELECTION BOARD

ONEIDA ELECTION BOARD

Purpose

The purpose of the Oneida Election Board (Board) is to conduct fair and orderly Tribal elections and conduct ballot counts at General Tribal Council (GTC) meetings [*See 2014 GTC Annual Reports, pg. 55*].

Overview

The Board gets its authority from the Election Law (Law). The Board is required to carry out the provisions of the Law as well as Article III, Sections 2 and 3 of the Tribal Constitution [*See Oneida Election Law 2.4-1*]. The Board is comprised of nine elected members who serve three-year terms and cannot exceed two consecutive terms [*See Oneida Election Law 2.4-2*].

Responsibilities

The hearing authority responsibilities of the Board include:

- Hearing appeals from applicants found ineligible to be placed on a ballot [*See Oneida Election Law 2.4-10 (a)*]
- Imposing fines for violations of contribution restrictions and/or violations of campaign sign restrictions. The amount of the fine is specified in a resolution adopted by the Oneida Business Committee [*See Oneida Election Law 2.5-8 (b) and 2.5-9 (e)*]

Hearing Process

An applicant found ineligible to be placed on a ballot can appeal that decision within two business days of receiving notification from the Board. The Board Chairperson will select a hearing body comprised of at least four Board members to hear the appeal within two business days of receiving it. The Board's hearing body must make a decision within two business days of the hearing. Any appeal decision made by the Board's hearing body can be appealed to the Oneida Appeals Commission (Commission) on an accelerated schedule and in compliance with the Administrative Procedures Act [*See Oneida Election Law 2.5-6*].

If a voter's eligibility is called into the question, the election Judges will meet with personnel from Enrollments and decide the voter's eligibility. If it is determined the voter is ineligible to vote, he/she will still be allowed to fill out a ballot, but the ballot is placed in an envelope until the voter's appeal, if any, is heard by the Board. The voter must appeal to the Board within two business days of the election. The Board's decision, which must be made within five business days of receiving the appeal, is included in the final report that is sent to the Oneida Business Committee [*See Oneida Election Law 2.8-7*].

Any qualified voter can challenge the results of an election by filing a complaint with the Commission within ten calendar days after the election. The Commission must hear and decide a challenge to any election within two business days after challenge is filed. The person challenging the election must prove by clear and convincing evidence that the Law was violated or that an unfair election was conducted and that the outcome of the election would have been different if not for the violation [*See Oneida Election Law 2.11-11*]. An appeal to the appellate body of the Commission must be filed within one business day after the issuance of the lower body's decision and decided within two business days after the appeal is filed. The Commission can order a Special Election for any offices affected by a violation of the Law [*See Oneida Election Law 2.11-11 (b)*].

Communication

If the Board determines an applicant is ineligible to be placed on a ballot, the Board must notify him/her by certified mail return receipt requested. The notification must, among other things, instruct the applicant that he/she has two business days from the receipt of notification to make an appeal. The appeal must be delivered by hand at the designated location listed in the notification [See *Oneida Election Law 2.5-7 (d)*]. The Board must notify the applicant by phone of the time and place of the hearing. The decision of the Board's hearing body is sent by certified mail or hand delivery within two business days of the hearing [See *Oneida Election Law 2.5-6*].

If a voter is found ineligible, he/she can appeal to the Board; however the appeal must be in writing [See *Oneida Election Law 2.8-7*].

Recognized Rules

Although not specifically stated, the Board is bound by the Administrative Procedures Act [See *Administrative Procedures Act 1.7-1*].

Possible Hurdles

There may be a conflict of interest if an elected body handles challenges to elections or applicant/voter appeals.

Miscellaneous

The Law is in the process of being amended, the current Law and the Board's Bylaws were used in researching the Board. The Board's Bylaws are out of date and no longer comply with the current or proposed Laws. Both the current and proposed Law give the Board hearing body authority; if this authority is transferred, the Law will need to be amended [See *Oneida Election Law 2.4-10 (a); 2.5-6; 2.5-7(d); 2.5-8 (b); 2.5-9 (e); and 2.8-7*].



ONEIDA ENVIRONMENTAL RESOURCE BOARD

ONEIDA ENVIRONMENTAL RESOURCE BOARD

Purpose

The purpose of the Oneida Environmental Resource Board (ERB) is to protect, conserve and enhance all natural resources to assure the preservation of the Quality of Life for the next Seven Generations [*See 2014 GTC Annual Report, pg. 56*].

Overview

The Oneida Business Committee (OBC) established the Oneida Conservation Board, now known as ERB, through OBC Resolution 02-22-85-B. OBC Resolution 09-16-86-A delegated the supervision and regulation of conservation resources to ERB. ERB has hearing body authority in the following Tribal laws/ordinances: Hunting, Fishing and Trapping; Water Resources; All-Terrain Vehicle; Well Abandonment, Tribal Environmental Response and Domestic Animals. The Public Use of Tribal Land Law will also give ERB hearing body authority; however, this Law has yet to be formally adopted. A motion was made at the February 20, 2013 Legislative Operating Committee meeting to defer the Public Use of Land and Trespassing Law until the maps are completed. ERB is comprised of nine appointed members that have three year terms [*See ERB Bylaws 1-5 (a) & (b)*].

Responsibilities

The following are hearing authority responsibilities of ERB:

- Serves as the original hearing body in matters concerning environmental and conservation laws and ordinances promulgated by the Tribe [*See ERB Bylaws 1-4 (b)*]
- Holds any and all hearings on alleged violations of the Hunting Fishing and Trapping Law and hears charges against individuals [*See Hunting, Fishing and Trapping 45.15-1 & 45.15-3*]
- Imposes fines and may substitute fines with community service hours [*See Hunting, Fishing and Trapping 45.17-1 & 45.16-3*]
- Serves as the initial hearing body in all matters arising from the Water Resource Ordinance [*See Water Resource Ordinance 48.1-3*]
- Issues subpoenas and administers oaths [*See Water Resource Ordinance 48.6-2*]
- Issues findings that complainants are entitled to recover reasonable expenses of the hearings, including attorney fees [*See Water Resource Ordinance 48.6-2*]
- Holds any and all hearings on alleged violations of the All-Terrain Vehicle Law [*See All-Terrain Vehicle 49.6-2*]
- Imposes sanctions for violating the All-Terrain Vehicle Law, including substituting fines with community service hours [*See All-Terrain Vehicle 49.7-1*]
- Acts as the original hearing body of the Well Abandonment Law [*See Well Abandonment 43.7-3*]
- Issues penalties of no less than \$100 and no more than \$1000 to any well owner or agent violating the Well Abandonment Law [*See Well Abandonment 43.7-1*]
- Conducts hearings on the Environmental Health and Safety Division Director's decisions [*See Tribal Environmental Response 40.11-1 (b) (1)*]
- Hears cases contesting fines or citations by anyone that allegedly violated the Oneida Tribal Regulation of Domestic Animals Ordinance (Domestic Animal Ordinance) [*See Domestic Animal Ordinance 34.4-3*]

- Hears and decides contested cases that arise under the Public Use of Tribal Land Law [See *Public Use of Tribal Land Law Draft 6 38.4-1 (c)*]

Hearing Process

ERB Bylaws

The ERB Chairperson schedules hearing and mediation sessions for those who request them [See *ERB Bylaws 2-2*]. The ERB Secretary must provide notice to all ERB members, the petitioner and respondent no less than ten business days prior to the hearing date. All documents filed in connection with the hearing must be filed with the ERB Secretary at least five days before the hearing. The ERB Secretary must submit the documents to all ERB members no later than two days before the hearing. An outcome of the hearing will be decided by a majority vote. ERB assigns three ERB members to conduct the hearing so long as those ERB members have fulfilled the training requirements. One of the three ERB members that make up the hearing body will be designated the Lead Hearing Officer. The hearing body must have a quorum of three ERB members and ERB Secretary [See *ERB Bylaws 4*]. The ERB Secretary maintains the records of all ERB decisions and makes all written opinions available to the Appeals Commission for any case that goes before the Commission [See *ERB Bylaws 5-3*].

Water Resource Ordinance

The Oneida Environmental Department (Department) files a complaint with ERB relating to alleged or potential environmental pollution. The Department serves a copy of the complaint and hearing notice to the alleged or potential polluter 20 days prior to the hearing time. The hearing must be held no later than 90 days from receiving the complaint. The respondent must file a verified answer with the Department no later than five days prior to the hearing date. ERB can extend this timeline for cause shown. Within 90 days after the hearing, ERB must make and file its findings [See *48.6-2*].

Well Abandonment Law

The Oneida Environmental Health Program brings all civil forfeiture hearings before ERB. Notice and hearing procedures must be conducted pursuant to the Administrative Procedures Act. An appeal from any final, written judgment must be made within five working days of notice and can be made by either party. [See *Well Abandonment 43.7-3, 43.7-5 & 43.7-6*].

Tribal Environmental Response Law

A person who does not agree with the Environmental Health and Safety Division's compliance order can appeal to the Division Director. If that person is not satisfied with the Division Director's decision, the person can appeal to ERB within ten business days after the Division Director's decision. ERB will conduct a hearing and either uphold, revise or reverse the Division Director's decision. ERB must post and publish its final decision within ten business days after the hearing. ERB's decision must include specific facts which were the basis for the decision and forward the decision to the parties of the appeal. In addition, a person who was issued a fine under the Tribal Environmental Response Law can contest the fine to ERB within five days of the fine being issued. Any party of interest can appeal an ERB decision to the Oneida Appeals Commission [See *Tribal Environmental Response 40.11*].

Public Use of Tribal Land Law

Any person that receives a citation for violating the Public Use of Tribal Land Law will receive a notice of the date, time and place of the hearing to contest the citation. The hearing must take place at least five business days after the citation was issued. The appellant must appeal to ERB and can appear in person or be represented by an agent, advocate or attorney.

After the hearing, ERB will determine if the appellant is responsible for the citation and can set a new date for when the citation is due, if necessary. Any party can appeal ERB's decision to the Oneida Appeals Commission [*See Public Use of Land and Trespassing Draft 6 38.7*].

Communication

Bylaws

ERB's Secretary is responsible for providing notice of the hearing and receiving all documents that pertain to the hearing [*See ERB Bylaws 4-2 & 4-3*]. ERB will provide a written opinion for each grievance they hear. Copies of the opinion will be distributed to all parties of the dispute and all opinions must be signed by the ERB members, including the Chief Hearing Officer that participated in the hearing [*See ERB Bylaws 2-4 (d) & (e)*]. The ERB Chairperson reports to the Oneida Business Committee about the number and types of cases ERB heard and the resolutions that came from the hearings [*See ERB Bylaws 5-4*]. ERB also provides General Tribal Council with an annual written report.

Water Resource Ordinance

The Department serves a copy of the complaint and notice of the hearing to the alleged or potential polluter either personally or by registered mail at least 20 days prior to the hearing time.

Recognized Rules

All ERB hearings are conducted in accordance with the Administrative Procedures Act [*See Bylaws 4-1; Hunting, Fishing and Trapping 45.15-3 (b); Water Resource Ordinance 48.6-2; All-Terrain Vehicle Law 49.6-2 (a); and Well Abandonment 43.7-3*].

Possible Hurdles

A person that is found violating the Water Resource Ordinance may be subject to a penalty of no less than \$100 but no greater than \$5000. All money collected is deposited in the Oneida Environmental Fund (Fund). If it is determined that ERB's hearing authority is transferred, it will need to be decided if the money collected from any order will remain with the Court or be returned to the Fund. The Fund is used to defray the expense of administering the Water Resource Ordinance and to fund pilot projects and provide pollution control and preventing grants [*See Water Resource Ordinance 48.6-4*].

Likewise, any forfeiture collected under the Well Abandonment Law is forwarded to the Accounts Receivable Office for placement in the General Tribal Funds [*See Well Abandonment 43.7-7*].

Miscellaneous

If it is decided to transfer ERB's hearing body authority, the Hunting, Fishing and Trapping Law; Water Resource Ordinance; All-Terrain Vehicle Law; Well Abandonment Law; Tribal Environmental Response Law; Domestic Animals Ordinance and ERB's Bylaws will need to be amended [*See Hunting Fishing and Trapping 45.15-1; 45.15-3, 45.16-2 & 45.17-1; Water Resource 48.1-3; 48.6-1 (e); 48.6-2; & 48.6-4; All-Terrain Vehicle 49.6-2; Well Abandonment 43.7-3 & 43.7-6; Tribal Environmental Response 40.11-1 (b); 40.11-2 & 40.11-3; Domestic Animals 34.4-3; ERB Bylaws 1-4 (b); 1-5 (c) (2); 1-5 (f) (1 & 3); 2-2 (b); 2-4 (a, c-e); 4; 5-3; and 5-4 and Public Use of Tribal Land 38.4-1 (c); 38.7-2 & 38.7-3*].

ERB has updated bylaws pending; however, ERB is waiting for the Public Use of Tribal Land Law to be adopted which will give ERB hearing body authority. These Bylaws may also need to be amended.



ONEIDA GAMING COMMISSION

ONEIDA GAMING COMMISSION

Purpose

The Oneida Gaming Commission (Commission) establishes regulations, standards, policies and protocols for the Tribe's gaming operation. The Commission monitors the Tribe's compliance with both the Tribal and Federal gaming regulations and administers gaming licenses to employees of the Tribe's gaming operation [See Commission's website, <https://oneida-nsn.gov/GamingComm.aspx>].

Overview

The Commission gets its authority from the Oneida Nation Gaming Ordinance (ONGO). The Commission is comprised of four elected members that serve five year terms [See ONGO 21.6-1 & 21.6-7]. The Commission must perform his/her duties and responsibilities on a full-time basis and are paid pursuant to the annual budget and not the Comprehensive Policy Governing Boards, Committees and Commissions [See ONGO 21.6-9].

Responsibilities

The following are the hearing authority responsibilities of the Commission:

- Be the original hearing body authority to hear licensing decisions set forth by ONGO [See ONGO 21.2-6]
- Monitor and enforce all laws and regulations that govern the operation and conduct of all gaming activities, including monitoring licenses, subject to ONGO and/or regulations setting forth hearing or enforcement processes [ONGO 21.6-14 (f)].
- Grant, deny, revoke, condition, suspend or reinstate employee gaming licenses, gaming service vendor licenses and gaming operator licenses [See ONGO 21.6-14 (i)]
- Conduct hearings relating to licenses issued by the Commission [See ONGO 21.6-14 (j)]
- Arbitrate, negotiate or settle any dispute to which it is a party and which relates to its authorized activities [See ONGO 21.6-14 (m)]
- Establish by regulation, where needed, additional processes for conducting licensing hearings [See ONGO 21.6-14 (s)]
- Establish and impose a fine system for regulatory violations [See ONGO 21.6-14 (v)]

Hearing Process

Gaming Employee License

Pre Hearing

If, after a background investigation, the Commission finds an applicant to be ineligible for a gaming license, the Commission must notify the applicant. The applicant can request a hearing regarding the decision that made him/her ineligible for a license. The Commission must set forth regulations for the applicant to review any information discovered during the preliminary background investigation prior to scheduling a hearing. [See ONGO 21.12-4 (a)].

If the Commission suspends the license, the Commission must notify the licensee of his/her right to conduct a review of a file prior to the hearing. In addition, the Commission must specify why the license was suspended and the time and place of the hearing [See ONGO 21.12-8 (b)]. The license will not be suspended until after the hearing unless the Commission immediately suspends the license, which in this case, the license will be suspended after the licensee is notified. The notice of suspension or immediate suspension must provide the times and dates for when the licensee can conduct a file review and when the hearing will occur [See

ONGO 21.12-8 (c) & (d)]. Within 15 days after the hearing, the Commission must issue a final licensing decision and decide whether to suspend, uphold an immediate suspension, revoke or take other action concerning the license [*See ONGO 21.12-8 (e)*]. If the licensee fails to appear at the hearing, the Commission will proceed by default [*See ONGO 21.12-8 (f)*].

Original Hearing

Any person aggrieved by the Commission's decision can appeal that decision by requesting for an original hearing before the Commission. The appellant must file the request on or before the 15th day following the receipt of the Commission's decision. The Commission must certify the record within 30 days of the date of the filing of the request. The Commissioners that serve on the original hearing body cannot be the same Commissioners that participated in the licensing decision. The Commission can determine to review the decision solely on the licensing decision record and briefs filed. The Commission can also allow for oral arguments. The Commission must issue a decision within 120 days from the receipt of the request for an original hearing. The Commission's decision can be appealed to the Oneida Appeals Commission [*See ONGO 12.21-9*].

Gaming Services Licensing and non-Gaming Services Permitting

Pre Hearing

If the Commission suspends, modifies, or revokes a gaming services license or non-gaming services permit, the Commission must provide notice to the Licensee or permittee. The notice shall include the licensee or permittee's right to conduct a file review of any hearing, present documents and witness testimony at the hearing and be represented by counsel. The notification must also specify the grounds upon which the suspension was based and the time and place for the file review and hearing [*See ONGO 21.13-13 (b)*]. If the Commission immediately suspends the license or permit, the suspension will take effect upon service of the notification [*See ONGO 21.13-13 (c)*]. The notice of suspension or immediate suspension must provide the time and date to conduct a file review and hearing [*See ONGO 21.13-13 (d)*]. The Commission must issue a final decision within 15 business days after the hearing to either suspend, uphold an immediate suspension, revoke or take other actions concerning a license or permit [*See ONGO 21.13-13 (e)*]. If the licensee or permittee fails to appear at the hearing, the Commission will proceed by default [*See ONGO 21.13-13 (f)*].

Original Hearing

Any person aggrieved by a licensing or permitting decision of the Commission can appeal that decision by filing a request for an original hearing before the Commission. The applicant must file the request with the Commission on or before the 15th day following the receipt of the Commission's decision. The Commission must certify the record, within 30 days of the date of the filing for a request of an original hearing. The Commissioners that participated in the initial licensing or permitting decision cannot participate in the original hearing. The Commission must make a determination by reviewing the decision solely on the decision record and briefs or may allow for oral arguments. The Commission must issue a decision within 120 days from the receipt of the request for the original hearing. The Commission's decision can be appealed to the Oneida Appeals Commission [*See ONGO 21.13-14*].

Oneida Gaming Commission Regulation 1: Vendor Licensing and Permitting

Any person aggrieved by a licensing or permitting decision of the Commission can appeal that decision by filing a written request within 15 days from the date of receipt of the Commission's decision [*See Oneida Gaming Commission Regulation 1: Vendor Licensing and Permitting 1.18-1*]. The Commission and the rights and obligations of the vendor regarding an

appeal is governed by section 21.13-14 of ONGO [See *Oneida Gaming Commission Regulation 1: Vendor Licensing and Permitting 1.18-2*].

Communication

Gaming Employee License

If the Commission suspends the licensee's license, the Commission must notify the licensee in writing [See *ONGO 21.12-8 (b)*]. If the licensee appeals the Commission's decision, he/she must request an original hearing before the Commission in writing [See *ONGO 21.12-9*]. When the Commission issues its final decision, the decision must be in writing [See *ONGO 21.12-9*]. The Commission must maintain complete and accurate records of all licensure proceedings [See *ONGO 21.12-11*].

Gaming Services Licensing and non-Gaming Services Permitting

Pre Hearing

If the Commission suspends a license or permit, the Commission must notify the licensee or permittee in writing [See *ONGO 21.13-13 (b)*]. The final decision of the Commission must also be in writing [See *ONGO 21.13-13 (e)*].

Original Hearing

If the aggrieved person wishes to appeal the Commission's decision, he/she must file a request, in writing, with the Commission [See *ONGO 21.13-14*]. The Commission final decision must be in writing [See *ONGO 21.13-14*].

Recognized Rules

Unless specifically stated in ONGO, the Commission's hearings are conducted in accordance to the Administrative Procedures Act [See *ONGO 21.12-8 (g) & 21.13-13-(g)*].

Possible Hurdles

Amendments to ONGO require approval from the Chairperson of the National Indian Gaming Commission as required by the Indian Gaming Regulatory Act.

Miscellaneous

If it is decided to transfer the Commission's hearing body authority, ONGO and Oneida Gaming Commission Regulation 1: Vendor Licensing and Permitting should be amended [See *ONGO 21.2-6; 21.6-14 (f), (i), (j), (m), (s), & (v); 21.12-4; 21.12-8; 21.12-9; 21.13-13; 21.13-14; Oneida Gaming Commission Regulation 1: Vendor Licensing and Permitting 1.18*].



ONEIDA LAND COMMISSION

ONEIDA LAND COMMISSION

Purpose

The purpose of the Oneida Land Commission (Commission) is to oversee land acquisitions, leases, loan approvals, land use, probates and all other issues related to Tribal land [See Commission website, <https://oneida-nsn.gov/LandComm.aspx>].

Overview

The Commission is comprised of seven elected members with three year terms that are the policy makers for the Division of Land Management [See Real Property Law 67.16-2 and Commission Bylaws 1-4]. General Tribal Council created the Land Committee on February 28, 1941 in Section 3 of Ordinance No. 1 Lands that was later named the Land Commission in 1977 [See Commission website, <https://oneida-nsn.gov/LandComm.aspx> and Commission Bylaws 1-2].

Responsibilities

The following are hearing authority responsibilities of the Commission:

- Original Hearing Body for land disputes [See 2014 Annual Report, pg. 58 and Real Property Law 67.16-2 (c) (2)]
- Hearing appeals made by a person subject to a citation issued by the Zoning Department for violating the Non-Metallic Mine Reclamation Law [See Non-Metallic Reclamation 41.23-4]
- Ordering the transfer of inherited interests under the authority of Section 205 of the Indian Land Consolidation Act [See Real Property Law 67.8-6 (d)]
- Holding hearings on involuntary transfer of title cases [See Real Property Law 67.8-6 (e)]
- Making declaratory rulings in any case brought before the Commission by any person claiming to be an heir of a deceased Tribal member [See Real Property Law 67.9-6]
- Limiting, suspending or revoking the license of real property broker, salesperson or apprentice or imposing a fine [See Real Property Law 67.13-5 (a)]
- Ordering a partition of a condominium property [See Condominium Ordinance 68.14-2]
- Hearing and deciding appeals where its alleged that an error occurred in any order, requirement, decision or determination made by the Zoning Administrator while enforcing the Zoning and Shoreland Protection Law [See Zoning and Shoreland Protection 69.4-1 (e)]
- Deciding mapping disputes [See Zoning and Shoreland Protection 69.5-5]
- Hearing and deciding contested cases that arise from the Real Property Law [See Commission Bylaws 1-2 (b)]

Hearing Process

Building Code

If a permit is denied or revoked, an appeal can be made to the Zoning Administrator within ten business days of the receipt of notification of the action being appealed. The Zoning Administrator must make a determination within five business days of the receipt of the appeal. If not satisfied with the Zoning Administrator's decision, the appellant can appeal to the Commission. If not satisfied with the Commission's decision, the appellant can appeal to the

Appellate Court of the Tribe's judicial body within ten business days of receipt of the Commission's determination [See *Building Code 66.24-1*].

Real Property Law

The Commission or its designated sub-committee must make a declaratory ruling on any probate case brought before them. The Division of Land Management's staff attorney prepares a file for each probate hearing within 30 days of the receipt of a request for a probate hearing from anyone claiming to be an heir of the deceased. The Commission can approve a 30 day extension, if necessary, to complete the file. Relatives and agencies are asked to cooperate in developing the complete probate file [See *Real Property Law 67.9-6 & 67.9-7*]. Once the probate file is complete it will be placed on the Commission's agenda for review. If the Commission feels the file is incomplete, it is sent back to the staff attorney; if the file is complete, a hearing is scheduled at a time when most parties can attend. All parties-in-interest will be notified at least ten days before the hearing takes place [See *Real Property Law 67.9-10 (a)*].

The hearings will have open and non-judgmental discussions. At the hearing, the probate file will be reviewed and data added or corrected based on the consensus of those present. There will be enough time to provide for full discussions on the process, presentation of additional data and defining problems or disputes to be entered into the record. All problems or disputes will be settled in the hearings, with everyone assisting in the resolution. After all problems, disputes and legal issues of the case have been resolved to the satisfaction of all interested parties, the Commission's designated subcommittee will issue its final or declaratory ruling to the Director of Land Management. The Director will notify the Commission and all parties involved. The final ruling takes place 60 days after the mailings [See *Real Property Law 67.9-10 (b)*]. A party can seek a rehearing by notifying the Director of the Division of Land Management within 60 days after the declaratory ruling is issued. The Director will place the petition for rehearing on the first agenda of the Commission. The Commission can deny the request or order a rehearing; however, if a rehearing is approved, the same people who made up the first hearing body will be on the second hearing body. If the petitioner is not satisfied with the outcome of the rehearing, he/she can appeal to the Oneida Appeals Commission within 30 days of the ruling. In addition, a party can petition the Oneida Appeals Commission to reopen the case within three years after the declaratory ruling was mailed, so long as they can prove that they were not a participant in the first hearing, they were completely unaware that the first probate hearing occurred and they have rights which were erroneously left out of the first hearing [See *Real Property Law 67.9-11 through 67.9-14*]. The Oneida Appeals Commission can refuse to reopen the case or send an order to the Commission requiring that a second hearing be conducted [See *Real Property Law 67.9-15*].

If any Tribal loan is in default the Loan Officer will provide notice after each month the loan is in default. After three notices, the Loan Officer will provide the Director of Land Management and the Loan Committee, all documents and information necessary to determine whether or not foreclosure proceedings should begin. Any recommendations to foreclose will be placed on the Commission's agenda and a hearing will be scheduled. The Commission will designate three members to make up a hearing body and each member will receive \$150 for being present at the scheduled hearing. Tribal employees will not be paid the \$150. At the hearing all information will be reviewed and a final decision, opinion, order or report will be made.

Condominium Ordinance

All complaints that arise from the Condominium Ordinance, the overrule contract, the condominium instruments, the bylaws or decisions of a condominium association or its board of directors will be filed with the Division of Land Management Office immediately after the party's discovery of the circumstance or decision that created the grievance. The Division of Land Management Director will try to mediate the grievance and must respond to the aggrieved party and all other interested persons within 30 days of the receipt of the complaint with a resolution, if any. The Division of Land Management's decisions or actions can be taken to the Commission or the Commission's sub-committee for the purpose of a hearing. The aggrieved party can also appeal to the Oneida Appeals Commission [*See 68.26-1*].

Zoning and Shoreland Protection

Appealing the Zoning Administrator's decision

If the Zoning Administrator denies a permit, revokes a permit or decides any question involving the interpretation of a provision of the Zoning and Shoreland Protection, a person can file an appeal with the Commission. If an appeal is made, the Zoning Administrator must provide a statement to the Commission that outlines the facts, describes the relationship of the facts to the Zoning and Shoreland Protection Law and suggests a course of action the Commission can take, including conditions to be met by the applicant prior to the issuance of the zoning permit [*See 69.15-1 (a)*]. The Commission can review, revise, or reverse the Zoning Administrator's decision. The Commission must specify the facts that were used in making the determination and must either affirm or dismiss the appeal in whole or in part [*See Zoning and Shoreland Protection 69.15-1 (b) & (c)*]. Any party can appeal the Commission's decision to the Oneida Appeals Commission [*See Zoning and Shoreland Protection 69.15-3*].

Contesting a Fine

Any person that has been issued a fine can contest the fine to the Commission. The fine must specify the date, time and place of the hearing. The hearing must take place at least five days after the fine is issued. After the hearing, the Commission must determine whether the person is responsible for the fine and can set a new date for when the fine must be paid [*See 69.15-2*]. Any party can appeal the Commission's decision to the Oneida Appeals Commission [*See Zoning and Shoreland Protection 69.15-3*].

Commission's Bylaws

Grievances regarding any land related transaction must be resolved in accordance with the Real Property Law and the Administrative Procedures Act. Whenever possible, the Director of the Division of Land Management must first attempt to resolve the matter before submitting the issue to the Commission. Upon receipt of notice of a contested matter by the Director of the Division of Land Management, or a special committee, the Commission will hold or provide for the holding of a hearing [*See Commission Bylaws 6-1*]. The Commission can appoint a body for conducting contested case hearings and the hearing body members are eligible to receive a stipend, regardless of the length of the hearing [*See Commission Bylaws 3-4 & 3-5*].

Communication

Building Code

If the aggrieved person appeals to the Zoning Administrator, he/she must appeal in written form. Once the Zoning Administrator makes a determination, he/she must send the determination to the aggrieved person either by registered mail (return receipt requested) or personal delivery [*See Building Code 66.24-1 (a) & (b)*].

Real Property Law

When a probate hearing is scheduled, all interested parties must be notified by certified personal notice to their current or last known address. The notice will also be posted at the Norbert Hill Center, Little Bear Development Center and other public places within the Reservation. The notice will also be published in at least two issues of the Kalihwisaks, the Milwaukee Journal Sentinel, a Green Bay paper and an Appleton paper [*See Real Property Law 67.9-10 (a)*].

If a party of a probate hearing seeks a rehearing, he/she must provide written notice to the Director of the Division of Land Management. The request must include affidavits, a witness list, a summary of testimony and other supporting documents which show that new information was not available during the first hearing. If a rehearing is granted, the Commission will adhere to the same notice requirements as in the first hearing [*See Real Property Law 67.9-11 & 67.9-12 (c)*]. All probate rulings made by the Commission or judgments made by the Oneida Appeals Commission are recorded in the Division of Land Management [*See Real Property Law 67.9-16*].

Condominium Ordinance

If a person has a complaint arising from the Condominium Ordinance, the overrule contract, the condominium instruments, the bylaws or decision of a condominium association or its board of directors, he/she must present the grievance, in writing, to the Division of Land Management Office [*See Condominium Ordinance 68.26-1 (a)*].

Zoning and Shoreland Protection

Appealing the Zoning Administrator's Decision

If a person appeals to the Commission, the appeal must be in writing [*See Zoning and Shoreland Protection 69.15-1*]. If an appeal is made, the Zoning Administrator must submit a written statement to the Commission [*See Zoning and Shoreland Protection 69.15-1 (a)*]. Once the Commission has made a decision, the final disposition must be posted and published, including sending the disposition and justification to the applicant and parties of interest [*See Zoning and Shoreland Protection 69.15-1 (c)*].

Recognized Rules

The Commission's hearings are conducted in accordance with the Administrative Procedures Act [*See Non-Metallic Mine Reclamation 41.14-2; Building Code 66.24 (c); Real Property Law 67.8-6 (e); Condominium Ordinance 68.26-2; and Commission Bylaws 6-1*].

Miscellaneous

If it is decided to transfer the Commission's hearing body authority, the Non-Metallic Reclamation Law; Building Code; Real Property Law; Condominium Ordinance, Zoning and Shoreland Protection Law and the Commission's Bylaws will need to be amended [*See Non-Metallic Mine Reclamation 41.14-2; 41.15-4; 41.23-4; Building Code 66.24-1 (c); Real Property 67.8-6 (d) & (e); 67.9-6; 67.9-7; 67.9-10 through 67.9-16; 67.11-5; 67.13-5 (a); 67.13-6; 67.14-5 (b) & 67.16-2 (c) (2); Condominium Ordinance 68.7-1; 68.9-3; 68.20-3; and 68.26; Zoning and Shoreland Protection 69.4-1 (b), (c), (e) & (g); 69.4-2 (j) & (k); 69.5-4 (f); 69.5-5; 69.10-1 (e) (2); 69.15; and Commission Bylaws 1-2 (b); 3-4; 3-5; 6-1*].



PARDON AND FORGIVENESS SCREENING COMMITTEE

PARDON AND FORGIVENESS SCREENING COMMITTEE

Purpose

The purpose of the Pardon and Forgiveness Screening Committee (Committee) is to carry out the provisions of the Pardon and Forgiveness Law [See *Pardon and Forgiveness 5.4-1*].

Overview

The Committee is comprised of four enrolled Tribal members, which represent the areas of the Oneida Police Department, Oneida Social Services Department and the Community at large. Two of the members are community at large members, one of which must be an elder. The Pardon and Forgiveness (Law) creates the Committee and grants the Committee hearing body authority [See *Pardon and Forgiveness 5.4-1 & 5.4-2 (d)*].

Responsibilities

The Law defines the hearing authority duties and responsibilities of the Committee, they include:

- Conducting and presiding over hearings [See *Pardon and Forgiveness 5.4-2 (d)*]
- Providing formal recommendations to the Oneida Business Committee [See *Pardon and Forgiveness 5.9-2*]
- Recommending that conditions be placed on the applicant before a pardon or forgiveness is granted [See *Pardon and Forgiveness 5.9-3*]

Hearing Process

The Committee conducts hearings quarterly and must provide the applicant notice of the date, time and location of the hearing at least 30 calendar days prior to the hearing. The hearing schedule for the year must be posted on the Tribal website and periodically in the Tribal newspaper. The Committee determines the time and location of the hearings and hearings are open to the public. Applicants that live outside the State of Wisconsin can request for alternate arrangements to appear by video conference and/or reschedule a hearing date. If the applicant fails to attend a hearing, the Committee can postpone making a determination or recommend that the OBC deny the application. However, if the applicant has a legitimate reason for missing the hearing (i.e. accident, funeral, illness) he/she must provide documentation to the Committee within ten calendar days. The Committee obtains testimony at the hearing from the applicant, any victims, witnesses or other persons supporting or opposing the pardon or forgiveness. The Committee can, among other things, require the applicant to provide further information. If the Committee requests further information, the applicant must provide the documentation to the Tribal Secretary's Office within 30 calendar days after receiving the request. After the hearing, the Committee goes into executive session and deliberates. After considering the all factors, the Committee will make a recommendation to within 60 days after the hearing and forward that recommendation to the OBC within 30 calendar days of making the decision [See *Pardon and Forgiveness 5.8*].

The OBC considers all the information received by the Committee and will then decide to accept, reject, or modify the Committee's recommendation. Deliberations will take place in executive session and the issuance or denial of the pardon or forgiveness is made at an OBC meeting, in open session. The decision is final and cannot be appealed. A majority vote by the OBC is required to grant or deny an application [See *Pardon and Forgiveness 5.10*].

Communication

The Committee provides official notice to the applicant by certified mail [*See Pardon and Forgiveness 5.6-3*]. If the applicant requests an alternative hearing date, he/she must do so in writing and mail the request to the Tribal Secretary's Office by certified mail [*See Pardon and Forgiveness 5.8-2*]. The Committee can receive both written and oral testimony by those involved in the pardon or forgiveness request except that the applicant must provide oral testimony. If the Committee requests further information from the applicant, the request must be made in writing and sent by certified mail within five business days after the hearing. After deliberating, the Committee will compose a formal, written recommendation that includes a reason(s) why the pardon or forgiveness should be approved or denied. The recommendation must also include all information from the applicant and background investigation, any notarized statements, proposed draft resolutions, and audio recordings of the hearing (upon request by the OBC) [*See Pardon and Forgiveness 5.8-4 & 5.8-5*].

The OBC can request that the applicant provide oral testimony at an OBC executive session by providing written notice 30 days prior to the deliberations [*See 5.10-2*]. OBC's decision to either approve or deny the application will be made by resolution. The final decision is sent to the applicant by the Tribal Secretary's Office by certified mail or personal service within ten business days following the decision [*See Pardon and Forgiveness 5.10-3 and 5.10-4*].

Recognized Rules

Although it is not specifically said, the Committee must adhere to the hearing procedures set out in the Administrative Procedures Act [*See Administrative Procedures Act 1.7-1*].

Miscellaneous

If it is decided to transfer the Committee's hearing body authority, the Pardon and Forgiveness Law will need to be amended [*See Pardon and Forgiveness 5.4-2 (d); 5.8; 5.9-2; 5.9-3 and 5.10-1*]. In addition, the Committee has drafted Bylaws; however they have never been formally adopted. These Bylaws may need to also be amended.



ONEIDA PERSONNEL COMMISSION

ONEIDA PERSONNEL COMMISSION

Purpose

The Oneida Personnel Commission's (Commission) purpose is to develop an employment system that is orderly and fair and one that will benefit the individual worker and strengthen Tribal Programs and Tribal Government [See 2014 GTC Annual Report, pg. 60].

Overview

The Commission is comprised of no less than 12 but no more than 15 appointed members that serve five year terms¹ [See Commission's Bylaws 1-4]. The General Tribal Council renamed the Personnel Selection Committee to the Personnel Commission [See OBC Resolution 4-13-90-A and Commission Bylaws 1-2].

Responsibilities

The following are the hearing authority responsibilities of the Commission:

- Hear appeals pertaining to the Military Service Employee Protection Act [See *Military Service Employee Protection Act 97.11-6*]
- Proceed with any alleged retaliation grievance placed before them by an employee [See *Employee Protection Policy 5-3*]

Hearing Process

Military Service Employee Protection Act

If any person is denied employment, reemployment or benefits under the Military Service Employee Protection Act, that person can file a complaint with the person's area manager and the Oneida Human Resources Manager (or designee) within ten working days from the day the person received a denial of employment and/or benefits by the Tribe. If the Area Manager determines that the alleged action occurred, the Area Manager must attempt to resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions set out in the Military Service Employee Protection Act. If the Area Manager does not resolve the complaint within ten working days, the complainant must be notified of the results of the Area Manager's investigation and the complainant's entitlement to refer the complaint to the Commission. A one-time extension of no more than five working days can be requested of and granted by the Oneida Human Resource Manager (or designee). If the employee appeals the Area Manager's decision, the appeal must be filed with the Commission within ten working days of the employee's receipt of the Area Manager's decision. The Commission must notify the Human Resources Manager (or designee) within one business day when an employee files an appeal. The following relief can be awarded 1) require the Tribe to comply with the provision set out in the Military Service Employee Protection Act and/or 2) require the Tribe to compensate the person for any loss of wages or benefits suffered by reason of the Tribes failure to comply with the provisions of the Military Service Employee Protection Act [See *Military Service Employee Protection Act 97.11*].

Employee Protection Policy

If an employee believes that retaliatory action is being taken against him/her, the employee can go directly to his/her Division Director and state the action that he/she believes is retaliatory or the employee can go directly to the Commission with his/her grievance. The

¹ The current Commission has 15 members [See 2014 GTC Annual Report, pg. 60]

Commission will proceed immediately with the retaliation grievance. If the disclosing employee files a grievance alleging a protected status as a result of disclosure and that retaliation has occurred, the disclosing employee can request a protective order. The Commission can order that the Human Resources Department monitor the Supervisor's actions in regard to the disclosing employee. The protective order must remain in place until such time as a final decision is issued by the Commission [*See Employee Protection Policy 5-5*].

Tribal Personnel Policies and Procedures Manual

An employee that receives a disciplinary action that he/she believes is unfair can grieve that action. The Human Resource Department will make every attempt to ensure that grievance procedures are concluded within 45 working days; however, extensions granted for reasonable unforeseen circumstances may extend the process. The employee files an appeal with the Area Manager and Human Resources Manager (or designee) within ten working days from the day the employee receives the disciplinary action. The employee can seek the assistance of a spokesperson or advocate at any time after the disciplinary action has been issued. The Area Manager will have ten working days from the receipt of the employee's appeal to complete the investigation. A one-time extension of no more than five working days can be requested of and granted by the Human Resources Manager (or designee). The Area Manager can uphold, modify, or overturn the disciplinary action. The employee can appeal the Area Manager's decision by filing an appeal with the Commission within ten working days from the employee's receipt of the Area Manager's decision. Upon the receipt of the appeal, the Commission must, within one business day, notify the Human Resource Manager (or designee) that an appeal was filed. The Commission will only take the case if the decision of the Area Manager is clearly against the weight of the evidence and/or procedural irregularities were exhibited during the appeal process that may have been harmful to one of the parties to the grievance. If one or both of these conditions are met, the Human Resource Department will convene the Commission to hear the grievance. If one of the conditions is not met, the Commission will deny the appeal and affirm the Area Manager's decision [*Tribal Personnel Policies and Procedures Manual V.D.3*].

If new evidence, which was previously unavailable, is introduced, the hearing will be suspended and the case will be referred back to the Area Manager. The Area Manager will reconsider his/her decision and issue a decision within three working days. This procedure can be invoked once, thereafter, the appeal process will continue to a conclusion based on the information originally presented [*See Tribal Personnel Policies and Procedures Manual V.D.3.b. 4.a*].

Both the petitioner and respondent/Area Manager can be represented by an advocate, if the petitioner hires outside legal presentation then the respondent/Area Manager can have legal representation. If the petitioner and his/her representative fail to appear at the hearing without justifiable cause, the Area Manager's decision will be upheld. If the respondent and his/her representative fail to appear, the Area Manager's decision will be overturned. The Commission's decision is based solely on the information presented before the appeal hearing, the record of the prior proceedings and any properly introduced new evidence. The Commission's decision is final and can uphold or overturn the disciplinary action. If the disciplinary action is overturned, the Commission can reinstate the employee with full back pay for any time lost or reinstate the employee without back pay.

Proposed Investigative Leave Policy

The Investigative Leave Policy is in the process of being amended. The latest amended draft (Draft 7) allows an employee that is placed on investigative leave to appeal that decision to

the Personnel Commission within ten business days of receiving a written notice. The employee can also appeal the findings and/or the decision arising out of the investigation within ten business days of receiving the written report [See Draft 7 Investigative Leave Policy 11].

Communication

Military Service Employee Protection Act

If a person files a complaint, it must be in writing and must contain a summary of the allegations that form the basis for the complaint [See *Military Service Employee Protection Act 97.11-3*].

Employee Protection Policy

The employee that believes that he/she is being retaliated against can go directly to the Division Director and state his/her case either in person and in writing or in writing only [See *Employee Protection Policy 5-2 (a)*]. When the Commission proceeds with a grievance, the resolution of that grievance must be in in writing and placed in the files of all the parties. However, if any person acting under the authority of another, who has a good faith belief of the correctness of their actions has a legal defense against any retaliation and, if accepted by the Commission, bars placement of the results of the action in that employee's file [See *Employee Protection Policy 5-3 & 5-4*].

Tribal Personnel Policies and Procedure Manual

An employee must appeal to the Area Manager in writing [See *Tribal Personnel Policies and Procedures Manual V.D.3.a.1*]. Once the Area Manger finishes the investigation, he/she must file the decision with the employee and the Human Resources Manager (or designee) and must include a reason for the decision, an explanation of the decision and the action to be taken as a result of it [See *Tribal Personnel Policies and Procedures Manual V.D.3.a.4*]. If the employee appeals the Area Manager's decision to the Commission, then copies of all information of the case will be hand delivered to the Commission members [See *Tribal Personnel Policies and Procedures Manual V.D.3.b.1*]. If the Commission holds a hearing, then the petitioner, respondent and Commission must receive notification of the hearing at least five working days prior to the hearing date. Copies of all information on the case must be hand-delivered to the Commission members at least two working days prior to the appeal date. The petitioner and respondent must have access to this information in the Human Resource Office at least two days prior to the appeal date [See *V.D.1.b.3 & 4*]. Once the Commission makes its final decision, the petitioner and responder must be notified on the final decisions within five working days from the hearing. The notifications of the final decision must include the final decision, the reasons for the final decision and the action to be taken as a result of the final decision. The Human Resource Department keeps all records of the hearing and provides copies of administrative advocacy rules, procedural rules and time line rules to interested parties [See *Tribal Personnel Policies and Procedures Manual V.D.3.b.8 & 9*].

Recognized Rules

Although it is not specified, the Commission follows the Administrative Procedures Act.² In addition, case law states that proceedings by the Commission are controlled by the Blue Book and that the Administrative Procedures Act is "the general law for original hearing bodies and the Blue Book is the specific law for hearing bodies on employment matters" [See *Owen Summers v. Vicki Cornelius, April 29, 1998*].

² According the Personnel Commission Administrator

Possible Hurdles

Amendments to the Personnel Policies and Procedures will require GTC approval.

Miscellaneous

If it is decided to transfer the Commission's hearing body authority then the following will need to be amended: the Military Services Employee Protection Act, Employee Protection Policy, Personnel Policies and Procedures Manual and Commission's Bylaws [*See Military Service Employee Protection Act 97.11-5 & 97.11-6; Employee Protection Policy 3-3; 4-5; 4-7; 5-2 (b); 5-3; 5-4 & 5-5; Personnel Policies and Procedures Manual Section V.D.3; Commission's Bylaws 1-4 (b) (5) and Proposed Investigative Leave Policy (Draft 7) 11-1 & 11-2*].



ONEIDA POLICE COMMISSION

ONEIDA POLICE COMMISSION

Purpose

The purpose of the Oneida Police Commission (Commission) is to provide oversight grading the activities and actions of the Law Enforcement operations within the community and to provide input regarding Law Enforcement Services [See 2014 Annual Report, pg. 61]

Overview

The Commission is comprised of five appointed members who serve five year terms and cannot serve more than three consecutive terms [See Oneida Nation Law Enforcement Ordinance 37.6-2]. The Commission gets its authority from the Oneida Nation Law Enforcement Ordinance (OBC Resolution 10-10-01-C) which created the Commission as an oversight body that does not involve decision making processes on day to day activities of law enforcement services [See Oneida Nation Law Enforcement Ordinance 37.4-7].

Responsibilities

The following are the hearing authority responsibilities of the Commission:

- Hear charges filed against law enforcement officers or other appointed personnel of the Police Department and hear appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel [Oneida Nation Law Enforcement Ordinance 37.6-1 (h) & (i)]
- Make findings and determinations, and impose penalties up to and including termination [See Oneida Nation Law Enforcement Ordinance 37.6-1 (h)]
- Subpoena witnesses [See Oneida Nation Law Enforcement Ordinance 37.9-3 (b)]

Hearing Process

Oneida Nation Law Enforcement Ordinance

A law enforcement officer can appeal, to the Commission, a disciplinary action ordered by the Police Chief. When an appeal is made, the Police Chief must submit formal charges against the officer to the Commission. In addition, a citizen can file, with the Police Chief, charges or a complaint against an officer. The Commission can hold a hearing after an investigation is conducted by the Police Chief.

A request for an appeal must be submitted to the Commission within 30 calendar days. If the request is made by a law enforcement officer or a citizen against a law enforcement officer, the Commission's President must immediately notify the Police Chief that a hearing has been requested. The Commission must meet within ten calendar days and set a hearing date; however the Commission can extend hearing dates for cause [See Oneida Nation Law Enforcement Ordinance 37.9-2]. The Commission must have legal counsel and a court reporter present at all formal proceedings. Disciplinary hearings are open except when the person subject to discipline or the Police Chief requests the hearing to be closed [See Oneida Nation Law Enforcement Ordinance 37.9-3]. A notice of the accused's rights, which include notice of charges, right to a hearing, right to representation, right to confront and cross examine his/her accusers and right to present evidence and argue the facts must be presented to the accused. A pre-hearing conference must be scheduled at least five working days before the hearing. The accused law enforcement officer and the complainant must be notified of the pre-hearing conference. At the pre-hearing conference the witness and exhibit list will be exchanged between the parties. Witnesses or

exhibits not presented at the pre-hearing will not be introduced at the hearing unless the Commission determines there is a satisfactory reason for the inclusion of a witness or exhibit. If the party or representative fails to attend the pre-hearing conference, the Commission must dismiss the charges against the law enforcement officer; unless the party or representative can show good cause [*See Oneida Nation Law Enforcement Ordinance 37.9-5*].

The Commission's President presides over and maintains order at the hearing. The President also has a duty to insure that the hearing is fair and impartial. The Commission President can elect to use an attorney or experienced hearing examiner to assist in conducting the hearing. The hearing's order of business is as follows [*See Oneida Nation Law Enforcement Ordinance 37.9-6*]:

- 1) President calls the hearing to order
 - a. Explains that the Commission is not an investigative body
 - b. Describes the hearing as a formal inquiry into the facts of the matter as the original hearing body
- 2) The President reads the charges and cites the rule(s) and/or policy(ies) that were alleged to be violated.
- 3) Testimony begins with the complainant.
 - a. Witnesses, evidence, documents and other related reports must be submitted by the complainant or Police Chief.
 - b. Witnesses testify under oath.
 - c. Commissions can ask questions but they must be relevant to the issue at hand.
 - d. The law enforcement officer can challenge the testimony or evidence.
- 4) The law enforcement officer or representative can present facts, introduce evidence and call witnesses.
- 5) The complainant can challenge testimony offered by the accused.
- 6) Both sides present closing summaries.
- 7) President adjourns the hearing.
- 8) Commission retires to executive session to deliberate the matter.

The Commission members must base their decisions regarding disciplinary action upon the "just cause" standard. The Commission can approve, dismiss, modify or void an action taken by the Police Chief. The Commission can also impose a penalty. In acting on a complaint, including termination of employment, the Commission can dismiss the complaint, modify charges filed, sustain the charges and impose a penalty or hire an outside agency to conduct an investigation of allegations against the Police Chief. The Commission's ruling can be appealed to the Oneida Appeals Commission [*See Oneida Nation Law Enforcement Ordinance 37.9-8 and 37.9-9*]

Communication

Oneida Nation Law Enforcement Ordinance

The request to appeal the Police Chief's decision must be made in writing. In addition, if the Police Chief or person being disciplined requests the hearing to be closed, they must provide that request in writing [*See Oneida Nation Law Enforcement Ordinance 37.9-2 & 37.9-3 (d)*].

The law enforcement officer and complainant must be noticed, in writing, of the pre-hearing conference [*See Oneida Nation Law Enforcement Ordinance 37.9-5*].

Recognized Rules

Although not specifically stated, the Commission's hearings are conducted in accordance with the Administrative Procedures Act [*See Administrative Procedures Act 1.7-1*].

Miscellaneous

If it is decided to transfer the Commission's hearing body authority, the Oneida Nation Law Enforcement Ordinance and the Commission's bylaws will need to be amended [*See Oneida Nation Law Enforcement Ordinance 37.6-1 (h) & (i); 37.9-1 (c), (d), (e) and (f); 37.9-2 through 37.9-9 and Commission bylaws 6-1 (h) & (i)*].



ONEIDA NATION SCHOOL BOARD

ONEIDA NATION SCHOOL BOARD

Purpose

The Oneida Nation School Board (Board) sets the direction for the educational leadership of the students that attend the Oneida Nation Schools and plans for future educational development. The Board oversees and plans for the academic and cultural growth of the students and Tribal educational institutions. In addition, the Board ensures the compliance of the school with Tribal initiatives and planning, the community's educational desires and sound academic practice *[See 2014 GTC Annual Report, pg. 63]*.

Overview

The Board is an elected body with nine members consisting of seven parent/guardians and two at-large positions *[See Board's website, <https://oneida-nsn.gov/SchoolBoard.aspx>]*. The Board's authority comes from the 02-14-83 Memorandum of Agreement (MOA) between the School Board and the Oneida Business Committee.

Responsibilities

The following are the hearing authority responsibilities of the Commission:

- Provides due process for parents, students and employees of the Oneida Nation schools *[See School Board Policies and Procedures 3-108]*
- Processes all grievances related to all personnel employed in the school *[MOA 02-14-83]*

Hearing Process

School Board Policies and Procedures

The Board will hold hearings and offer due process to parents, students and employees. The grievance hearings process has two levels, the first level being the initial informal hearing which is made up of three members of the Board, one Tribal School Administrator and one member of the Oneida Tribal Personnel Selection Committee as set out in the 02-14-83 Memorandum of Agreement and the Oneida Tribal Management System *[See School Board Policies and Procedures 3-108 and 02-14-83 MOA]*. The initial hearing will discuss pre-discipline/pre-termination actions. The second level, the formal hearing is conducted by the hearing panel which consists of three members of the Board, two Oneida Personnel Selection Committee members and the Equal Employment Opportunity Officer as set out in the 02-14-83 MOA and the Oneida Tribal Management System *[See School Board Policies and Procedures 3-108 and 02-14-83 MOA]*.

Formal Hearing Process

The hearing is conducted in the following manner:

- 1) The Board Chairperson will introduce the members of the Board and School Administrator.
- 2) The Chairperson will then read the Principal's recommendation regarding the student. 3)
- 3) The parents will be permitted to respond to the statement citing any additional information that may affect the board determination.
- 4) Questions from other Board members and follow up comments can be entertained by the Chairperson until all relevant comments are heard. The Board will then convene in closed session to deliberate. The Board will determine if the School Administrator will be a part of the deliberation.

- 5) The parents will be asked to return and receive the Board's decision. A Tribal attorney can be asked in be in attendance to assist in any legal questions. The action of the Board is final [*See School Board Policies and Procedures Appendix I*].

Recognized Rules

Formal employee grievance hearings are conducted pursuant to the Administrative Procedures Act. Student expulsion hearings are conducted pursuant to the Oneida Nations Student Handbook [*See School Boards Policies and Procedures 3-108*].

Possible Hurdles

Only the General Tribal Council can amend the MOA between the Board and the Oneida Business Committee [*See MOA 02-14-83*].

Miscellaneous

If it is decided to transfer the Board's hearing body authority then the following will need to be amended the MOA 02-14-83 and School Board Policies and Procedures [*See MOA 02-14-83; School Board Policies and Procedures 2-101; 2-108; 3-107; 3-108; and Appendix 1*]. It should be noted that the School Board will be looking at amending the Policies and Procedures Manual in the coming months.¹

¹ According to the School Board's Executive Assistant



ONEIDA LICENSE COMMISSION

ONEIDA LICENSE COMMISSION

Overview

The Oneida License Commission (Commission) was established by the Oneida Vendor Licensing Law [*See Vendor Licensing 56.7-1*].

Hearing Process

Parties that disagree with the Licensing Agent's decision on matters regarding licensing, certifications or permits issued by the Compliance Division can request a hearing before the Commission. Hearings before the Commission are conducted pursuant to the original hearing procedures set out in the Administrative Procedures Act. A party can appeal the Commission's decision to the Oneida Appeals Commission [*See 56.7-1 & 56.7-2*].

Recognized Rules

The Commission is bound by the Administrative Procedures Act [*See Oneida Vendor Licensing 56.7-1 (b)*].

Miscellaneous

According to the Licensing Administrator, the Commission is not currently operational and any appeals to the Oneida Vendor Licensing Law are filed with the Oneida Appeals Commission. The Oneida Vendor Licensing Law will need to be amended to revise the Commission's hearing authority [*See Vendor Licensing 56.3-8, 56.7-1 & 56.7-2*].



ONEIDA TRUST/ENROLLMENT COMMITTEE

ONEIDA TRUST/ENROLLMENT COMMITTEE

Purpose

The purpose of the Oneida Trust/Enrollment Committee (Committee) is to exercise due diligence for safe guarding and maintaining the trust funds and membership rolls of the Tribe in a manner that does not enable harm to the environment or the spiritual and cultural values of Native Americans [See Committee website, <https://oneida-nsn.gov/TrustEnrollmentCommittee.aspx>].

Overview

The Committee is comprised of nine members elected by the membership. One member will be an Oneida Business Committee (OBC) representative [See Committee Bylaws 1-4]. The Committee was established by General Tribal Council (GTC) in accordance with GTC Resolution 4-28-74 and 1-8-77-C and gets its hearing authority from the following legislation: Per Capita, Membership Ordinance, GTC Meeting Stipend Payment Policy, and a Memorandum of Agreement between the Committee and OBC.

Responsibilities

The following are hearing authority responsibilities of the Committee:

- Holds administrative hearings regarding challenges to payment or non-payment of per capita payments [See Per Capita 9.4-4 (c)]
- Holds hearings on applicants that appeal a denial of enrollment [See Membership Ordinance 10.5-1 (c)].
- Holds hearings when a Tribal member is denied a GTC meeting stipend payment and the Enrollment Director upholds the denial [See GTC Meeting Stipend Payment Policy 6-2]
- Holds administrative hearings regarding eligibility to receive per capita payments [See Committee/OBC Memorandum of Agreement]

Hearing Process

Per Capita

A Tribal member that is believed to have provided fraudulent proof to receive his/her minor trust fund will be noticed by the Trust Department. The notice includes, among other things, that the individual can appeal to the Committee and the process of appealing the decision to verify the proof that is alleged to be fraudulent [See Per Capita 9.6-2 (a) (3) (C) (iv) & (v)].

A guardian of a legally incompetent adult can file a petition with the Trust Department requesting the Trust Department distribute the legally incompetent adult's trust account. If the Trust Director denies the request, the guardian can appeal to the Committee within ten business days of the receipt of the denial [See Per Capita 9.6-3 (a) (3)].

Membership Ordinance

An applicant can appeal a denial of enrollment by the Committee following the proper appeal procedures that are approved by the Committee. The Membership Ordinance sets out general requirements that must be included in those procedures. [See Membership Ordinance 10.5-1 (c)].

GTC Meeting Stipend Payment Policy

Any Tribal member denied a stipend payment can file an appeal with the Enrollment Director within 45 days after the meeting where the stipend was denied. The Enrollment

Director or a designee will make a determination within five business days of the receipt of appeal. If the Enrollment Director or designee upholds the denial, the Tribal member can appeal to the Committee within 14 calendar days. The appeal is filed with the Committee in care of the Enrollment Department and the Enrollment Department will forward the appeal to the Committee no later than the next business day. A quorum of the Committee will conduct a hearing of the appeal and issue a determination within 45 days of the receipt of the request. The determination of the Committee is final [*See GTC Meeting Stipend Payment Policy 6-1 through 6-5*].

Communication

GTC Meeting Stipend Payment Policy

The Enrollment Director must make a determination on an appeal that was made by a Tribal member that was denied a stipend payment. The determination must be sent by registered mail (return receipt requested) or delivered by hand. In addition, if the determination 1) upholds the denial, a statement must notify the Tribal member that he/she can appeal to the Committee, or 2) overturns the denial; a statement will inform the Tribal member that the information will be forwarded to the Accounting Department to process the payment [*See GTC Meeting Stipend Payment Policy 6-1*].

If the Tribal member appeals to the Committee, the Committee's determination must be sent by registered mail (return receipt requested) or delivered in person [*See 6-3 (a)*].

Recognized Rules

Although it is not specifically said, the Committee must adhere to the hearing procedures set out in the Administrative Procedures Act [*See Administrative Procedures Act 1.7-1*].

Possible Hurdles

Membership Ordinance

Amendments to the Membership Ordinance will require a 2/3 vote by GTC [*See Oneida General Tribal Council Ten Day Notice Policy III.1.a.3*]. In addition, the Secretary of Interior or an authorized delegate must approve all provisions of the Membership Ordinance before they are effective and enforceable [*See Membership Ordinance 10.6-1*].

GTC Meeting Stipend Payment Policy

Amendments to the GTC Meeting Stipend Payment Policy will require a 2/3 vote by GTC [*See GTC Meeting Stipend Payment Policy 2-2 and Oneida General Tribal Council Ten Day Notice Policy III.1.a.3*].

Miscellaneous

If it is decided to transfer the Committee's hearing body authority, the Per Capita Law, Membership Ordinance, GTC Meeting Stipend Payment Policy and Memorandum of Agreement will need to be amended [*See Per Capita 9.4-4 (c); 9.6-2 (a) (3) (C) (iv) & (v); 9.6-3 (a) (3); Membership Ordinance 10.3-1 (e); 10.5-1 (c); GTC Meeting Stipend Payment Policy 6-1; and Memorandum of Agreement*].



CONSIDERATIONS

CONSIDERATIONS

If the Legislative Operating Committee (LOC) decides to transfer the hearing authority from the various Boards, Committees and Commissions; the LOC may want to consider the following:

- Each hearing body has a different timeline it follows when conducting its hearings and these timelines are generally located in Tribal laws that gives the entity hearing authority. The LOC may want to consider establishing a uniform hearing process with a single timeline. It should be noted; however, that some circumstances may require a speedier timeline, examples include election appeals and employee protection hearings.
- The Administrative Procedures Act sets out how various Tribal committees, entities and administrative bodies conduct their hearings [*See Administrative Procedures Act 1.2-1 and 1.7-1*]. The General Tribal Council repealed the Administrative Procedures Act effective March 1, 2015 [*See GTC Resolution 01-07-13-B*].



HEARING BODY CHART

HEARING BODY CHART

Tribal Entity	Authority and Bylaws	Adopting Resolution or Date Adopted	Power to Amend	Potential Amended Legislation
Oneida Child Protective Board	OBC Resolution 9-25-81	OBC 09-25-81	OBC	Repeal OBC Resolution 9-25-81
	Bylaws	OBC 01-31-07	OBC	1-2; 1-6 (A & E); 4-4; 5-2; 5-3; 6; 7; 9-1 (B)
Oneida Election Board	Oneida Election Law	GTC 7-06-98-A	GTC	2.4-10 (a); 2.5-6; 2.5-7(d); 2.5-8 (b); 2.5-9 (e); and 2.8-7
Oneida Environmental Resource Board	Oneida Tribal Regulation on Domestic Animals Ordinance	OBC 03-13-96-B	OBC or GTC	34.4-3
	Hunting, Fishing and Trapping Law	OBC 07-22-98-A	OBC or GTC	45.15-1; 45.15-3, 45.16-2 & 45.17-1
	All-Terrain Vehicle Law	OBC 06-16-04-B	OBC or GTC	49.6-2,
	¹ Public Use of Tribal Land	(will be adopted by OBC)	OBC or GTC	38.4-1 (c); 38.7-2 & 38.7-3
	Water Resources Ordinance	OBC 05-08-96-B	OBC or GTC	48.1-3; 48.6-1 (e); 48.6-2; & 48.6-4
	Well Abandonment Law	OBC 8-31-94-A	OBC or GTC	43.7-3 & 43.7-6
	Tribal Environmental Response	OBC 09-12-12-B	OBC or GTC	40.11-1 (b); 40.11-2 & 40.11-3
Oneida Gaming Commission	Bylaws	OBC 12-10-03	OBC	1-4 (b); 1-5 (c) (2); 1-5 (f) (1 & 3); 2-2 (b); 2-4 (a, c-e); 4; 5-3; and 5-4
	Oneida Nation Gaming Ordinance	GTC 07-05-04-A	OBC or GTC	21.2-6; 21.6-14 (f), (i), (j), (m), (s), & (v); 21.12-4; 21.12-8; 21.12-9; 21.13-13; 21.13-14
Oneida Land Commission	Oneida Gaming Commission Regulation 1: Vendor Licensing and Permitting	OBC 05-23-12-C	OBC or GTC	1.18
	Real Property Law	OBC 05-29-96-A	OBC or GTC	67.8-6 (d) & (e); 67.9-6; 67.9-7; 67.9-10 through 67.9-16; 67.11-5; 67.13-5 (a); 67.13-6; 67.14-5 (b) & 67.16-2 (c) (2)
	Non-Metallic Mine Reclamation	OBC 08-01-07-G	OBC or GTC	41.14-2; 41.15-4; 41.23-4
	Building Code	OBC03-23-11-E	OBC or GTC	66.24-1 (c)
	Condominium Ordinance	OBC 07-30-97-A	OBC or GTC	68.7-1; 68.9-3; 68.20-3; and 68.26
Pardon and Forgiveness Screening Committee	Zoning and Shoreland Protection	By motion at the June 5, 1990 OBC meeting	OBC or GTC	69.4-1 (b), (c), (e) & (g); 69.4-2 (j) & (k); 69.5-4 (f); 69.5-5; 69.10-1 (e) (2); 69.15
	Bylaws	OBC 12-10-2008	OBC	1-2 (b); 3-4; 3-5; 6-1
Pardon and Forgiveness Screening Committee	Pardon and Forgiveness	OBC 05-25-11-A	OBC or GTC	5.4-2 (d); 5.8; 5.9-2; 5.9-3 and 5.10-1

¹ Public Use of Tribal Land has not been formally adopted; however, at the February 20, 2013 LOC meeting, a motion was made to defer the Public Use of Land and Trespassing Law until the maps are completed.

HEARING BODY CHART

Oneida Personnel Commission	Personnel Policies and Procedures	GTC	GTC	Section V.D.3
	Military Service Employee Protection Act	OBC 10-24-07-E	OBC or GTC	97.11-5 & 97.11-6
	Employee Protection Policy	OBC 12-06-95 B	OBC	3-3; 4-5; 4-7; 5-2 (b); 5-3; 5-4 & 5-5
	² Proposed Investigative Leave Policy (Draft 7)	OBC 04-07-99-A	OBC or GTC	11-1 & 11-2
	Bylaws	OBC 04-28-10	OBC	1-4 (b) (5)
Oneida Police Commission	Oneida Nation Law Enforcement Ordinance	OBC 10-10-01-C	OBC or GTC	37.6-1 (h) & (i); 37.9-1 (c), (d), (e) and (f); 37.9-2 through 37.9-9
	Bylaws	OBC 03-03-2004	OBC	6-1 (h) & (i)
Oneida Nation School Board	MOA	OBC 03-14-83	GTC	MOA
	School Board Policies and Procedures Manual	Revised March 2006	School Board	2-101; 2-108; 3-107; 3-108; and Appendix 1
Oneida License Commission	Oneida Vendor Licensing	OBC 03-05-97-E	OBC or GTC	56.3-8, 56.7-1 & 56.7-2
Oneida Trust/Enrollment Committee	Membership Ordinance	GTC 7-2-84-A	GTC	10.3-1 (e); 10.5-1 (c)
	Per Capita	OBC	OBC	9.4-4 (c); 9.6-2 (a) (3) (C) (iv) & (v); 9.6-3 (a) (3)
	General Tribal Council Meeting Stipend Payment Policy	OBC 12-10-08-K	GTC	6-1
	Memorandum of Agreement	OBC 07-05-06	OBC & Committee	10 th and 11 th “Whereas” clauses

² The Investigative Leave Policy is currently being amended, Draft 7 of the proposed Policy was used in this research



HEARING AND STIPEND COMPARISON CHART

HEARING & STIPEND COMPARISON CHART

Tribal Entity	Number of Hearings Held					Total Hearings held in 2013 and last quarter of 2012	Stipend Amount
	Oct-Dec 2013	July-Sept 2013	April-June 2013	Jan-March 2013	Oct-Dec 2012		
Oneida Child Protective Board							
Oneida Election Board	0	0	0	0	0	0	\$100
Oneida Environmental Resource Board	1	0	0	0	0	1	\$50
Oneida Gaming Commission	1	0	0	1	0	2	
Oneida Land Commission	3	4	0	4	0	11	
Pardon & Forgiveness Screening Committee	1	1	1	1	0	4	\$50
¹ Oneida Personnel Commission	40	45	50	50	33	218	\$50 half day, \$100 full day & \$125 for grievance hearings [See 05-28-97-K]
Oneida Police Commission	0	0	0	0	1	1	\$100 per day
Oneida Nation School Board	0	0	0	0	0	0	\$75 [See BC Resolution 10-25-06-D]
Oneida Trust/Enrollment Committee							\$75 for members, \$100 for Chairperson [See Bylaws 4.8 (A) (2)]

¹ These totals were calculated by adding the initial reviews, grievances, deliberations, decision writings and motions reported on the quarterly reports. These activities deal with the Oneida Personnel Commission's hearing authority.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

BC approval of FC June 1, 2015 Minutes

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



Oneida Tribe of Indians of Wisconsin

Finance Administration Office

Phone: 920- 869-4325

FAO@oneidanation.org

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: June 2, 2015
RE: E-Poll Results of: FC Meeting Minutes of June 1, 2015

An E-Poll vote of the Finance Committee was conducted to approve the June 1, 2015 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 5 YES votes from Larry Barton, Jennifer Webster, David Jordan, Chad Fuss and Patrick Stensloff to approve the June 1, 2015 Finance Committee Meeting Minutes

The minutes will be placed on the next BC agenda of June 10, 2015 for approval and the next Finance Committee agenda of June 15, 2015 to accept this E-Poll action.

Yawλko

* Per the Finance Committee By-Laws Article III-Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum & 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.

ONEIDA FINANCE COMMITTEE

June 1, 2015 – 10:00 A.M.

Business Committee Executive Conference Room

REGULAR MEETING MINUTES

Members Present:

Patricia King, Treasurer/FC Chair
 Jenny Webster, BC Council Member
 Chad Fuss, Gam GGM Alternate/AGGM

Larry Barton, CFO/FC Vice-Chair
 David Jordan, BC Council Member
 Patrick Stensloff, Purchasing Director

Members Excused: Fawn Billie, BC Council Member & Wesley Martin, Jr., Community Elder Member

Others Present: Tom Kros, Jason W. Doxtator, Paul Witek, Kilabrew Van Dyke, Sid White, Debbie Reiter-Mehojah, Ernie Stevens III, Irene Danforth, Apache Danforth, Jacob Metoxen, Reese Hill, Bill Ver Voort, Jessica Wallenfang, Lee Cornelius, and Denise Vigue, FC Recording Secretary

- I. **Call to Order:** The meeting was called to order by the FC Chair at 10:00 A.M.
- II. **Approval of Agenda:** Motion by David Jordan to approve the June 1, 2015 Finance Committee agenda. Seconded by Chad Fuss. Motion carried unanimously.
- III. **Approval of Minutes:**

1. **April 13, 2015 (approved via FC E-Poll on April 14, 2015):**

Motion by Jennifer Webster to ratify the FC E-Poll action of May 20, 2015 approving the Finance Committee meeting minutes of May 18, 2015. Seconded by David Jordan. Motion carried unanimously.

- IV. **Tabled Business:**

1. **Ovations Blanket PO Increase (P&L)**

Chad Fuss, Gaming Administration

This item was discussed toward the end of the agenda due to the proprietary nature of discussion. Motion by David Jordan to remove from the table for discussion. Seconded by Patrick Stensloff. Motion carried unanimously.

Chad Fuss provided a spreadsheet for discussion of how food venue adds to player spend; but not necessarily to revenue; he discussed how Gaming tracks player activities and their guesswork at the beginning of this five year contract; they have missed on the sales side due to more foot traffic; costs in this request include for Ovations their labor & food expense in addition to the management fees to run the venues.

Motion by Larry Barton to approve the Purchase Order increase to the Ovations Blanket in the amount of \$750,000.00 and to have Gaming report back to this committee on their established percentage of the theoretical converted to nominal dollar amount expectations. Seconded by Patrick Stensloff. Motion carried unanimously.

- V. **Capital Expenditures:**

1. **Great Lakes Roofing Corporation**

Tim Skenandore, Gaming Facilities

Chad Fuss explained Tim could not be present due to an immediate project being done but he was prepared to provide details of request; presently the Gaming Warehouse has some roof leaking issues; for safety reasons the Gaming CapEx team agreed to approve this sole source request and identified funds to come from KeyWatcher and Escalator allocated funds; it was bid out last year and there were only two bids, but contract or work not done, now because of safety issues need to complete repairs.

Motion by Larry Barton to approve due to the safety concerns from the Gaming Capital Expenditures lines as indicated above this sole source, previously unbudgeted item for the Great Lakes Roofing

Corporation for roofing repairs/replacement for the Gaming Warehouse in the amount of \$208,000.00; and if there are additional expenses requestor will come back to the FC. Seconded by Patrick Stensloff. Motion carried unanimously.

VI. New Business:

A. Internal Requests:

1. MICROS Fidelio Worldwide, Inc. - PO Increase

Wayne Metoxen, Project Manager, Engineering

Paul Witek was present and discussed the request for a PO increase; as part of the casino expansion project, additional expense is for travel; the work was for POS system to tie into Bally system; purchase of software and for staff to come out to train Gaming staff; there was a discussion on the terms of the contract related to travel, Micros being purchased by Oracle and their expectations per the contract; committee wanted to know when can this project be closed out to avoid additional costs; and to be bidding this out for future services.

Motion by Jennifer Webster to approve the Purchase Order Increase to the Micros Fidelio Worldwide, Inc contract for services as part of the casino expansion project in the amount of \$21,020.20. Seconded by Larry Barton. Motion carried unanimously.

2. OTIE Contract - WMSC Parking Lot Expansion

Wayne Metoxen, Project Manager, Engineering

Paul Witek explained this is for design work only for the parking lot expansion at the West Mason Street Casino; construction work will be bid out after design is completed; then contract for firm to do the work will take place and project will begin, hopefully late fall; it was noted the legal review was not part of the packet provided.

Motion by Larry Barton to approve the OTIE design contract in the amount of \$64,814.00 contingent upon the legal review being forwarded to the FC. Seconded By Jennifer Webster. Motion carried unanimously.

B. External Donation Requests:

3. Echo Ball Fundraising Event

Amount: \$5,000.00

Requestor: Loretta V. Metoxen

Requestor has another appointment and could not attend; there is currently no funding from the Finance Committee donation line; requestor had asked for this to still be on agenda as the FC may know of another source of funding; she is requesting funds that she could then ask other tribes to match; event is in November but funds needed now in time for printing costs before event. The committee felt there should be a solicitation from other local Veterans Groups to see if they support this and that requestor should seek them out for letters and donations of support; given a lack of funds in the FC donation line the committee felt this could be referred out.

Motion by Larry Barton to send this request to the Oneida Veteran's Office for a letter of support. Seconded by Chad Fuss. Motion carried unanimously.

VII. Executive Session: No items submitted

VIII. Community Fund:

A. Appeals /Rescind:

1. Appeal of Denial for funding-Conference registration fees

There was extensive discussion over the Standard Operating Procedures of the Community Fund and the normal practice of items being requested and being approved; this request was again discussed as to exactly what is being requested, which is registration fees only; after further discussion and until such time when the SOP's can be updated, clarified, and listings of what and what can or cannot be considered/included under the fund there should be some leniency in this specific request; the committee was not in complete agreement other than the ambiguity of the SOP's.

Motion by Larry Barton to rescind the previous FC action of 5/4/15 that denied this request and approve the request for the conference registration fees in the amount of \$300.00. Seconded by Jennifer Webster. David Jordan Opposed. Motion carried.

2. Oneida Community Lacrosse – Consideration to rescind donation

Due to the requestors being present this item was reviewed first on the agenda; Sid White and other volunteers were present to discuss the previous motion of the FC that approved their request for \$1500.00, and to ask that despite also receiving money from Tourism that they be allowed to keep funds due to their extreme need; Sid discussed their growth which has exponentially increased their costs for equipment, paint, uniforms, referees and tournament fees; despite the rain this past weekend they had a big turnout; compared to other programs their fee to the kids participating is nominal as their goal is to get as many kids as possible who want to play to be able to play; the committee discussed the merits of the program and what it means for the community as well as the various costs associated with it.

Motion by Larry Barton that after reconsideration of previously approved amount of \$1500.00 that the FC affirms that motion and further clarifies the advancement of funds will be used for tournament fees and costs. Seconded by David Jordan. Motion carried unanimously.

B. Requests:

1. Marquette University Reading Program fees

Motion by Larry Barton to approve from the Community Fund the fees for the Marquette University Reading Program for daughter of requestor in the amount of \$290.15. Seconded by David Jordan. Motion carried unanimously.

2. Oneida Police Commission -3 Community Picnics

There are three scheduled picnics, one falls in contract year 2014-15 (June 9, 2015) and the other two are in contract year 2016-17. Due to limited quantities remaining in this contract year the max remaining is 15 cases.

Motion by David Jordan to approve from the Community Fund (CY14-15) Fifteen Cases of Coca-Cola Product for the June 9, 2015 picnic. Seconded by Jennifer Webster. Motion carried unanimously.

Motion by David Jordan to approve from the Community Fund (CY15-16) Thirty Cases of Coca-Cola Product to be split between the two remaining Community Picnics on July 7, 2015 and August 21, 2015 to stay consistent with first motion. Seconded by Jennifer Webster. Motion carried unanimously.

3. Big Apple Fest (CY16)

Due to the requestor being present this item was reviewed early in the agenda.

Motion by Larry Barton to approve from the Community Fund (CY15-16) the product request of 50 Cases of Coca-Cola Product to be used at the Oneida Big Apple Fest Community Event. Seconded by Jennifer Webster. Motion carried unanimously.

4. 3rd Annual Community Car Show

Due to the requestor being present this item was reviewed early in the agenda.

Motion by Larry Barton to approve from the Community Fund (CY14-15) the product request of 50 Cases of Coca-Cola Product to be used for fundraising at the Third Annual Community Car Show. Seconded by David Jordan. Motion carried unanimously.

5. 3rd Annual Community Car Show

Reese Hill noted that this car show attracts not only Oneida community members but other communities and participants local and statewide; the funds raised for this event go back into the Oneida Community such as donations to the food pantry and gift baskets for the holidays to needy families.

Motion by David Jordan to approve from the Community Fund \$1,500.00 to be used for fundraising at the Third Annual Community Car Show. Seconded by Larry Barton. Motion carried unanimously.

6. Bay Bank Eagle Baseball Team Tournament fees

Motion by David Jordan to approve from the Community Fund the tournament fees for the Bay Bank Eagle Baseball Team in the amount of \$875.00. Seconded by Larry Barton. Motion carried unanimously.

7. Chinese Language Camp fees

Motion by Larry Barton to approve from the Community Fund the Chinese Language Camp fees for the daughter of the requestor in the amount of \$500.00. Seconded by Chad Fuss Motion carried unanimously.

8. OBC Celebration of Judiciary Completion

Due to the requestor being present this item was reviewed early in the agenda. Jessica Wallenfang was present to discuss with the committee if this request could be considered; event is to congratulate all those who worked on the judiciary to completion.

Motion by Jennifer Webster to approve from the Community Fund Five Cases of Coca-Cola Product as refreshments for the OBC celebration event. Seconded by David Jordan. Larry Barton abstained. Motion carried.

After further discussion regarding community events and programs requesting product it was the consensus of the committee that this did not qualify.

Jennifer Webster rescinded her previous motion and motioned to deny this request. David Jordan withdrew his second to the previous motion and seconded denial of request.

9. Marquette University Reading Program fees

Motion by Chad Fuss to approve from the Community Fund the fees for the Marquette University Reading Program for daughter of requestor in the amount of \$306.13. Seconded by David Jordan. Motion carried unanimously.

10. UWGB Summer Art Camp fees

Motion by David Jordan to approve from the Community Fund the UWGB Summer Art Camp fees for son of requestor in the amount of \$360.00. Seconded by Chad Fuss. Motion carried unanimously.

11. Summer Sports Camp fees

Motion by Jennifer Webster to approve from the Community Fund the Summer Sports Camp fees for the daughter of the requestor in the amount of \$395.00. Seconded by Larry Barton. Motion carried unanimously.

12. Cross-Fit Class fees

This item was reviewed second on the agenda as requestor and representative from the gym were present to answer questions if there were any.

Motion by Larry Barton to approve from the Community Fund the Cross-Fit Class fees in the amount of \$450.00. Seconded by Chad Fuss. Motion carried unanimously.

13. UWGB Summer Art Camp fees

Motion by Jennifer Webster to approve from the Community Fund the UWGB Summer Art Camp fees for son of requestor in the amount of \$295.00. Seconded by Larry Barton. Motion carried unanimously.

14. Especially for Youth Camp fees

Due to the requestors being present this item was reviewed early in the agenda.

Motion by Larry Barton to approve from the Community Fund the Especially for Youth Camp fees for daughter of requestor in the amount of \$485.00. Seconded by Jennifer Webster. Motion carried unanimously.

15. St. Norbert's College Basketball Camp fees

This item was reviewed directly after New Business as requestor was present to answer questions and to discuss with the FC what and what not can be considered under the CF, such as approving multiple

camps or events for one child in one year provided amount does not exceed \$500.00; it has been a general practice to only fund one event per year, per child; but because the SOP's are not explicit there is room for interpretation by this FC as they perceive what should constitute a request; this will be one of the items discussed with the FC when they review updated SOP's.

Motion by Larry Barton to approve from the Community Fund the camp fees for camps listed for the child of requestor in the amount of \$460.00. Seconded by David Jordan. Motion carried unanimously.

16. Green Bay Elite Cheer fees

Motion by Jennifer Webster to approve from the Community Fund the Green Bay Elite Cheer fees for the daughter of the requestor in the amount of \$500.00. Seconded by Larry Barton. Motion carried unanimously.

17. St. Norbert's College Basketball Camp fees

Motion by Jennifer Webster to approve from the Community Fund the St. Norbert's College Basketball Camp fees for the daughter of the requestor in the amount of \$180.00. Seconded by Larry Barton Motion carried unanimously.

IX. Follow Up:

1. Morgan Birge & Associates, Inc.
Don DeChamps, Gaming MIS

This item was reviewed third on the agenda as Jason W. Doxtator was present to answer any questions; the FC approval on 5/18/15 of this item was contingent on follow up correspondence being received that elaborates why an item budgeted for in FY14 was not paid for and now has to be an unbudgeted expense paid for in FY15; backup received from MIS Director and Gaming Management on mix-up on communication and what current funding lines could be used to pay for this expense which is \$88,440.43.

Motion by Larry Barton to accept the follow up correspondence. Seconded by David Jordan. Motion carried unanimously.

X. FYI and /or Thank You: None

XI. Adjourn: Motion by David Jordan to adjourn. Seconded by Chad Fuss. Motion carried unanimously. Meeting ended at 11:57 A.M. The next Finance Committee meeting is scheduled for Monday, June 15, 2015 at 10:00 A.M. in the BC-Executive Conference Room.

Minutes taken and transcribed by:
Denise Vigue, Executive Assistant in Finance
& Finance Committee Recording Secretary

Finance Committee E-Poll Minutes Approval Date: June 2, 2015

Oneida Business Committee FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

- 1. Accept the financial analysis for resolution 1, regarding Budget Development.
- 2. Provide an additional 15 days for Finance to complete and submit the remaining 3 analyses.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Memo

To: Oneida Business Committee

From: Lisa Summers, Tribal Secretary

Date: June 2, 2015

Re: Petitioner Madelyn Genskow: Request Saturday meeting to address 4 resolutions

Background

The above referenced petition was submitted to the Tribal Secretary's Office on November 17, 2014, and verified by the Enrollment Department. The petition was submitted to the Oneida Business Committee (OBC) Agenda for the December 10, 2014, meeting.

Status

<i>Analysis</i>	<i>Status</i>	<i>Date Accepted by the OBC</i>
Legislative	Complete	February 11, 2015
Legal	Complete	Resolution 1 ú 2 – March 25, 2015 Resolution 3 ú 4 – April 22, 2015
Financial	Due May 22, 2015	

The Financial analysis for resolution 1, regarding Budget Development, has been submitted and requires acceptance by OBC. Finance has indicated a need for an additional 15 days to complete the remaining 3 analyses.

It is important to note that there are multiple resolutions included in this single petition. Each resolution requires its own research as demonstrated in the legislative and legal analyses.

Requested OBC Action

1. Accept the financial analysis for resolution 1, regarding Budget Development.
2. Provide an additional 15 days for Finance to complete and submit the remaining 3 analyses.

ONEIDA TRIBE OF INDIANS Page 128 of 207
OF WISCONSIN



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



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 made possible.

ONEIDA FINANCE OFFICE
Office: (920) 869-4325 • Toll Free: 1-800-236-2214
FAX é (920) 869-4024

MEMORANDUM

DATE: May 11, 2015
FROM: Larry Barton, Chief Financial Officer
TO: Oneida Business Committee
RE: **Fiscal Impact of Genskow Petition – Resolution 1, Budget Development**

I. Background

The above referenced petition was submitted to the Tribal Secretary's Office on November 17, 2014, and verified by the Enrollment Department. The petition was submitted to the Business Committee Agenda for the December 10, 2014, meeting. The petition contains the following:

“Whereas on October 14, 2014 the Oneida Tribal Treasurer and the Oneida Business Committee ordered the upper management of the Oneida Tribe to cut their budgets by 12% across board and Whereas they ordered an ongoing Comprehensive Hiring Freeze and Whereas this action has had a negative impact on health and safety issues for Oneida Children and Whereas this action has a negative affect [effect] on the education of the Oneida People

Now therefore be it resolved that the Oneida Business Committee may not simply make across the board percentage cuts. Now therefore be it resolved that the Oneida Business Committee and upper management may not make budget cuts that affect the health, safety, and education of the Oneida people without the expressed [expressed] approve of the General Tribal Council.”(sic¹)

BC Resolution 9-24-14-A Continuing Budget Resolution for fiscal year 2015 was adopted by the Oneida Business Committee on September 24^{th, 2014}. The resolution states that it was not possible to bring forward a budget for 2015 due to the following:

1. OBC transition;
2. A balanced budget will take time and January of 2015 is the potential time frame for a presentation to GTC.
3. Projected revenues do not cover the estimated expenses.
4. Identified cash flow stress that requires expenditure limitations and monitoring.

On October 14th a memo was sent from the Treasurer which detailed the specific requirements to reach a balanced budget. The memo did include a 126 reduction in expenditures and delays in hiring.

It is unknown what specific negative impact these actions may have had on the “*health and safety issues*” of Oneida children or any specific “*negative affect on the education of the Oneida People*” as stated by the petitioner. Without any details on what the claimed negative impacts were, the fiscal impact cannot address these concerns.

A budget is a tool that is utilized to manage finances. If an individual’s personal income were reduced by 126 , one would logically reduce expenditures by 126 . It would be fiscally irresponsible not to. According to the by-laws of the Oneida Constitution, the duties of the Treasurer are the following;

“Section 4. Treasurer of the Council - The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is netting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the business committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs”.

While Oneida does not have a balanced budget amendment, or related policy, in line with the above duties, the Treasurer’s Office presents a balanced budget to GTC for approval. It is unclear at what point the petitioner foresees that pre-approval can be obtained from GTC prior to the budget being presented to GTC for approval. However, if that could be determined, it is assumed that approval would require an additional GTC meeting. The average expense of holding a GTC meeting is approximately \$223, 317.

II. Executive Summary of Findings

- Management was directed to reduce their budgets by 126
- Depending on the nature of the position, hiring was delayed.
- The alleged negative impacts to health, safety and education by the two prior actions are not specified. Therefore, not assessed for fiscal impact.
- Each fiscal year, the budget is presented to GTC for approval prior to implementation. If additional GTC approval is required, the fiscal impact would be approximately \$223, 317.

Overall, the petition is broad in nature; therefore any other potential fiscal impacts are indeterminate.

III. Financial Impact

Undetermined.

IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

¹ sic ("thus"; in full: sic erat scriptum, "thus was it written")

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 6 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept memorandum regarding the update for the Petition: Genskow-OBC Accountability, Repeal Judiciary & Open Records Law analysis

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office
P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214
<http://oneida-nsn.gov/LOC>



Committee Members
Brandon Stevens, Chairperson
Tehassi Hill, Vice Chairperson
Fawn Billie, Councilmember
David P. Jordan, Councilmember
Jennifer Webster, Councilmember

Memorandum

TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson *BS*
DATE: June 10, 2015
RE: Petition: Genskow-OBC Accountability, Repeal Judiciary & Open Records Law

On April 22, 2015, the Oneida Business Committee (OBC) directed that the Legislative Reference Office complete a legislative analysis on a petition which requests that a General Tribal Council (GTC) meeting be held to address three resolutions that pertain to OBC accountability, repeal the Judiciary Law and the Open Records and Open Meetings Law. The OBC further directed that a progress report be submitted to the Tribal Secretary's office within 45 days.

This memorandum is to inform the OBC that the Legislative Operating Committee is working on completing these analyses and will be bringing them to the June 17, 2015 OBC meeting.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: New Business

Accept as Information only

Action - please describe:

Approve the Vice Chairwoman to reallocate the \$7,000 from Special Projects budget to \$2,900 for Oneida youth lacrosse players event and the remaining \$4,100 to be used towards the Rites of Passage initiative.

3. Supporting Materials

Report Resolution Contract

Other:

1. [Empty text box]

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Melinda J. Danforth, Tribal Vice Chairwoman

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

\$7,000 from Special Projects fiscal year 2015 budget was originally intended for youth Culture Camp coordinated by Richard "Breezy" Brzezinski, however, this camp was not able to be done this year. Breezy is requesting \$2,900 to be used towards an Oneida youth lacrosse players end of season trip instead. The remaining \$4,100 will be used towards the Rites of Passage initiative coordinated by Anita Barber.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

From: [April Skenandore](#)
To: [Melinda J. Danforth](#); [Jessica L. Wallenfang](#)
Cc: [Margo L. Reiter](#)
Subject: Phone Message - Breezy & Margo Reiter
Date: Monday, June 01, 2015 1:45:33 PM

Melinda & Jessica,

With the cancellation of this year's culture camp, Breezy is inquiring about the use of some of the \$7,000 that was set aside for the Culture Camp. He is requesting to use some of the funds to take the LAX players & chaperones on a day trip to Mount Olympus, Wi Dells. It is only a day trip, not an overnight stay. The total cost is \$2,814.46 which includes cost of the bus, food and park admissions. Breezy does have all the quotes and is requesting your assistance regarding this matter. Please contact Breezy or Margo at 869-6669. Thank you.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve Business Committee SOP titled Conducting Electronic Voting (E-Polls)

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Conducting Electronic Voting SOP"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Background:

A draft of the following SOP was presented to the Oneida Business Committee at a work meeting held on April 14, 2015. The draft was sent for comment and those comments have been incorporated into the final draft.

Requested action:

Approve Business Committee SOP titled Conducting Electronic Voting (E-Polls)

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

ONEIDA TRIBE OF WISCONSIN	TITLE: Conducting Electronic Voting (E-Polls)	ORIGINATION DATE: 06/10/2015 REVISION DATE: N/A EFFECTIVE DATE: Upon signature date
DEPARTMENT: Oneida Business Committee	APPROVED BY: <i>Oneida Business Committee</i> See Attached OBC meeting minutes	DATE:
AUTHOR: Lisa Summers	AUTHORED BY:	DATE:

1 PURPOSE

- 1.1 Standardize how electronic voting is conducted by the Oneida Business Committee regarding matters requiring approval of the Oneida Business Committee.
- 1.2 The Oneida Business Committee recognizes that action may be required that cannot wait for the next available Oneida Business Committee agenda and electronic polling may be required to approve such items.

2 DEFINITIONS

- 2.1 *E-poll* means the act of an e-mail delivered to the Oneida Business Committee, seeking a response which identifies a vote in favor of, opposing, or abstaining to an issue requiring approval by the Oneida Business Committee.
- 2.2 *Secretary* means the Secretary of the Oneida Business Committee, or his/her appointed designee.
- 2.3 *Business Committee Support Office* means the support office for the Secretary, whose staff is responsible for carrying out administrative duties in support of the Oneida Business Committee.
- 2.4 *E-poll request* means the official request for an electronic vote by the Oneida Business Committee.
- 2.5 *Executive Tribal Clerk* means the employee in the Secretary's Office responsible for coordinating the collection of materials for the Oneida Business Committee agenda.

3 E-POLL REQUEST

- 3.1 All e-poll requests shall contain the following information.
 - a. The email subject line shall begin with "E-poll Request:" and include a short title describing the purpose of the request.
 - b. The body of the e-poll request shall contain the following elements.
 1. An executive summary of the reason for the request and why the request cannot be presented at the next available Oneida Business Committee meeting.
 2. A proposed motion which shall be in bold and identified in a separate paragraph by the words "Requested Action".
 3. All attachments, in *.pdf format, which are necessary to fully understand

- the request being made.
 - 4. An agenda request form.
 - 5. A deadline date for a response to be returned from the Secretary's Office regarding the results of the e-poll which shall be in bold and identified in a separate paragraph by the words "Deadline for Response:".
- 3.2 E-poll requests must also be accompanied by a completed "Business Committee Agenda Request Form," and must be sent to the Oneida Business Committee agenda request e-mail box and copied to the Secretary, and the Executive Tribal Clerk.
- 3.3 The Secretary shall review and approve all e-poll requests for submission to the Oneida Business Committee.

4 SUBMISSION OF E-POLL REQUESTS TO THE ONIEDA BUSINESS COMMITTEE

- 4.1 The Secretary shall e-mail e-poll requests to all members of the Oneida Business Committee including a copy to each Oneida Business Committee member's Legislative or Executive Assistant, and the Executive Tribal Clerk.
- 4.2 E-poll requests shall be sent only under the e-mail address of the Secretary and no other party. E-Polls for Oneida Business Committee action sent under other email(s) will not be accepted, nor considered valid.
- 4.3 The Executive Tribal Clerk shall monitor all responses and deadline dates for responses.

5 RESPONSE TO E-POLL REQUEST AND PLACEMENT ON ONEIDA BUSINESS COMMITTEE AGENDA

- 5.1 An e-poll request must receive at least five responses in order to be an official vote.
 - a. E-polls which are approved shall be placed on the Oneida Business Committee at the next available meeting to be entered into the record.
 - b. E-polls which result in a denied request may be reconsidered by the Oneida Business Committee at the next available meeting as provided for in Robert's Rules of Order, Rule 37.
 - c. E-polls for which insufficient responses were received by the deadline shall be considered to have failed to receive support as provided for in Robert's Rules of Order, p. 34 et seq.
- 5.2 Regardless of the outcome of the e-poll, all e-poll requests shall be placed on the Oneida Business Committee agenda to be entered into the record.
- 5.4 The Executive Tribal Clerk shall place all e-poll requests and the results on the next available Oneida Business Committee agenda. The agenda item shall contain the following information.
 - a. Original e-poll request and all supporting documentation.
 - b. A summary of the e-poll results identifying each Oneida Business Committee member and their response.
 - c. A copy of any comment by an Oneida Business Committee member if comments are made beyond a vote.
- 5.5 Oneida Business Committee members are encouraged to respond to all Oneida Business Committee members with their vote. .

- 5.6 A response from an Oneida Business Committee member shall be valid if received from the work e-mail of the member, if received from the personal e-mail of the member if such e-mail is on file with the Secretary's Office for such purposes, or if received from the official mobile phone number of the member. No response from unknown e-mails or e-mails from Legislative or Executive Assistants shall be accepted.

6 E-POLL REQUESTS NOT AUTHORIZED

- 6.1 An e-poll request shall not be authorized for items which require a waiver of sovereign immunity of the Tribe.
- 6.2 An e-poll request shall not be authorized for items which require a dollar amount in excess of an amount equal to the highest level of management approval.
- 6.2 An e-poll request shall not be authorized for items which are not accompanied by documented approval from the requesting tribal entity (e.g. Management approval, Finance Committee Meeting Minutes, etc.).

DRAFT

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 6 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: New Business

Accept as Information only

Action - please describe:

Approve Procedural Exception for up to 10 people to travel to Milwaukee for the Special Elections on July 11, 2015

3. Supporting Materials

Report Resolution Contract

Other:

1. Memo 3. [Empty text box]

2. [Empty text box] 4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Melinda J. Danforth, Tribal Vice Chairwoman

Primary Requestor: Lori Elm, Interim Oneida Election Board Chairwoman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The Oneida Election Board is requesting a procedural exception for up to seven (7) members to travel to Milwaukee for the Special Elections on July 11, 2015. In addition to the Election Board members there will be two (2) employees from the Enrollment Department and one (1) Oneida Police Officer. The request is for up to 10 people to travel to Milwaukee for the Special Elections.

The number of travelers will depend on the number of Alternates available to work the polls from the Milwaukee area.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Tribe of Indians of Wisconsin

interoffice

MEMORANDUM

To: Lisa Summers, Oneida Tribal Secretary
From: Lori Elm, Interim Election Board Chairman
Date: May 20, 2015
Subject: Procedural Exception- Travel

The Oneida Election Board is requesting a procedural exception for up to seven (7) members to travel to Milwaukee for the Special Elections on July 11, 2015. In addition to the Election Board members there will be two (2) employees from the Enrollment Department and one (1) Oneida Police Officer. The request is for up to 10 people to travel to Milwaukee for the Special Elections.

The number of travelers will depend on the number of Alternates available to work the polls from the Milwaukee area.

The breakdown of the travel per person is up to;

Per Diem	\$91.50
Hotel	\$208.00
Mileage	<u>\$120.00</u>
	\$419.50

This does not include Food and Beverages during the polling on Election Day.

Thank you for your consideration.

Cc Oneida Election Board

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 6 / 9 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Other - type reason

Agenda Header: Reports

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Joanie Buckley, Division Director/Internal Services

Primary Requestor: Joanie Buckley, Division Director/Internal Services
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The attached is my quarterly report for the Internal Services Division for the 2nd quarter, January - March 2015. At this time the report is strictly FYI of things that have either occurred or are occurring in the ISD areas.

1) Save a copy of this form for your records.

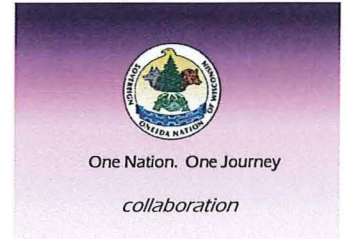
2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

INTERNAL SERVICES DIVISION

QUARTERLY REPORT – 2nd Quarter +
February - May

We have been working with various themes each quarter that pertain to a commitment to *Build a Responsible Nation* such as Collaboration, and Maximizing Resources; building each theme upon the other toward Sustainability. With the new fiscal year, the four directions were discussed and the Collaboration theme continues to be strong, with our efforts to create a positive organizational culture.



- MGMT INFORMATION SERVICES
- GRANTS
- TSYUNHEHKWA
- OCIFS
- LEGAL RESOURCES
- KALIHWISAKS
- TOURISM
- Joint Mktg Pow Wow
- PRINT & MAIL
- ADMINISTRATION

We are taking a closer look at Aligning the Operational Model to the present needs of the organization - to see how we can further Drive Efficiencies, and continue to take on more workload with the same or less manpower. In aligning the operational model, we are looking both at the “service delivery” component, as well as the “sustainability” component. We continue to look at new ways of assigning the resources.

In some cases such as MIS, the resources have been stretched – especially trying to perform upgrades (such as the Tier IV); and installing new technology systems such as the Food Service menu system for the AJRCCC residents.

The Mail Center has realigned its mail routes to reduce its manpower for efficiency. They are down to two people, and have been working with both an ET as well as quite a bit of help from the Print staff. The challenge is to be able to balance service delivery with operational costs, and to try to reduce as bit the Indirect Costs.

Grants continues to find new potential sources of revenues, and must compete for the limited funding streams across the U.S. with many who are less fortunate than we are. Additionally the grants are requiring cash match between 25% to 50%; and some require a 1:1 match (USDA/CDP).

OCIFS continues to find an incredible forum for collaboration with the LFPP grant where various departments provided training resources including Environment Health, Oneida Orchard, Tsyuhehkwá Farm, Tourism, and several community members for small workshops at the Spring Gathering in May.

The team has also worked on their planning, to align the 4 directions into their strategies and to keep the Practical Vision within their sights. They have also taken the time to help with various reports requested such as PIP, to review their objectives, and of course to work on their budgets.



Therefore, this quarter continues to be busy – advancing our Vision of *A Nation of Strong Families*.



MANAGEMENT INFORMATION SYSTEMS (MIS): It seems that since January, the MIS team has been plagued with challenges on the system – the outages. The outages have been difficult on the operations and on the manpower, both from a customer service perspective as well as an MIS servicing level. The upgrades to the system will need to continue to be implemented in order to have the complete power redundancy needed.

IT is still a great field to promote for our youth. There are various newspaper articles and informational sources that continue to show technology as a field with low unemployment (under 2%). Likewise, NWTC has seen the need for technology manpower and has added several courses in Information Systems for both professionals needing further accreditation, as well as for young students to make it a career.

The tribal technology group (Minnesota & western Wisconsin) continues to meet every other month to share information, exchange ideas on best practices, and to take the opportunity to host so that they can showcase their operations. Mills Lac was the first to host back in February inviting Microsoft, and Shakopee hosted in April inviting a law firm. While Oneida has not been able to send a representative to the meeting due to shortage of manpower, it is hoped that in the near future, Oneida's MIS can join the group and exchange information – promoting tribal collaboration.

Strategy #1 Deliver Business Technology Solutions – committing to build a responsible Nation

Health Care Systems: They have worked on placing the AJRCCC Food Service Menu System into production; and have begun preparations to implement recipe, inventory management, and electronic ordering systems for the AJRCCC.

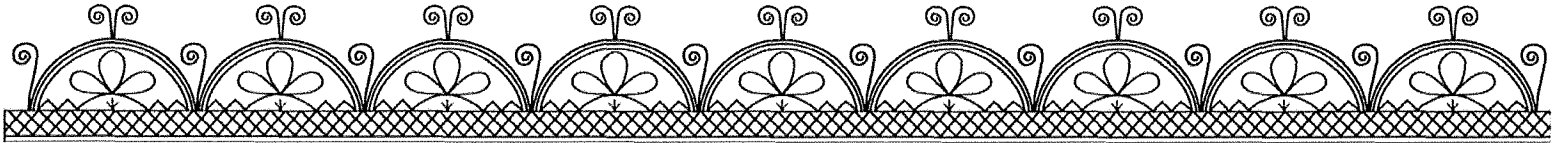
Desktop Systems: Continued extending virtual desktop infrastructure (VDI) into new areas including the Tribal School. They kicked off the SharePoint project to provide new office automation and collaboration tools to Oneida Business Units.

Strategy #2 Promote Information Sharing & Collaboration – creating a positive organizational culture

In advancing this strategy, they continue to develop a variety of business intelligence and operational reports for slots, security, audit, and player management. They have extended the use of the Tribe's digital management solution (OnBase) into the Oneida Tribal School. Additionally they have developed more than 30 Cognos reports to assist gaming management in their analysis and administration of their operations.

Strategy #3 Optimize Use of Resources

They have overextended their resources trying to meet the service levels. And they continue to provide the services, hoping that one day, they will have additional manpower to help.



EMPLOYEE ADVOCACY: continues to work to help create a positive organizational culture through increased communication. Rather than formal litigation, EAD strives to mediate/settle cases; effectively saving the Tribe time/costs associated with hearings before the Oneida Personnel Commission and/or the Oneida Tribal Judicial System.

Employment related: 16

16 – advocated/drafted disciplinary appeals and/or complaints to area manager

3 – drafted/reviewed employment-related complaints

13 – Drafted disciplinary appeals to Area Managers

Disciplinary Decisions: 7 – Overturned

3 – Upheld – employees chose not to pursue

1 – Modified

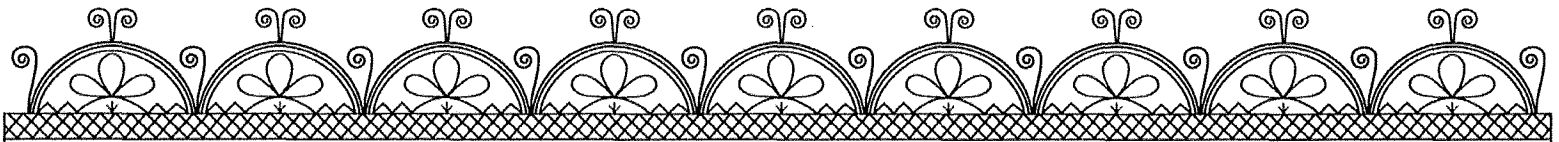
4 – Pending decisions

Cases pursued to OPC: 2 – both resolved before hearing

Cases pursued to Oneida Judiciary: None

Employee Requests denied: 0

Misc. requests for non-employment assistance: 16 – power of Attorney for Health/Finances, Living Wills, Contract Health complaints, garnishment, probate, family court, debt collection, contractor dispute, guardianship, family law, etc. EAD provided referrals and/or links to forms/info.



AGRICULTURE/FOOD SYSTEM: We continue to build upon our present Integrated Food System with various programs and grants that can jump-start initiatives to build a healthy community. One focus is the Farm to School programs that help our youth become more knowledgeable and engaged in healthy eating habits, and knowing where the food comes from.

TSYUNHEHKWA FARM & CANNERY:

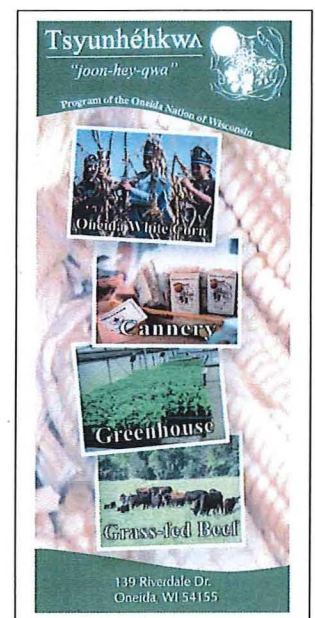
#1 Embrace heritage and promote food sustainability by promoting culture through natural foods.

(Advancing the On^yote?a-ka Principles) Through the spring, the farm was busy getting the fields ready for planting, working with the Oneida Farm on borrowing equipment, planning with Integrated Pest Management on their white corn yield project, and getting the seed in the ground. The white corn was planted prior to the end of May, so that the crop could be ready for harvest in October. They have started working with Intelligrowth to help with field plans.

The UWGB class helped in all areas for the entire quarter, from cleaning and shelling the corn, to cleaning facilities/barn hay loft. Other activity included the numerous informational tours and presentations given by Tsyunhehkwa to our guest.

In April, Tsyunhehkwa also partook in a training session developed by OCIFS and paid by a USDA grant. It was for Organic Farming and Certification. Another community outreach initiative.

Their “Spring Gathering” for the Seed and Plant Distribution was a success (May 2). This year OCIFS wrapped a few training components with the event – the Seed Preservation, Composting 101, Gardening, and Worm Bin. The additional training sessions was paid through a USDA grant.



#2 Optimize resources to reduce costs and duplication, working toward sustainability. (Committing to Build a Responsible Nation) This is evident with the collaboration that exists with the Oneida Farm and the sharing of their equipment. Likewise they have sought the help of other departments such as Eco-Services and Conservation in order to complete fieldwork.

The cannery continues to work with a modified duty and with community service workers to help with food processing and preservation.

#3 Planned growth and development considering ROI. They have meetings every other month with the Oneida Market to discuss the products that they are producing and to be able to get a better grip on the production levels needed for the supply chain. Likewise they are discussing the products that are not selling as fast, so that they can cut back and/or discontinue the products. This will lead to future planning for the farm production; and for the planning at the cannery to strengthen the supply chain and maximize the staff time.

With the end of the Value-Added grant by USDA, they now have a small milling equipment to help process the white corn pancake mix. It is expected to be rolled out the end of the summer, depending on product availability. They continue to look at new product lines such as the apple bites; so they will be working on installing a nitrogen gas food grade to extend the shelf life of packaged products. The grant which closed out the end of February proved to be valuable in determining the production need for the white corn and the acceptance of the white corn in other markets. While the production will not warrant a second grant for capital implementation, the consideration is to go after another Value-Added Producer Grant for the apple chips. The grant has a 1:1 match, with 50% requirement in cash and a max of \$75,000 for a planning grant.

ONEIDA COMMUNITY INTEGRATED FOOD SYSTEM (OCIFS): continues to work on community engagement, promoting healthy foods with youth, and working on several grants to generate revenues for initiatives. Their strategies include:

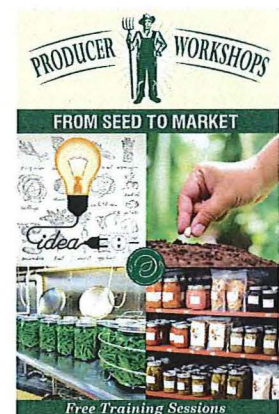
#1 Integrate Oneida and locally produced foods into the community and institutions and provide access to healthy foods (Building a Responsible Nation) – There was quite a bit of collaboration between OCIFS and various other departments, including Tourism for the pancake breakfast rollout in February. The Veterans hosted the event; Tourism did the logistics; the cannery & Tsyunhehkwa provided the milled corn product; and the community ate.

Another collaboration is with LIVE54218 on a grant to Green Bay Community Foundation that will allow Oneida Farmers Market to offer Double Your Bucks, expand our educational outreach, and provide an assistant for the EBT machine and promotion for low-income community members in 2015.

#2 Educate the community on healthy foods, nutrition and agriculture opportunities (Building a Responsible Nation)

The USDA/AMS Local Food Promotions Program (LFPP grant) has been successful, both as a collaboration with various departments, as well as for the community members attending the sessions. In March, Environmental Health presented their training for a Food Safety Certification; and the Oneida Orchard had a demonstration on tree pruning, where the attendees were able to take home a couple of trees for planting.

In April Tsyunhehkwa has a training session on Organic Farming and Certification; and Tourism has a training session on Building a Brand and Marketing Products. The sessions were well received. The Marketing Products session allowed the attendees to further their efforts with some graphic design for their logos from the Print & Mail Center.



In May the Spring Gathering with the Seed & Plant Distribution also incorporated a few training sessions for gardening and composting. Additionally, in mid-May, Tourism had another engagement to train on Products to Market/Marketing Strategies and on Developing Collateral Pieces.

All sessions were paid by the USDA grant, including the training from various departments. The trainers volunteered their time on Saturdays.

Another initiative of OCIFS is to write monthly spotlights on food, diet, and agricultural articles for the Seymour News. This will provide both tribal and non-tribal members information on healthy eating, and it will showcase Oneida in leading these efforts.

Lastly, another outreach is the Youth Day on the Farm, collaborating with the Oneida Farm to take our youth on-site. It gives strength to the efforts of teaching about local foods.

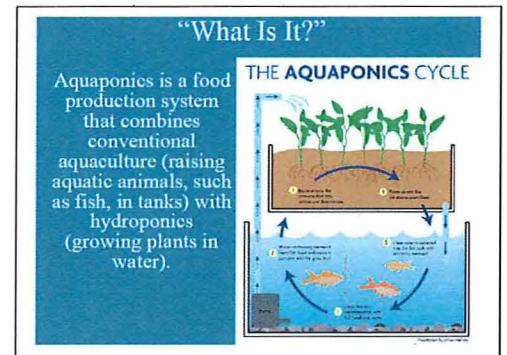
#3 Planned growth and development (Implementing “good governance” processes).

There are several initiatives from organizations to source local food products such as Theda Care, Goodwill Industries, LIVE54218 and New Leaf Market. LIVE54218 received a USDA Farm to School grant to develop a virtual food hub and source local foods for entities. OCIFS has been collaborating to find the right fit for our products, in the event of an increase in our production beyond our community boundaries. Likewise, the virtual food hub will allow us to source local foods, if interested, for our schools and for other outlets.

OTHER INITIATIVES RELATING TO FOOD SYSTEMS:

Farm to School Grant for Aquaponics: This is a result of being awarded a USDA Farm to School grant for a medium aquaponics system to increase the production of fresh greens for the school. The project is a strong collaboration with Environments, ISD, Planning, Oneida School, and the Veterans to help implement the aquaponics production system. Added to that, there are other elements within the grant whereby other departments will collaborate to provide youth enrichment on Farm to School programs.

The Food Center Initiative: a Community Food Center concept that would allow for space for the cannery growth, an entrepreneurial kitchen, and a small café. While it is a concept only, it allows us to explore the interest of our community in this project. We are fortunate to have engaged not only University of Wisconsin-Madison on the conceptual design for discussion purposes, and also the architect for USDA American Marketing Services to assist with the cannery design. This is collaboration with other Department such as Planning, Environmental, Tourism, ISD, OCIFS members, and USDA/AMS.

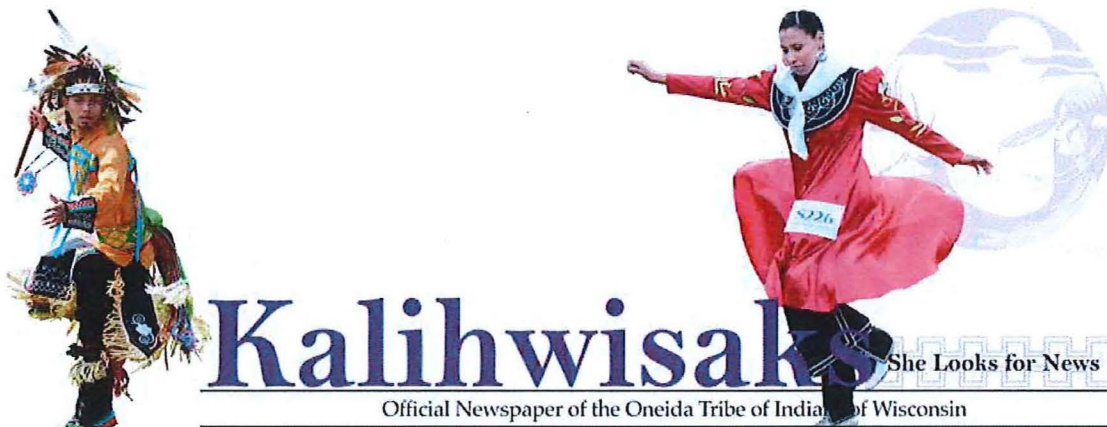


Work Session

Farm to School Conference which was held in Denver the last week in April was a required attendance for grantees only. The conference had various speakers presenting the programs that they are implementing in a collaborative manner with the schools – ranging from a youth chef cook-off in the greater New York City area, a menu tied to the school gardens, buttons programs for the youth, to producers working on local food delivery systems. They focused on networking and relationship-building with other grantees to help promote the programs. Two take-a-ways was to follow up with the Administrator and staff to offer collaboration with our multi-media services to develop some collateral pieces that are relevant for Indian Country; and to have the conference in Indian Country next year in Oneida at the Radisson. The Radisson has since followed up with the contact.

There are many programs where we could continue our collaboration with the school to raise the profile and support the efforts of healthy foods with our youth and community.

Youth Entrepreneur in Agriculture Grant - we received a small grant \$25,000 from First Nations for the Youth in Agriculture. Since we have previously been funded for 2 years, we were not expected to get the award on the same scope. Therefore, we included two outcomes: a) Lac Courte Oreille youth in a mentor/protégé capacity for our youth to show them the program value, and to exchange cultural through a site visit; and b) to deliver a manual on the program development for others to use if they want to implement the program in their communities.



KALIWIHSAKS: continues to engage the community with their stories and photos.

Advancing On<yote>a=ka principles

Value #1: Create a sense of Oneida citizenship and involvement through our news source – by aligning content to build a Nation of strong families.

One strong story was the information on the Secretarial Election and the development of this issue. It is of great interest to the members, and the unfolding has been well captured. They continue to capture the information relating to the tribal government by publishing caucus notices, ballots for the elections, OBC

minutes and board positions, as well as GTC meetings. This helps to continue to offer our membership who live near and afar a sense of connectivity.

Their stories of interest such as the opening of the new Oneida Lake offers a sense of pride and showcases the good work of Environmental on restoration.

Committing to build a responsible nation

Value #2: Doing more with the allocated resources

They have been operating with the deficit of one staff members, and held off during cost containment. Now they are in the process of hiring a new Photographer/Reporter. They will also be taking on Jamel Ness as the college intern. Jamel previously came in third in the fall photo contest.

Their collaboration with Governmental Affairs continues to work well, as they are developing the Week in Oneida, and continue to outreach through Facebook and twitter. The website updates more frequently with the latest stories and events.

Implementing "Good Governance" processes

Value #3: Anchor a strong and sustainable operation: They worked with Jenn Falk in Environmental on a presentation on how to take better photos for reports and for publication in the Kalihwisaks. This will help those who are writing stories and reporting out, such as OCIFS members, the School, and those other cub reporters.

Creating a positive organizational culture:

They have made strong efforts to promote the tribe's department by helping various groups with their own pages or sections such as SEOTS, Elder Services - Drums, Oneida Family Fitness (OFF), Adventures, Culture, OCIFS, Enrollments, and Cultural Heritage. Each department or entity has mastered their area and is well versed in their writing skills. We comment the work invested by these groups to share their information.

GRANTS

The grants department continues to look for funding opportunities for the areas to explore new initiatives, or to help cover the costs of activities relating to community development.

Strategy 1: Enhance tribal services with external funding that will provide tribal members the opportunities that can help them obtain a better way of life.

Advancing On^yote?a.ka Principles (Youth grant)



The department has worked to exceed its goals with a 2nd quarter total of \$5 million in external funding. Some examples of the grants secured include:

- Native American Drug & Gang Initiative \$64,012
- Tribal Transportation Grant \$22,700
- Special Diabetes Grant \$732,520

Strategy 2: Collaborate resources for a common goal (Building a responsible Nation)

They continue to provide training for all internal programs to enhance their ability to obtain external funding. In order to keep their skillset current, they have joined the Milwaukee Evaluation!, an organization that focuses on promoting the science and practice of evaluation in both the public and private sectors of society; and to provide a forum for professional evaluators to network, and exchange ideas.

With the changes in the funding landscape, where many grants require partnerships, and team approaches, the grants department continues to explore collaborative relationships with other tribes and other partners in order to enhance the probability for funding awards. The Youth Entrepreneur is an example of a partnership that includes the Lac Courte Oreille youth in a mentor/protégé relationship.



Creating a Positive Organizational Culture

Strategy 3: Become a one-stop resource for grant funding, tribal data, and

services. They continue to build the database that includes all funded, denied, and pending grants; as well as working with the accounting department to insure compliance on our part with the grants.

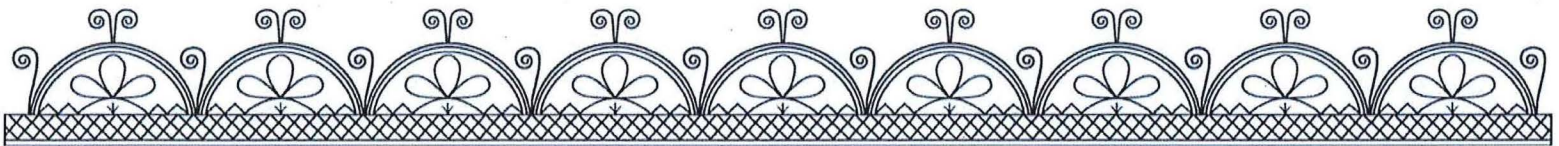


Print & Mail Center: over the last quarter and with the Manager on extended leave, the team has worked at reviewing their operational model and workload. The Tourism Director has offered tremendous support with the operation in looking at the processes for the workflow. The start was in the Mail Center to evaluate the mail routes and see how to consolidate them. The GTC mailer also was reviewed to insure that we were using the most cost effective mailing and delivery methods for the size of the packet. The processes are reviewed for input and new thinking in understanding the operation from various perspectives (including financial) so that efficiencies can be derived and collaborations in a positive manner.

Strategy #1 – Align technologies to support operations: We have been working with Xerox to help with the right contacts for Printsmith in order to correct the pricing software to support customer service. Likewise with the DP60 equipment, which is up and down for printing, we have taken the opportunity to look at all the print equipment to determine various scenarios to support the operation.

Strategy #2 – Increase external funding: we are looking at various scenarios that would include aligning the equipment and the service levels to be able to explore more community service delivery. One approach is through a USDA/grant which allows for beginning food producers to market their products. This has allowed the producers to work with Marketing/Tourism and the Print Graphic Designer to develop logos and print. We have found new areas to explore such as the FDA ruling on labeling, which will tie to our local food initiative.

Strategy #3 – Capacity building for staff: The staff continues to be engaged in the weekly meetings with ISD and Tourism Director on the processes, 4 perspectives, and efficiencies. They are working well as teams, and as a unit.



TOURISM: the department continues to explore and materialize new initiatives that can generate traffic onto the reservation for revenue streams, such as bus tours, the 2 Nations tour, community events, and the longhouse at the Cultural Heritage site. All lead to building up our assets and promoting our brand.

Strategy #1 Develop Cultural Tourism – Advancing the On^yote?a.ka Principles

Long House

Continue to develop the longhouse and begin to explore costs and potential funding for the Amphitheater.



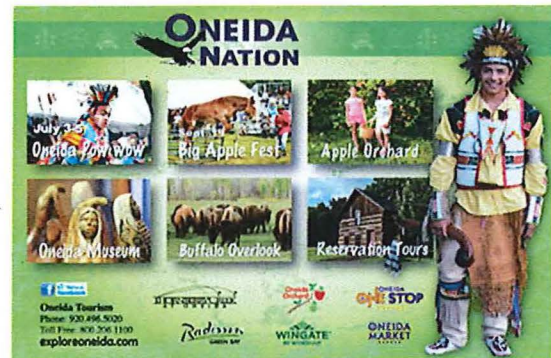
Strategy #2 Build Partnerships to help generate local economies

The Green Bay Convention and Visitors group has been instrumental in passing on information that can help to materialize foot traffic opportunities. The collaboration with the Radisson continues to be a priority, and working well.

Strategy #3 Generate Foot Traffic with in the Reservation Boundaries – advancing the On^yote?a.ka principles

- Kirby Tours
 - 2015 11 Tours or 427 people (YTD)
 - 2014 43 tours or 1259 people
 - 2013 43 tours or 920 people

The dancers continue to be a strong ambassador for the Nation, as well as our Royalty.



Strategy #4 Maximize Media – showcasing the Oneida culture

Our commercials continue to be seen, especially on Channel 5. The commercials are rotated to showcase the various entities such as the Radisson, Thornberry, the One Stop, etc.

Be sure to go to www.exploreoneida.com

This quarter was challenging for many, and enriching for all. It gave us an opportunity to continue to move the peg forward, to collaborate, and to see some positive outcomes to our work. We will continue to find ways to align both the models to the resources and to the present environment, as well as to the practical vision and the four directions set by our leaders.

Tourism's Alignment to Nation's FY15 (4) Strategic Directions

Strategy & Tasks	On^yote?a.ka Principles	Build Resp. Nation	Create Positive Organization	Good Governance
1 Increase Cultural Assets				
a. Long Term Projects: Amphitheater & Visitor Center	X	X	X	X
b. Short Term Projects: Long House Village, work w/ CH on Log Home diplays and other improvements alon the Hwy 54 corridor (Example: Library/sm additions)	X	X	X	X
2 Build Partnerships				
a. State of WI - International Mktg Committee i. If Oneida is not at table, no representation ii. State of WI shares leads III. Oneida is included in booth opportunities iV. Share industry trends	X	X	X	X
b. Regionally - Green Bay Conv Visitor Bureau i. Share cost at trade shows II. Assure Radisson is top of mind	X	X	X	X
C. Internal i. Assist depts w/ marketing/graphics (ie: Museum/Orchard/ThornB/Radisson)	X	X	X	X
3 Generate Foot Traffice within the Reservation	X	X	X	X
a. Events i. Big Apple Fest ii. Woodland Art Show/Entertainment III. Oneida Pow Wow iv. Green Bay Film Festival v. Assist with other events vii. Enhance Tour opportunities				
4 Maximize Media/Outreach Opportunities				
a. Advertisement Opportunities		X		X
b. Social Media i. Increase Facebook Friends		X	X	X

	II. Revamp current website iii. Create educational links w/Native content				
c.	Other advertising opportunities				
	i. Editorial Stories	X	X	X	X
	ii. Social media features	X	X	X	X
	iii. Other Website links				X
	iv. Outagamie Airport - 490,000 imp				X
	v. Casino Corridor				X
d.	Cross Promote w/ other Tribes				
	i. Menominee	X	X		X
	ii. Stockbridge Munsee	X	X		X
	iii. Mole Lake	X	X		X
Strategy & Tasks		On^yote?a.ka Principles	Build Resp. Nation	reate Positiv Organization	Good Governance
4 Maximize Media/Outreach Opportunities Cont.					
e.	Cross Promote w/ other Groups				
	i. Harley Davidson		X		X
	ii. Neville Museum 75,000 visitors		X		X
	iii. Heritage hill 4,000 households		X		X
	iv. Wild Life Sanctuary 480,000 visitors		X		X
	v. Green Bay Botanical Garden		X		X
	vi. Royalty	X	X	X	X
	Vii. Oneida Smoke/other dancers	X	X	X	X
f.	Trade Show Outreach				
	i. Adventures in travel - Chicago		X		X
	ii. International Pow Wow		X		X

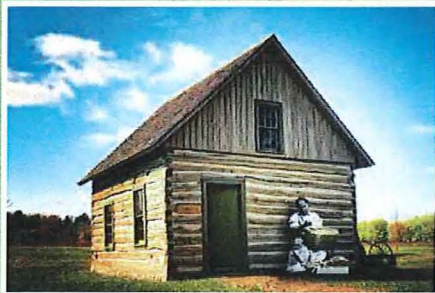


Tour Options



Two Nations Tour-Full Day

- Visit the Menominee Reservation
 - Lunch with the Amish
 - Tour the Oneida Nation Reservation
- \$25 person / \$20 bus price**



Oneida Reservation Tour-3 hrs.

- Log Homes
 - Restored Wetlands
 - Buffalo
 - Central Oneida
 - Longhouse
- \$20 person / \$15 bus price**



Agricultural Tour-3 hrs.

- Buffalo
 - Oneida Nation Farm
 - Tsyunhehkwá
 - Orchard
 - Cannery
 - Restored Wetlands
- \$20 person / \$15 bus price**

All tours can be customized.

**For more information: Contact Kirby Metoxen 920.496.5025/5020
or email: kmetox@oneidanation.org • www.exploreoneida.com**

Aquaponics

Grant Project

The Farm to School initiative proposes to increase healthy fresh foods for the Oneida tribal school, and expand to surrounding schools, with the development of an 850 sq./ft. aquaponics that can extend the seasons in a region with severe and prolonged winter weather (winter 2014 noted over 45 days of below 0 temperatures, and snow for 5 months).

The operational management of the aquaponics system and location is under review to materialize a project for the Veterans as a supplier to the school, and to engage them through this project in educational outreach for the youth and for the community.

The program will equip a used structure with an aquaponics system to produce vegetables and fruit for the Turtle School and High School cafeteria. The program will expand the students' knowledge of healthy foods with an *integrated* approach through *experiential learning activities* such as pick your own at the apple orchard and organic farm, food handling and processing at the cannery, field tours through Youth Day on the Farm and engagement in the Husking Bee (a traditional event of white corn hand-harvesting).

Additionally, Northeast Wisconsin Technical College will develop an *academic curriculum* for the high school seniors on aquaponics and agriculture for college credit. The lower grades will be engaged in learning about healthy foods through the school's science curriculum, and site visits to the aquaponics project. *Family engagement* is another essential component of education on Farm to School, and it will include events such as Apple Fest and the Husking Fest.

The aquaponics system will be capable of annually producing 8600 lbs. of fish and 5,000- 6,900 heads of lettuce (or other vegetables). As a year round system, it will help to bridge the gap during the winter months with fresh produce for the school, and engage community members in its production.

Grant Period

January 2015—December 2016

Project Partners

Oneida Nation: Environmental, Internal Services, Tsyunhehkwa Organic Farm & Cannery, Oneida Veterans, Oneida School & Northeast Wisconsin Technical College.

Contact

Joanie Buckley jbuckley@oneidanation.org 920-496-7425



Oneida Nation

INTEGRATED FOOD SYSTEMS

January 2015

STATE OF OPPORTUNITY



Spencer Gustafson and Sandy Farnam work on a configuring routers lab inside their CISCO 1 class Thursday at Northeast Wisconsin Technical College in Green Bay. EVAN SIEGLE/PRESS-GAZETTE MEDIA

IT workers can 'write your own ticket'

By Jeff Bollner | Press-Gazette Media

Skyline Technologies started 23 years ago as a staffing firm for businesses that needed help with computers and information technology.

Since, the Internet, electronic commerce and smart-phones have exploded onto the landscape. Companies that might once have called Skyline in search of temporary help now have entire IT departments that manage networks, design websites and apps, and provide computer support.

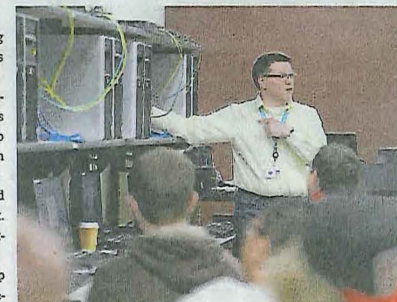
Skyline now employs 160 people in Northeastern Wisconsin and focuses on IT consulting and custom technology development. About the only thing that hasn't kept up with the rapid pace of expansion is the workforce, CEO Mitch Weckop said.

"We have an imbalance between supply and demand," Weckop said. "We've seen a little bit of an increase in (IT graduates) in recent years, but 60 percent of the jobs have a technology component to them, but the graduation rate is still below what it was 15 years ago."

Northeast Wisconsin Technical College associate dean Julie Ebben-Matzke said state agencies identified information technology as one of the industries facing a skills gap, and NWTTC has responded to the demand by expanding its IT offerings.

With a state grant, NWTTC created a software development training program that offered weekend courses last year. There were 24 students in the first class. This year, there were 100.

In the 2013-14 school year, 79 students pursued one of six information technology degrees at Northeast Wisconsin Technical College. According to NWTTC's Graduate Follow-Up Report, 90.1 percent of IT students had jobs with median incomes ranging from \$36,000 to \$55,000.



Al Fend teaches his CISCO 1 class Thursday at Northeast Wisconsin Technical College in Green Bay. EVAN SIEGLE/PRESS-GAZETTE MEDIA

Ebben-Matzke said good wages, ample job opportunities and a wide range of industries add up to strong student interest. "Every industry needs IT people. It doesn't matter if you're transportation or health; everyone needs IT people," Ebben-Matzke said. "You can write your own ticket with IT. ... That flexibility is really appealing to people."

Weckop said students interested in IT careers can do themselves a favor in high school by taking math and science courses. He said students' interest in STEM fields — science, technology, engineering and

» See TICKET, 2D

March 7 9 am to 12 pm: **Food Safety Certification**
 Location: Little Bear Dev. Center

March 21 1 pm to 3 pm: **Fruit Tree Grafting**
 Location: Oneida Orchard

April 4 9 am to noon: **Organic Farming & Certification**
 Location: Tsyunhehkwa Farm

April 18 9 am to 11 am: **Building a Brand**
 11 am to 1 pm: **Marketing Products**
 Location: Little Bear Dev. Center

May 2 10 am to 2 pm: **Tsyunhehkwa Spring Gathering**
 Location: Tsyunhehkwa Farm
Seed & Plant Distribution
 11 am to noon: - **Seed Preservation/Selection Workshop**
 - **Composting 101 Workshop**
 Noon to 1 pm: - **Gardening Workshop**
 - **Worm Bin Workshop**

May 16 9 am to 11 am: **Products to Market/Marketing Strategies**
 11 am to 1 pm: **Developing Collateral Pieces**
 Location: Little Bear Dev. Center

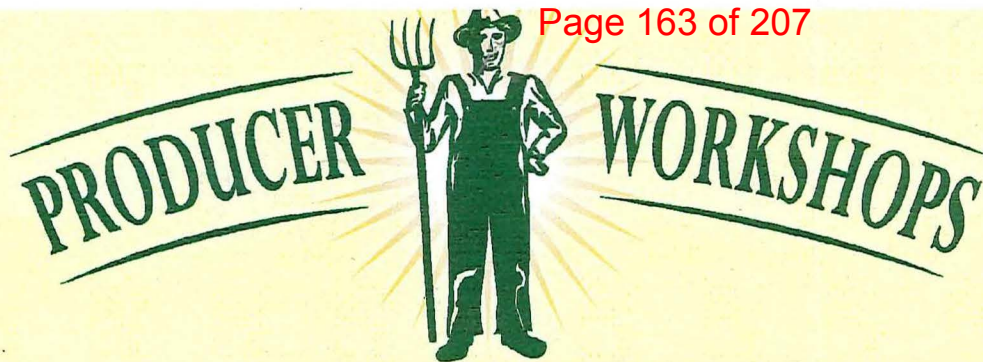
June 6 9 am to 11 am: **Enterprise Profit & Supply Chain**
 11 am to 1 pm: **Managing the Business**
 Location: Little Bear Dev. Center

June 20 9 am to 11 am: **Managed Grazing**
 11 am to 1 pm: **Outlets - The Farmers Market**
 Location: Tsyunhehkwa Farm

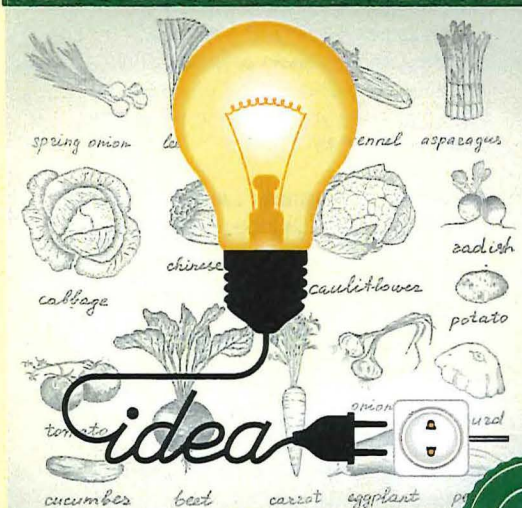
July 18 9 am to 1 pm: **Food Processing and Preservation**
 Location: Oneida Cannery

PRE-REGISTRATION IS REQUIRED - REGISTER EARLY, there is a limited number of participants per workshop. To register, or if you have any questions, please contact William VerVoort at (920) 496-7423 or wvervoort@oneidana.org

A light lunch will be provided for those workshops that go beyond the noon hour (with the exception of the "Tsyunhehkwa Spring Gathering")



FROM SEED TO MARKET



Free Training Sessions



Planning

Managing the Business - The Food Supply Chain

We will show the participants the elements of a business plan, how to determine best investment of time, the challenges of breaking even and building a profitable business. *Max 15*

Enterprise Profitability and Supply Chain

Learn about profit & loss impact on developing a business and the product cycles to market. Review the financial inputs and the outputs; as well as an overview of the supply chain in taking products to market. Steps and challenges that will impact the bottom line. *Max 15*

Organic Farming & Certification

Participants will learn how to establish organic farming, the guidelines and time frames, producing, how to find the resources for organic certification, and how to fill out the forms. We will cover crop and soil management. *Max 15*

Managed Grazing

Learn about the principles of managed grazing and how to determine number of cattle per acre for small farm production. Participants will be working in the field and with documents to determine best use of land for production. *Max 15*



Seed & Soil/Prep

Seed Preservation/Selection Workshop:

Expert presentation and a hands-on demonstration of seed selection and preservation techniques. Seed swap to follow, so bring your seeds to swap with other participants! *Max 15*

Gardening Workshop: Learn how to plan your garden, prepping your garden, soil, extending the growing season. *Max 15*

Composting 101: Learn composting basics, including: what can be composted, pile maintenance, how to harvest finished compost and garden bed application. *Max 15*

Worm Bin Workshop: Learn about vermiculture and how to start a home worm composting system. Hands on demonstrations, create your own worm bin to take home! *Max 15*

Fruit Tree Grafting

Following a presentation and demonstration, participants will enjoy hands-on learning with step-by-step instructions. Participants will be able to take home their projects for planting. Bring a sharp, clean pocket knife or similar; some knives will be available during class. *Max 15*



Food Processing & Preserve

Food Safety Certification

Those who wish to sell food at any tribal sponsored event or on the reservation must have this certification. This will be a 3-hour class teaching safe time and temperatures when cooking, cooling down, reheating and storing foods. We will also cover other safety measures, such as prevention of cross contamination, good hygiene practices, and good cleaning and sanitizing methods. A written test will follow. Certification is good for one year. *Max 15*

Food Processing and Preservation

Participants will learn about food processing, food preservation methods (dehydration, high acid foods, low acid foods, and acidified foods), equipment, labeling, nutritional content, shelf life, and the look of branded products. This workshop will also be hands-on, where participants will be able to process topic related canning (high acid – jams, or acidified – pickles or salsa). Supplies provided, participants will be able to take home a jar of that day's product. *Max 8*



*Oneida Nation promoting
local food Entrepreneurs*



To the Market

Building a Brand

Participants will be shown various brand strategies and how to build a brand for each one. We will focus on the product, developing a logo and tag line. We will have a start-up kit for new participants to produce their logos for business cards and product labels. *Max 15*

Marketing Products

Learn about the principles of marketing. We will discuss the food value chain and the strengths of various marketing elements of food. *Max 15*

Marketing Strategies

Here, we will discuss various marketing strategies related to consumer engagement using various mediums. *Max 15*

Developing Collateral Pieces

Collateral pieces are marketing items. We will show participants how to develop their collateral pieces and have them published as part of their start-up kit. *Max 15*

Outlets – The Farmer's Market

Participants will be introduced to various outlets for selling their products from a macro level on. Participants will learn how to display products, how to set timeframes and price points for these outlets. They will be invited to participate free of charge in the Oneida Farmer's Market. *Max 15*

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the Quarterly Report

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Melanie Burkhart, Organizational Development Specialist

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

To: Oneida Business Committee
From: Melanie Burkhart
Re: Quarterly Report

Submission of Quarterly report.
Motion to accept Quarter 2 report requested.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Quarterly Report
to the
Oneida Business Committee
For the period January 2015 – March 2015

Melanie Burkhart
Organizational Development Specialist

Custodial Department

- Updated current SOP's for the department
- Created new SOP's for department
- Sent SOP's to HRD for approval
- Updated Custodial Handbook

Tribal Secretary Reorganization

- Continue assisting the Tribal Secretary's office with the department's roles and responsibilities
- Attend staff meetings to track progress on the updated roles and responsibilities
- Continue working with Records Management and Executive Tribal Clerk on the Boards Committees and Commission process. Created flowchart to identify the current process and look for opportunities for improvement. Next step is to work with LRO on the Comprehensive Policy governing Boards, Committees and Commissions

Tribal Treasurer Office

- Continuing research on Per Capita and the GTC Stipends as part of the budget team
 - Reviewing all past GTC meetings that pertain to Per Capita and GTC Stipends
 - Documenting the GTC actions in historical order
 - Working with Records Management to find all the information
- Prepared for Budget Kickoff meeting
- Work team continue to meet on all GTC Mandates

OBC Strategic Directions

- Started to meet with the BC on the Reorganization
- Research and put together a historical analysis on past reorganization efforts

Facilitation Request

- Conducted a Conflict resolution session with a department.
- During the session the department came to consensus. Provided the department with all agreements

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Written report attached.

Also Addendum to written report summarizing verbal report presented at the BC meeting on 6/10/15.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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

Phone: (920) 869-2214



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 nation, the United States was made possible.

Quarterly Report to the Oneida Business Committee June 10, 2015

Christopher Johns
Self-Governance Coordinator

HHS/IHS BAO Pre-Negotiating Meeting

The FY 2016 Pre-Negotiation meeting was held in at the Radisson on June 1-2, 2015. Since this Quarterly Report was due during that two-day period I will report any news at the OBC meeting.

President's FY 2016 Budget Request

Congress has yet to act on the President's Budget Request for FY 2016. Budget Request includes the following provisions:

→ **Mandatory Contract Support Costs:** To stabilize long-term funding and address programmatic concerns with CSC, the 2016 budget also puts forth a proposal to reclassify these costs to mandatory funding beginning in fiscal year 2017. Beginning the reclassification in 2017 will allow time for tribal consultation in 2016 on operational details. The budget proposes to adjust the discretionary budget caps to reflect the reclassification. The current estimate for projected BIA program growth, above the discretionary cap amount, totals \$105 million for fiscal years 2017-2019 and would be treated as a PAYGO cost for the authorizing legislation. New CSC estimates will be provided on a three-year cycle as part of the reauthorization process. If enacted, mandatory funding for contract support costs will help stabilize this vital funding for tribes and further self-governance and self-determination efforts. Additionally, Indian Affairs will continue to work with and consult with tribes to strengthen administrative capacity and program management. The FY 2016 request also will fully fund contract support costs, based on the most recent BIA and IHS analyses.

→ **Significant Increases:** The budget proposes an overall **increase of 12 percent for BIA over the FY 2015 enacted level**, the largest increase in more than a decade (excluding Recovery Act funding). **The Indian Health Service would receive a nine percent increase.**

→ Public Safety: The budget includes \$417.4 million for the Department of Justice (DOJ) public safety initiatives in Indian Country, which is a \$102 million increase compared to the FY 2015 DOJ enacted total for Indian Country.

→ The President's budget proposes \$4.0 million to establish a "**One-Stop Tribal Support Center**" to support Tribes in accessing hundreds of services across the Federal government.

→ The FY 2016 budget includes \$4.5 million to establish an "Indian Energy Service Center" to facilitate vital energy development in Indian Country.

→ In the BIA, a data initiative of \$12.0 million is proposed to establish an Office of Indian Affairs Policy, Program Evaluation, and Data which will help the Interior Department collect, analyze, and use evidence to support effective policy making and program implementation. The funds also will assist the Department in working with Tribes to improve Interior and BIA data quality and availability and will support efforts with the Census Bureau to identify and address data gaps in Indian Country.

→ The BIA budget builds on the "Tiwahe (Family) Initiative": a comprehensive and integrated approach to address the inter-related problems of poverty, violence, and substance abuse faced by Indian communities. The FY16 budget would provide \$15 million to expand the Tiwahe Initiative, \$6 million more for Social Services, \$4 million more for law enforcement for alternatives to incarceration, and \$5 million more for aid to tribal family courts.

→ "Generation Indigenous" is an initiative in the budget to address Native youth Issues. The Generation Indigenous, or "Gen-I", initiative takes a comprehensive approach to help improve the lives of and opportunities for Native youth. The initiative crosses multiple agencies, including the Departments of the Interior, Education (ED), Housing and Urban Development (HUD), Health and Human Services (HHS), Agriculture (USDA), Labor (DOL) and Justice (DOJ). Increases include: (1) \$34.2 million at DOI to extend broadband internet and computer access to all BIE-funded schools and dormitories; (2) \$10 million at HUD and \$8 million at DOI to address teacher housing needs; (3) \$50 million at HHS to provide youth-focused behavioral, mental health, and substance abuse services; and (4) \$53 million for Native Youth Community Projects at ED to support comprehensive strategies to improve college and career-readiness of Native youth.

→ **Tax provisions:** Treasury includes a proposal to exclude from income student loan forgiveness and certain scholarship amounts for participation in the IHS health professions program; a modification of the adoption tax credit to allow Indian Tribal Governments to make a status determination of a "child with special needs"; modifications of Tax Exempt Bonds for Indian Tribal Governments that include the repeal of the "essential government function" for tax exempt bond financing, and new flexibility for Tribal Economic Development Bonds.

→ The HHS **Tribal Behavioral Health Grant** (TBHG) program would receive \$30 million, including \$15 million in the Mental Health appropriation and \$15 million in the Substance Abuse Prevention appropriation as part of Generation Indigenous. With the expansion of the TBHG program, SAMHSA aims to reduce substance use and the suicide

among Native youth and address conditions which impact learning in BIE schools. The TBHG program will support mental health promotion and substance use prevention for high-risk Native youth and their families, enhance early detection of mental and substance use disorders among Native youth, and increase referral to treatment.

→ The proposed Budget includes a **\$70 million increase for the Purchased/Referred Care (formerly Contract Health)** program to cover rising health care costs and to expand services provided through this important program, which funds care outside of IHS and tribal facilities when it is not available at an IHS or tribal facility.

→ **Carciari**: Language to address the *Carciari* Supreme Court decision is again included in the Department of Interior general provisions of the President's budget.

Office of the Special Trustee (OST) Automated Audit Pilot Project

The OST Office of Trust Review and Audit (OTRA) is in the process of designing a "Tribal Methodology" system which would greatly simplify the statutorily-required audit of tribal trust programs assumed by SG Tribes. This would operate as a voluntary, self-reporting computer-based system that would greatly reduce the cost of on-site visits for the OST and standardize report data for each participating tribe which should make the process more efficient. Oneida has agreed to be one of several sites for the testing phase of the Project. The system should be up and running by October 1, 2015.

Self-Governance Advisory Committee (SGAC)

The SGAC most recently discussed three concerns with Kevin Washburn, the Assistant Secretary – Indian Affairs (AS-IA) and Tommy Thompson of the Bureau of Indian Affairs Office of Management and Budget (BIA-OMB) including speeding up the release of funding to Tribes, changes to the internal financial processes, and the budget formulation process for DOI. Self-Governance Tribes continue to urge BIA/DOI to work more quickly to get Tribal money out more quickly, especially CSC and programs outside the BIA. BIA indicated that they had made significant progress regarding funding distribution internally but when Congress fails to provide an entire year of appropriations, it leads to impediments in the timely distribution of funds to Tribes. The BIA also reported that anticipated changes to the current financial system will improve the speed in which the agency can get money out to Tribes. As a result, SGAC requested that DOI consider the impact changes to their finance system will have on Tribes. Tribes are also concerned that the current regional formulation process is not working well for Self-Governance Tribes and that often the priorities from TIBC are not represented in the President's Budget request. The AS-IA agreed that the current formulation process does not allow for maximum Tribal participation at the regional level and would be willing to consider changes.

Indian Health Service Director

Congress still has yet to confirm the President's nominee - **Dr. Yvette Roubideaux** - as the Director of the Indian Health Service. There is a statutory limit on the amount of time a nominee can serve in an "Acting" position for which they are nominated. As a result, HHS Secretary Burwell has appointed Dr. Roubideaux as a Senior Advisor to the Secretary and appointed **Robert McSwain**, the current IHS Deputy Director, to serve as Acting Director. Mr. McSwain has previously served as the Director.

Upcoming Events

Following are dates and locations of upcoming meetings and conferences as requested.

July 20-24, 2015	Self-Governance Advisory Committees	Washington, DC
August 5-6, 2015	Tribal-Interior Budget Council	Albuquerque, NM
October 5-8, 2015	Self-Governance Advisory Committees	Washington, DC

MRO/BIA and BAO/IHS Representatives

TIBC Representatives:

Primary: Darrell Seki, Treasurer, Red Lake Band of Chippewa Indians
 Alternate: Jimmie Mitchell, Natural Resources Director, Little River Band of Ottawa Indians

SGAC Representatives:

Primary: Derek Bailey, Tribal Councilor, Grand Traverse Band
Alternate: Vacant

Technical Committee Members:

John Mojica, Mille Lacs
 Dave Connor, Red Lake
 Jessica Burger, Little River
 Barb Brodeen, Bois Forte
 Christopher Johns, Oneida

TSGAC Representatives

Primary: Derek Bailey, Tribal Councilor, Grand Traverse Band
Alternate: Vacant

Technical Committee Members:

John Mojica, Mille Lacs
 Jessica Burger, Little River
 Christopher Johns, Oneida

Federal Officials

Bureau of Indian Affairs

Kevin Washburn, Assistant Secretary
 Mike Black, Director

Diane Rosen, Director, Midwest Region
 Tammie Poitra, Deputy Director - Trust
 Scott Sufficool, Deputy Director – Services

Kimberly Bouchard, Superintendent, Great Lakes
 Gerald Walhovd, Deputy – Trust Services 242,749.04 CSC Claim Settlement
 \$64,277.42 plus interest for Ramah

Indian Health Service

Mr. Robert McSwain, Acting Director
 Dr. Yvette Roubideau, Nominated

Mr. Keith Longie, Director, Bemidji Area

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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

Phone: (920) 869-2214



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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.

Addendum to the Quarterly Report Oneida Business Committee June 10, 2015

**Christopher Johns
Self-Governance Coordinator**

- Dr. Yvette Roubideaux has resigned from her position as Advisor to the Secretary and has withdrawn her name from re-nomination to the Indian Health Services Director position. Bob McSwain will continue as Acting Director. The President has not nominated a replacement and it is unlikely that he will.
- Pre-Negotiations with the Bemidji Area Office for the final year of the 2012-2016 Multi-Year Funding Agreement (MYFA) were held last week. While the President's Budget Request would provide a 12% increase in the 2016 budget, Congress has yet to act. Each year's negotiated budget is based on the final budget of the previous year. If the President's budget request is honored, our MYFA would be increase by approximately \$2M.
- The DOI/BIA Office of Self-Governance (OSG) has notified me that the 2016 budget documents will be available soon.
- I expect to finalize the final year of the MYFAs for both the SG Compacts with the BIA and IHS by later this summer. There are no significant new issues nor any changes proposed by either federal agency.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the OAHC 2nd Quarter Report for FY15

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Janice Skenandore Hirth - President
Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

To update the Business Committee on the Performance of Oneida Airport Hotel Corporation d/b/a Radisson Hotel & Conference Center and Three Clans Airport d/b/a Wingate by Wyndham and a motion to approve the 2nd Quarter Report of FY15.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Airport Hotel Corporation
Radisson Hotel & Conference Center
Quarterly Report
For the quarter ended: March 31, 2015

Narrative Section

Business practice, market overview, place within market:

- STR report shows for the Quarter that we are up in Occupancy YOY 11.3% index, up in ADR YOY .8% index with a result of 12.2% index YOY for RevPar; group rooms and transient had an increase in January due to the playoff game; February up as well due to better weather and March up due to Hockey tournament in 2015 that was not in 2014.
- Sales team attended American Bus Association Marketplace; attended Your Military Reunion Marketplace; attended African American Travel Conference; attended Circle Wisconsin Midwest Marketplace – to gain leverage for the Radisson in the Green Bay market

Competitive analysis:

- Casino food outlets continue to be a source of competition for F&B revenue

Strategies for improved value:

- Developed packaging in Corporate/Association Meetings, Tour & Travel, Wedding, Travel Agents and Transient markets to gain short term bookings for Q2 and other need months
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition
- Working closely with Green Bay CVB in all Sales markets to keep top of mind and participate in all sales initiatives
- Conducted a shared Sales Blitz with the Wingate in March 2015, over 100 sales calls
- Sales and Catering team attended Aimbridge Management Conference; including seminars assisting with yield management, improved customer relations and prospecting techniques

Material changes or developments in market/business:

- KI Convention Center Expansion began Dec 6, 2013, adding 23,000 square ft. meeting space will have total of 80,000 when complete, due to complete September 1, 2015

Market growth:

- Northland Hotel due to start construction on 147 room hotel downtown to compliment the KI Convention Center expansion, due to open fall of 2015
- Formerly Clarion Hotel downtown, has started construction to become a Hampton Inn due to open August of 2015

- Residence Inn 100 room property set to build and open 2016 in Green Bay
- 77 room Staybridge Suites will be under construction and attached to Brett Favre's Steakhouse
- Home2Suites due to be built in Green Bay near Hilton hotel
- 5 Star property due to be built on Packer property near the stadium with 200 rooms

Pending legal action:

- Nothing at the moment

Oneida Airport Hotel Corporation
Three Clans Airport, LLC
Quarterly Report
For the quarter ended: March 31, 2015

Business practice, market overview, place within market:

- Ranking for the 2nd quarter from the STR Report the Wingate is 4 out of 5 based on REVPAR and 4 out of 5 based on Occupancy. Wingate is continuing to gain and maintain fair market share within the competitive set.
- For the start of the 2nd quarter the Wingate focused on growing occupancy to increase awareness in the market as well as ADR.
- The Wingate averaged a 57.5% occupancy for the 2nd quarter. This was down from previous year by 5.2%. The decrease was directly related to the number of distressed passengers, there were fewer flight cancellations and/or delays due to weather this year versus last year.

Competitive analysis:

- The competitors ran a REVPAR of \$63.20 to Wingate's \$43.89 for the quarter.
- The competitive set had an occupancy of 62.5% to the Wingate's 57.5%.

Strategies for improved value:

- The Wingate's strategy to continually grow rate is to increase rates sooner especially on high demand dates and to offer less heavily discounted rates on slow dates. Discounted rates will still be offered for slower dates but not as much as they have been in the past.
- The Wingate continues to use all 3rd party booking channels to increase bookings on low demand dates.
- The Wingate continues to run last minute deals on Expedia and hotels.com over the weekend to increase last short term bookings.
- The Radisson Sales team continues to cross sell the hotel. We have begun to see new leads and new bookings from this joint effort.

Material changes or developments in market/business:

- The Wingate did not see an increase in the corporate business traveler in the 2nd quarter. However, the Wingate did see an increase in the leisure traveler for this quarter due to a couple of factors which include, faster tax returns, a less severe cold winter and less snow storms.
- We also were able to negotiate rates with some new local companies to add to the Wingate's preferred list.

Market growth:

- For the 2nd Quarter, the Wingate ended with 69.4% REVPAR Index. The Wingate saw a decline in was able to grow 3.4% year over year for REVPAR Index.
- Revenues for the second quarter were \$311,403 which were up from prior year by \$7,620.
- This was achieved by positioning ourselves better within our competitive set and the Green Bay Market.

Pending legal action:

- Nothing at the moment

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the OGE 2nd Quarter Report for FY15.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Janice Skenandore Hirth - Agent
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

To update the Business Committee on the Performance of Oneida Golf Enterprise d/b/a Thornberry Creek at Oneida and a motion to approve the 2nd Quarter Report for FY15.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Golf Enterprise Corporation

Fiscal year-To-Date Reporting for period Ending:

March 31, 2015

The Oneida Golf Enterprise Corporation (OGEC) is a corporation of the Oneida Tribe of Indians of Wisconsin established to oversee and manage the business known as Thornberry Creek at Oneida.

Narrative Report

Business Practice, Market Overview, Place Within Market:

- Thornberry Creek at Oneida (TCO) is a 27 hole premier golf course settled in a rural prestigious housing development on the Oneida reservation.
- TCO is the Official Golf Course of the Green Bay Packers.
- TCO is one of 10 Official PGA Family golf courses in Wisconsin offering tees for kids based upon skill level and ability to further enjoy the game.
- TCO includes a banquet facility, driving range, pro shop and sports pub & grill.
- TCO is considered a leader in charitable golf event hosting and a leading choice for future brides.
- TCO hosted 33 special events in the second quarter.

Competitive Analysis:

GOLF

- Area competitors in this market for public golf courses with 9 holes is Village Green in Howard; 27 holes includes Mid Vallee in De Pere; 18 holes include Brown County and Crystal Springs.
- Outside our 10 mile radius are other courses such as Royal St. Patrick's, Ledgeview, The Woods, and Northbrook. Courses outside the area but still considered competitors include The Bull in Sheboygan and Blackwolf Run/Whistling Straits in Kohler.
- Our nearest competitor, Brown County Golf Course, had temporary greens due to winter damage and have renovated and rebuilt all their greens to be ready for opening in spring 2014. **New greens opened May 15, 2014 at Brown County and their business has had a negative impact on our rounds. Update: As of press time their greens have had a hard time coming thru the winter months.**

Banquet

- Thornberry Creek at Oneida has 7,000 square feet of flexible banquet space with large windows and spectacular views. This space will accommodate 300 guests at round tables.

We also future a porch room that accommodates up to 40 people. Included in this space is the Cupola available for smaller wedding ceremonies and intimate gatherings.

- Thornberry Creek at Oneida also offers a full range of conference equipment and amenities for the corporate client.
- Our large bar and grill offers full coverage on all 24 HDTV flat screen televisions for all sporting events and seats up to 160 customers.
- Area competitors in this market include Rock Gardens and the Radisson.

Strategies for Improved Value:

- *Golf Digest* has OFFICIALLY announced that we will be rated for Best in State, 100 Greatest Public and America's Best 100 to be released in 2017.
- TCO was featured on the cover of *Premiere Golf Destinations Magazine*, and was released at the Milwaukee Golf Show in March.
- Publication reaches 4 surrounding states and will be available in all travel centers, approximate circulation is 96,000.
- Dueling Pianos was a success although numbers were down from previous year; there were approximately 120 in attendance.
- Started hosting Wine and Canvas nights inside the porch room: after the first event we had to move to the ballroom due to sellout crowds
- Packer Radio Shows continued into January and numbers continued to increase
- Valentine's Dinner was a success as Randi Fay once again entertained the crowd during the evening
- Promoted our first Bracket Breakdown and had 306 entries
- Bracket Breakdown brought about a major increase in business levels during tournament viewings
- Introduced our first Theme Dinner with a Beer Dinner that brought about 26 participants
- Season Pass sales exceeded all previous years and total passes sold increased by 12
- Introduced Fringe Benefit card at the Fox Cities Expo and sold 34 in its introduction
- New tee signs, tee markers, trash receptacles, practice tee necessities and benches are being put into place for the 2015 season
- Introduced the "All In Package" at the Milwaukee show and received great review: package combines the golf course with the hotel and casino
- Golf Shop renovation is almost complete offering a new, fresh look but also allows the guest the opportunity to walk through the merchandise
- New product is being received along with a mixture of household items such as wine and rocks glasses
- Resources are being utilized to venture into new markets and media outlets such as WIXX
- The 2015 Marketing Calendar is complete and being used to promote events properly

- New website has launched and has been well received; easy to navigate and find information
- New website allows user to make online purchases for special events

Material Changes or Developments in Market/Business:

- CIP will continue in the early 2015 season as the parking lot is finished and guardrails put in proper position
- Village of Hobart's water tower main broke causing a sinkhole in the far lot and the practice tee floor, to be corrected in May 2015 – **Update: Still no action**
- New winter menu debuted offering less items but overall better quality of food with a focus on lowering food costs through optimal menu development
- All new service training manuals are being completed to be implemented in training
- Old equipment is being sold and creating additional revenue to the facility to assist in funding the repair and maintenance of our older equipment
- Hired New Business Development Manager, Lysti Bowers, to assist in generating new business by focusing on hotel groups and local business'
- Purchased necessary banquet tables for use in special events as opposed to renting
- New website launched officially on January 15th and was very well received
- Working on private label bottled water for use on the course and in the restaurant
- Branding all informational packets, brochures and literature that comes from Thornberry Creek
- Still working on verbiage for bronze plaques to be installed on the course; working with the Culture and Heritage Department

Market Growth:

- Our social media presence continues to grow, up 38% since May of 2014 and up 10% in the second quarter of 2015
- Brand recognition is beginning to show as our media outlets have increased significantly; Thornberry will be venturing to the Chicago and Minneapolis markets in 2016
- Wedding inventory is completely sold out from June – August and only a few days remain for September and October
- Only 4 Saturday's remain available for weddings in 2016 during the season
- Thornberry was able to open a few days in March allowing for 491 rounds of golf
- Contacts continue to be made with the YPGB group and Thornberry has booked a function on August 10th

- Josh Doxtator was asked to speak at a Thrivent Financial event concerning the importance of business and golf
- Mark Becker won the WPGA Youth Player Development Award in January and was honored in the Wisconsin Dells
- 4 new hotels have partnered with Thornberry and will push all traffic to our course

Pending Legal Action:

- No litigation pending.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept OTIE 2nd quarter report

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Wilbert "Butch" Rentmeester, OTIE Board Chair

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Total Integrated Enterprises

2nd Quarter Report 2015 May 18, 2015

Prepared by:

Nick Ni, PE, President

Submitted to:

OTIE Board of Managers: Butch Rentmeester, Chairperson,
Jeff House, Jackie Zalim, Wayne Metoxen, Leslie Wheelock

OTIE Report 01-20150518



Narrative Report

a. Explanation of the core of the Corporation's business practices and market overview

Oneida Total Integrated Enterprises (OTIE) provides environmental, remediation, construction, engineering, and munitions response services to government agencies, as well as commercial clients in the United States and across the world. OTIE's services evolve in response to clients' changing needs. Our core services contribute a majority of OTIE's backlog in response to federal and state project requirements, changing infrastructure demands, and the often accompanying regulatory challenges. We deliver solutions that allow our customers to cost-effectively achieve their mission while adapting to evolving performance parameters.

As a service-based company, OTIE revenue is primarily derived through the labor-based contracts and task orders, rather than capital-intensive project requirements.

Our revenue potential is driven by our ability to retain existing clients as well as attract new ones, provide quality and responsive value-oriented project management at competitive rates, and identify and retain a qualified staff of dedicated employees.

OTIE directs our primary business pursuits from a stable customer base concentrated in federal, State and municipal government entities. Our tribal business, aerospace industry (commercial), and electric utility company contracts are exceptions to OTIE's heavy reliance on government contracting, and in all cases our customer base offers outstanding opportunity for securing projects and targeting:

- long-term, high-dollar contracts to offer steady and profitable backlog
- low risk contracts to stabilize the Company's business base
- capturing market share in emerging or expanding growth markets

OTIE operates in a fiercely competitive, expanding market that seeks diversity and economic vitality through government contracting. Our advantage over emerging small business competitors is maintained through steadfast conformance with quality, safety and contracting/acquisition requirements and regulations imposed by the federal government.

Budgetary reductions, labor constraints and broader recessionary pressures are forcing our customers to award low-price technically acceptable (LPTA) under competitive ID/IQ contracts. As a consequence, OTIE's pricing is marginally decreased for professional services and bids require sharper pricing and more labor investment. Coupled with the investment required for ID/IQ proposal preparation, each technical/price proposal submitted represents considerable investment of limited overhead resources.

As reported in prior Quarterly Reports, the market for our services remains highly competitive. An abundance of Architecture / Engineering / Construction (AEC) firms provide similar services offered by OTIE. Competitive factors for our success include



performance reputation, price, geographic location and availability of technically skilled personnel. We are pleased with our accomplishments and continue the drive to becoming a top-tier competitor.

b. Explanation of the Corporation's current place within the market

OTIE is a Native American, tribally-owned, SBA-certified 8(a) small disadvantaged business (SDB). Other small business (SB) categories in the marketplace include: HUB-Zone; Woman-owned; Veteran-owned; Service Disabled Veteran-owned; Alaskan Native Corporation; Native Hawaiian Owned; and Native American-owned.

We face substantial competition in each of our business profiles as the market crowds and our customers become more price-sensitive. Our competitors are often larger and have greater financial resources, requiring OTIE to be selective in our marketing and sales efforts and more adept in developing strategic partnerships to enhance our competitive advantage.

OTIE's place in the 8(a) market is distinguished from others by our over 25-year performance history: We are a mature, tested and proven SB with a big-business infrastructure. Some of our SB competitors have similar performance tenure in our industry; others in the market are emerging businesses aiming to secure their first federal contracts. We believe that our present size and diversified service offerings relative to the smaller, niche companies are advantageous to OTIE.

Our success in key growth areas demonstrates our ability to broaden our market positions in spite of stiff competition. In two key technical areas OTIE gained traction and increased our visibility and competitive posture in the market:

- **Engineering Services** – Responding to our USAF customer's needs we added new engineering disciplines and staff. OTIE hired mechanical engineers and added depth in electrical and structural engineering, too. We are self-performing several high labor-effort engineering projects that would have ordinarily been awarded to a large business contractor.
- **Environmental Compliance** – New contracts won by OTIE present long-term revenue opportunity and reinforce our position as an elite, small business environmental services provider.
 - US Army Corps of Engineers (various districts) – contracts at Vance, Little Rock, and Altus AFBs; Buckley AFB; Ellsworth AFB; Whiteman AFB; and F.E. Warren AFB.
 - Air Force Civil Engineering Center – Blanket Purchase Agreement (BPA) for Environmental Quality Services.



c. Explanation of the outlines of strategies by the Corporation for improved value in the market

To improve OTIE's value and position in the marketplace we focus on those opportunities where the federal government continues funding and that clearly align with OTIE's customers, such as engineering services, Munitions Response Services (MRS), and design/construction contract management. We also continue to focus on areas that we believe offer attractive enough returns to our clients that they will continue to fund efforts, such as Military Family Housing design (Title I) and construction type services (Title II) including infrastructure improvements internationally, and studies and assessments for improvements in energy efficiency, and facility upgrades.

Specifically, we see the following four elements driving our strategy going forward:

1) Pursuing larger contract opportunities. With continued development of a strong infrastructure and expanded engineering capabilities, we focus on pursuing larger prime contracts and expanding our pool of opportunities. We continue to strengthen our relationships with other firms to create teaming arrangements that better serve our clients. Where we have seen a shift in focus to contracts for small businesses in our secondary NAICS codes, we are developing and strengthening relationships with such businesses so that we can jointly capture some of this work.

2) Leveraging of our services. OTIE has diverse services to offer to a growing customer base. We leverage OTIE capabilities and remain watchful for 8(a) set-asides for OTIE, Mission Support Services (MS2), and Sustainment & Restoration Services (SRS). The combination of our multiple skill sets and broad service offerings allows us to work efficiently in a new economic environment, whether selling services, or via effective use of our design and construction management skills supporting DoD and bridging such skills to other customers.

3) Expanding our international footprint. While OTIE is strong in Japan in Title I and Title II services, expanding design services into our overseas client base will allow for replication of our proven skills and support growing overseas client needs. Basing project management services in Guam will help OTIE embolden our position in Asia/Pacific theater, and to also look for new opportunities in the region.

4) Geographic and client expansion through acquisition. We will direct an active acquisition strategy focused on expanding our ability to offer our technical services to both new geographic areas and new clients, such as NAVFAC and USACE through the acquisition of complementary businesses.

Key long-term clients that will improve OTIE's value and position in the marketplace include the U.S. Army Corps of Engineers, U.S. Air Force, U.S. Navy, EPA and the General Services Administration. Our ability to serve these customers depends on relationships with existing staff and enhanced capabilities and contacts brought to OTIE from new hires. OTIE continues to attract and hire staff that enhance our relationship-building and improve our competitive position in the marketplace.



Our strength in the market is built on relationships with key customers, and an ability to discover new opportunities early in the acquisition cycle. OTIE's strategy is to:

- Get in front of the right people
- Present compelling information and arm the company with winning tactics
- Partner with proven industry leaders preferred by the customer
- Reinforce our sales tactics with proven past performance.

By marketing to the right decision-makers, and conducting objective determinations on potential for success, OTIE fiercely competes when probability for success is high, and we forego opportunities where we see minimal chance of success. Using this focused approach reduces costs and improves our win percentage, both of which are key components of building value in the marketplace.

d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market

OTIE's SBA-approved 8(a) competitors include Alaskan Native Corporations (ANCs); Native American, tribally-owned SBs; and Native Hawaiian Organizations (NHOs). Federal agencies may award new contracts without competition to ANCs, tribally-owned 8(a) SBs and NHOs. OTIE also competes against other 8(a) firms for set-aside acquisitions, including SBs that are categorized as Woman-Owned, Minority Business Enterprise, HUBZone, Service Disabled Veteran Owned SB, and others.

Typical competitors for OTIE include:

- Small Business firms with fewer than 500 employees in NAICS 562910 (e.g. EA; Baywest; Zapata Engineering; TechLaw and others) and regional Transportation engineering firms in Wisconsin.
- Current 8(a) small businesses (Ayuda, Earth Resources Technology; Prudent Technologies; Dawson Group; CTI & Associates and others).
- 8(a) "graduates" (e.g., Bhate, Cabrera, Cape, HydroGeoLogic, ERRG, Sullivan, Tidewater, Terranear PMC, Nobis and others). These SBs are now mature businesses with robust past performance and current customers that keep them "entrenched" at specific federal installations.

OTIE continues to be viewed by other SBs as extremely competitive on major ID/IQ prime acquisitions. Our federal agency customers have commended OTIE on the high quality of our ID/IQ contract proposals, as well as the ease of negotiations and businesslike interactions. In general, our customers view OTIE as a robust, durable and agile Small Business with big-business infrastructure.

Regarding task order proposals, OTIE has struggled against other Small Business competitors to win work on ID/IQ contracts. We fair better under Best Value



procurements and tend to lose out on opportunities awarded based in Low-Price, Technically Acceptable evaluation.

Viewing OTIE's competitive position from a geographic perspective, we remain very well positioned for continued DoD work overseas. We are even better positioned for diverse set of engineering design and construction requirements in Asia/Pacific based on the establishment of OTIE's Guam office location. The increased DoD force posture in Asia aligns with OTIE's planned growth: We are pre-positioning OTIE for lucrative contract performance in the Asia/Pacific theater where DoD focus has pivoted, and we are reaping the rewards of the long-term vision and investments made.

OTIE has garnered nationwide (and international) attention as a vigorous small business competitor. We hold a wide variety of federal contracts, and the diversity of these contracts sets us apart from most of our competitors.

e. **Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period**

In FY14, the market and nature of contracting shifted even further toward contract awards under low-price schemes. For example, opportunities for "*PBR Gap*" contracting reflect the DoD's concession to an imperfect Performance-Based Remediation (PBR) model. Additional, unforeseen contracts will be awarded to new contractors and for work scopes that were not envisioned when the initial, comprehensive PBR contracts were let. The PBR Gap contracts will be lower dollar threshold opportunities, and will become potential opportunities for OTIE's pursuit in FY16 and beyond.

In addition to a preference for low-bid contract awards, in FY14 we witnessed the continued, government-wide preference to procure Multiple Award Task Order Contracts (MATOCs) as the default acquisition strategy. Observations by our customers over past few years indicate a favorable bid climate, which is forcing contractors to sharpen their fee proposals and cut costs wherever possible.

One of the last agencies to adopt MATOC strategies is USEPA, whose Remedial Action Contract (RAC) acquisition strategy for decades has relied on single awards in each EPA Region. In a departure from this contracting strategy, EPA is adjusting its Remedial Action Framework and procuring multiple-award contracts. Small Business contract competitions are poorly understood, as the agency has provided conflicting information, but OTIE will compete for these key contracts in select Regions even if the procurements are advertised on an unrestricted basis.

The bias toward MATOC contracting by federal agency customers affects our competitors more so than ourselves. As an over 25-year experienced 8(a) firm, OTIE counterbalances our ID/IQ contract portfolio with a blend of MATOC and single-award contracts where competition is not required for task order assignment.



Perhaps the most significant development in the market for all Small Businesses in NAICS 562910 (Environmental Remediation) is the proposed Rule Change by SBA to increase the size standard from its current 500 employee maximum to 1,250 employees. If the size standard is increased, OTIE will compete against firms that are substantially larger and that have access to far more resources. OTIE submitted comments to the SBA in January 2015; we expect a full year of government deliberation before a final determination to accept or reject the proposed increase in size standard to 1,250.

To counteract the potential increase in OTIE's Small Business Size Standard, it becomes critical that the Oneida Tribe invest in new 8(a) subsidiary companies. The invested capital can help our "sister" companies build a performance history to compete for more direct awards, and to become competitive entities and acquisition options for our federal customers. With a diverse roster of Small Business NAICS codes, the Tribe will have breadth of competitive, SB possibilities.

Our ability to adapt to the evolving needs of the federal marketplace has enabled OTIE to build a resilient business that is closely aligned to the spending priorities of our federal clients. Because we are accustomed to competing against formidable small and large businesses, OTIE is configured to succeed in an atmosphere of increased competition and reduced budgets. Our business development strategies aim to collect early information on upcoming procurements, affording us time to develop winning strategies and allowing us to sharpen our pricing.

- f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same

Goals for OTIE

Growth is the primary business goal for OTIE. Success for OTIE comes when we align and invest along growth profiles and manage/measure accordingly to make sure that our clients prosper.

In the second fiscal quarter, OTIE's customers began to award new contracts that built backlog in mid- to long-term periods. The gradual easing of an industry-wide federal spend reluctance is giving way to the pressures and pent-up demands of customers and agencies faced with regulatory deadlines or "use-it or lose-it" budgets.

We are pleased to have secured new contracts with customers in key growth areas, paving the way for continued geographic expansion and service diversification particularly in Ohio and in the Southeast US. Accomplishments include new wins such as:

- 5-year contract with USEPA Region 4 for continued service on the Superfund Technical Assessment & Response Team (START)
- Task order for remedial construction at the Plum Brook Ordnance Works for USACE Huntington District



These awards were augmented by other contract starts with the Oneida Tribe and Wisconsin Department of Transportation plus healthy growth on the existing AE Services contract supporting the USAF 45th Space Wing (RAEIS). OTIE established our office in Guam, which is significant for our Asia/Pacific growth.

Going forward, OTIE will leverage opportunities and advantages of our SB status—we will pursue three avenues: identify and secure 8(a) direct awards; compete in the 8(a) set aside contract category from existing and new customers; and compete for SB awards and occasionally unrestricted competitions.

Targets for OTIE

OTIE targets growth in government contracting where our skills and experience align with our customers' mission priorities. In the aggressive market of federal agency contracting - especially in times of budgetary uncertainty - every advantage counts to maintain OTIE's position in the elite levels of SB contracting. Gaining a competitive advantage takes strategic planning and research to focus on opportunities that are robust (high confidence customer spend) and enduring (affording long-term growth opportunity). We pursue emerging or growing markets and seek entry and profit in these areas, while closely monitoring entry costs and barriers. Identified market segments for expansion by OTIE include:

- Facility/infrastructure engineering and asset management
- Fence-to-Fence (F2F) environmental quality services
- Munitions Response Services (MRS)
- Expansion of USEPA services, contracts and Regions
- Growth in the Asia/Pacific market

Described below are the accomplishments for OTIE's targets.

Facility/infrastructure engineering and asset management – aging DoD real property/infrastructure is a target with legitimate potential for sustained growth. Over the last five years OTIE has expanded the engineering services we provide to our customers. Presently we have engineering projects in the mainland US plus Hawaii and Alaska and at DoD installations in Japan and Korea. We are winning engineering projects for facility/infrastructure design improvements that have typically been awarded to competing engineering giants like Jacobs Engineering, AECOM, and CH2M Hill. *OTIE was awarded a PACAF multi-base task order for Asset Inventory for Water Treatment Plants, identifying areas of vulnerability, and recommending system improvements.*

Fence-to-Fence (F2F) environmental quality services – OTIE has benefited by holding prime contracts with USACE Districts that are serving the US Air Force's needs for base-wide environmental services. We have a current backlog for F2F services and we anticipate proposing on several additional opportunities in FY15. The



skillsets required to deliver F2F services match a key performance skill in the company's over 25 years in business – environmental and engineering consulting. We see the F2F market as being far lower risk than base-wide Performance Based Remediation (PBR) opportunities that we largely avoid. *OTIE won a multiple-award Blanket Purchase Agreement for F2F task orders in FY14.*

Munitions Response Services (MRS) – OTIE's investment in the MRS market in FY13 began when we acquired OER. With OER's personnel, skills and experience we are now one of the only 8(a) firms with broad capability and past performance in MRS, affording significant competitive advantage to OTIE. This service line and its growth profile are "target rich" and we will compete for small- and large projects going forward. *OTIE won a subcontract to Manson Construction for Pier 12 MEC clearance supporting NAVFAC Southwest Division in a high-visibility area of San Diego, CA.*

Expansion of services/contracts with USEPA – OTIE was awarded an important work assignment at the AMCO site in Northern California under the USEPA Region 9 8(a) RAC. In addition, we were contracted under GSA tools for continued START service support in EPA Region 4, and we await contract award for a follow-on long-term START III contract. *Long-term, high dollar contracts are targeted by OTIE, and in FY15 we will compete for Design and Engineering Services (DES) in several EPA Regions under the revised Remedial Action Framework*

Growth in the Asia/Pacific market – projects performed by OTIE in Asia over the past eight to ten years total over \$35M under Air Force and USACE contracts. In FY13 we sought client diversification to broaden our opportunity for continued regional growth. Then in FY14 we expanded our service offerings under task orders for several engineering projects including one with an Asset Management SOW. *OTIE has been selected for award by AFCEC on two, worldwide AE Services contracts and we anticipate final resolution on the contract disputes (by other firms) in FY15.*

- g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies

To uphold and fulfill OTIE's value and position in the marketplace we focus on those opportunities where the federal government continues funding and that clearly align with OTIE's customers, such as engineering services, Munitions Response Services (MRS), and design/construction contract management. We also continue to focus on areas that we believe offer attractive enough returns to our clients that they will continue to fund efforts, such as Military Family Housing design (Title I) and construction type services (Title II) including infrastructure improvements internationally, and studies and assessments for improvements in energy efficiency, and facility upgrades.

We have methodically grown OTIE into its present configuration as an elite, highly capable small business, and we have out-competed small and large businesses for



some of our industry's most prized contracts. As a very credible competitor, our staff growth and geographic distribution enhances our win potential and our resources to serve customers. Going forward a challenge for our Regional Managers and Business Unit Managers is to identify and equip Project staff to continue to grow the business. Our service lanes are sturdy, lucrative and rich in potential, and we anticipate much prosperity in the years to come.

Fundamental keys to our success are our personnel, infrastructure, financial strength, and cost-consciousness. If any one of these requirements is neglected, OTIE will miss our goals and targets, and competitors may capitalize on weaknesses and gain market advantage. These key OTIE features mold our strategies and processes for identifying the growth opportunities that align our business – services, customers, channels and geographic areas – and augment the largest proportion of revenue and profits.

The primary key to OTIE's continued success is to remain customer focused, sensitive to the mission, and adaptable to change. More specific customer focused factors for sustained growth include:

- A customer-focused growth strategy that is based on OTIE's existing customers. This strategy involves creating High Impact Value Propositions for new customer sub-segments. Underpinning this strategy is the willingness to view customers through a different set of lenses, and cross-marketing OTIE's other service capabilities to new sub-segments of our long-standing customer base. For example, the USACE Sacramento District continues award new contracts to expand the services that they expect OTIE to provide, directing work away from our incumbent subcontractor.
- A customer-focused strategy that penetrates agencies with strong strategic links to OTIE's core – creating adjacent business lanes. For example, we have engineering depth and past performance that very well equips us to enter the growing Asset Management market. OTIE's USAF customers are now relying on an Integrated Priorities List (IPL) as a tool to obligate priority requirements that support the mission and make sense from economic and environmental stances. With the new AFCEC contracts we have the primary contract tool used by one of our key customers, and *we anticipate hiring to become fully configured for success in Asset Management.*
- Customer and contract-focused strategies are needed to succeed on existing ID/IQ contracts. Despite having won an abundance of prime contracts, we have suffered losses on competitive task order proposals, losing on both cost and technical approach. Competent and compliant proposals are valued and demanded by our customers. OTIE's strategy to remain customer-focused on ID/IQ proposals will incorporate a performance assessment to evaluate proposal responsiveness, win or lose. *Strong leadership practices at every level of the organization are needed in order to successfully fulfill our mission.*



OTIE's organizational structure aligns with client expectations and industry standards. Being customer focused, we grow the business by implementing principles and strategies to:

- Organize work around results that customers consider valuable
- encourage operational accountability and concentration on high-quality achievements;
- create streamlined and flexible relationships in response to customers' evolving needs; and
- provide employees with corporate support required to create opportunities and grow our company.

As presently organized and staffed, OTIE successfully strengthens our market position based on our methodical business development and responsive value-added proposals. We generate revenue and profit after successfully winning work under our hard-fought contracts. And we provide an outstanding level of service delivery, which ultimately determines our customers' propensity and desire to continue a business relationship with OTIE. Supporting all that we do is sturdiness in our finance and accounting capabilities – a key infrastructure component that often retards growth by our smaller competitors. As OTIE continues to grow, a strategic investment in the financial management system, human resources support capability and IT capacity is being analyzed.

OTIE Educational and Other Outreach Programs

In FY15, OTIE will continue to implement its outreach programs with the Oneida community and membership that focuses on the Oneida youth, elders and veterans. Our support in educational activities and opportunities for Oneida youth to encourage their consideration of careers in engineering and science will include: 1) sponsorship of up to two Oneida high school students to attend a Milwaukee School of Engineering summer camp session to learn more about engineering and a potential career in the engineering field; 2) award up to two \$5000 merit scholarships to an Oneida-member high school senior and/or a college-level senior for excellent academic performance and the desire to study the sciences for a potential career in engineering or environmental sciences; 3) a \$5000 sponsorship of a math and technology camp for Oneida middle school students with the assistance of the Oneida Higher Education program and Northeast Wisconsin Technical College.

OTIE will also continue to sponsor ongoing tai chi and chair yoga exercise classes for the Oneida elders to support the health and well-being of the elders. This sponsorship is accomplished with the cooperation of Oneida Elder Services and the Oneida Fitness Center. OTIE will explore available sponsorship options with the Oneida Veterans group.



h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks

Despite slow economic growth and the budget challenges facing our government clients, we are encouraged by trends in the other key markets that make up our balanced business. We ended FY14 with profitable performance and we started FY15 saddled with the same fiscal uncertainties that impacted the company's first fiscal quarter in FY14. Fortunately, some of the contract wins for OTIE in late FY14 position us for continued geographic expansion, service diversification and staff growth in FY15.

We have successfully groomed long-term business relationships with key DoD agencies for services delivered around the world, and we are poised to benefit from an anticipated recovery and continued "rebalancing" to the Asia/Pacific theater. Despite budget vacillation, government contracting remains an exceptionally reliable market in terms of payment, stability, and growth opportunity. Our medium- and long-term prospects reinforce our projections for steady, sustained growth.

Medium-term prospects

OTIE's prospects in the two- to five-year term rely on our sturdy performance in engineering, science and construction to existing clients; adjacent clients/services and geographic areas; and new service offerings to new clients.

OTIE's increased focus and investment in business development and talent acquisition has allowed us to significantly increase both new task orders and backlog going into FY15. We continue to strongly believe that OTIE's capabilities and strengths align well with the future needs and demands of our clients.

Existing Services/Existing Clients

Quality service to existing clients is a top priority for OTIE, only exceeded by safe work practices in all that we do. Outstanding performance allows our good reputation to flourish and paves the way for follow-on contracts and task order opportunities.

OTIE will continue providing services to our existing customers, aiming to exceed expectations and become the preferred provider. Internationally and locally we see very strong alignment between our capabilities and the services our customers require, including WisDOT, Oneida Tribe, DoD and EPA.

In FY15 we will continue to reinforce key growth areas for DoD customers: Munitions Response Services and traditional engineering services, strategic actions by the company that provide legitimate growth and align with our customers' spending trajectory.

- **Munitions Response Services (MRS)** – OTIE has invested in this growth market but the activity has been slow to kick in. Federal agency properties encumbered by MEC will not get magically remedied, and OTIE is poised to capture market share in MRS in spite of the slow start that our industry has



experienced. Our challenge is to become better recognized as a safety- and quality-focused “go-to” MRS provider in any location. Additionally, the combination of our core capabilities is an important MRS selling feature as customers look for a single source to meet their needs. OTIE is competitive among the firms that combine MRS with environmental engineering design and construction capabilities in “one package.” Our acquisition of OER and their technical capabilities has expanded our ability to deliver broader capabilities in a full range of situations, and with support from specialty providers, such as geophysics. We will actively pursue customers that require combined services as we leverage our capabilities into the changing economic environment.

- **Engineering Services** – coupled with OTIE’s consistent performance for WisDOT and other engineering customers, our new Asset Management task orders open significant growth potential in engineering services. Firms that engage early in the asset management process have the advantage of time and knowledge. By knowing the spending priority for capital investments and infrastructure sustainment, restoration and modernization, OTIE will gain crucial intelligence and position for design contract opportunities. The deferred maintenance on building systems remains a phenomenal growth opportunity in the next several years. With higher direct labor utilization than construction type projects (where subcontracting is a substantial portion of project budgets) OTIE can expect strong financial performance in Engineering Services. The higher labor utilization can drive down overhead, so a “flywheel effect” is created, permitting re-investment and continued growth in Engineering Services.

Customers will continue to rely on OTIE as integral to their success — by delivering their most valuable projects safely, on time, within budget, and to their quality requirements. In the two- to five-year term we will work closely with them to find practical and innovative solutions, adding value to their every challenge.

“Adjacent” Clients, Services and Geographic Locations

Bridging out to new clients or offering new services to existing clients is an important component of our vision for growth. OTIE’s two- to five-year strategy is to start this process by focusing on current customers whom have strong strategic links to the core of our business. Meetings with the most creative/innovative customers can be a valuable source of potential opportunity for OTIE. By learning about ties to other agency customers, presently preferred providers, contracting preferences, and even philosophy on joint ventures or contracting strategies, we learn about barriers to entering “adjacent” service lanes and geographic markets, thereby serving different customer segments and potentially re-designing the customer’s value chain.



New/Strategic Services, Clients and Geographic Locations

OTIE is expanding to meet customer requirements by adding engineering disciplines including electrical, mechanical and structural engineering. We see these key areas as having growth potential in the near future with current and future clients.

We will continue to market for additional services to customers in Japan, where OTIE has a stronghold, and in Korea, where OTIE is completing two task orders for the US Air Force. Year after year, OTIE sees impressive profits from our work in Asia. Additional investment and market penetration are justified as we align and invest in our growth portfolios, and manage/measure performance accordingly. In the remainder of 2015 we will pursue further geographic growth, positioning for additional work in theater as our US DoD customers rebalance the force to Asia and the Pacific. Initially targeted regional growth areas include Singapore and Australia, with new hires being considered for OTIE.

These and other new customers and locations present outstanding opportunities for service growth and diversification. In FY15 OTIE will continue the drive to target customers and new markets for additional projects.

Long-term prospects

Our business performance is directly related to federal spending. The federal budget deficit and the national debt exact pressures requiring our customers to examine and reduce spending which, for the DoD for the next 10 years has been reduced. Long-term changes in fiscal and economic conditions could materially impact our business, including: how spending reductions are implemented, including sequestration; future government shutdowns; and growth or contraction in the nation's debt ceiling.

In spite of considerable budget constraints, OTIE envisions steady growth with our DoD and USEPA customers. Considering that over one-third of the federal budget is devoted to defense spending, OTIE delivers projects where funds historically flow and our competitive posture has continued to improve in the last decade.

We believe that 2015 to 2020 will be strong years for OTIE. Being well positioned in key markets and critical geographic locations, we are confident that the long-term strategy of diversifying our offerings, maintaining geographic reach, and focusing on our customers' business objectives will continue to serve us well. The prospects look particularly optimistic in the Asia/Pacific region, where OTIE has methodically expanded our presence and our service offerings.

For the last two years of OTIE's 8(a) status our primary business objective will remain capturing and safely delivering on 8(a) contracts. With over 25 years of business experience OTIE differentiates ourselves from other, emerging 8(a) firms that lack the infrastructure, experience, and reliability in the federal marketplace.

OTIE is prepared for graduation from 8(a) status. We know from experience not to rely on "graduation gifts" and that the best success strategy is to be prepared and to be



experienced competing for work. A standing agenda topic in Executive Management meetings will be OTIE's exit from the 8(a) program.

- i. Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)

In FY15 OTIE will add staff to meet the increased workload under contracts such as the AFCEC AE13ES and AE13DCS contracts. We have already added a dozen staff in Florida to support RAEIS, and we anticipate growth continuing to meet the goals established by the President of OTIE. Organic growth will remain our primary method of expanding business volume and market share.

In addition to internal or organic growth, our current strategy involves growth through additional acquisitions of complementary businesses, as well as growth from acquisitions that would diversify our current service offerings. We frequently engage in *ad hoc* evaluations of potential acquisitions which, if warranted are further explored. Ultimately, and if consummated, new acquisitions could be significant to OTIE's growth.

As a top-tier contractor to the federal government, OTIE has a large and diverse blend of federal, State, municipal, tribal and commercial business customers. We provide science, engineering, construction, and specialized technical services to DoD, USEPA, WisDOT and other customer groups in support of a wide range of mission-critical programs. Being pre-positioned in Asia, we see outstanding potential for market growth internationally and in the Continental US.



- j. Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.

OTIE ASSETS

Financial (On Balance Sheet)

Cash –Checking Accounts
 Accounts Receivable from Customers
 Work In Process on Current Projects
 Fixed Assets such as Vehicles, Furniture and Fixtures, Survey Equipment, Monitoring Equipment
 Goodwill from the purchase of T N & Associates
 Other Assets such as Prepaid Expenses, Investment in Joint Ventures

Employees

Total of 278 Employees
 80 Engineers
 68 Scientists
 13 Construction Professionals
 26 Technicians
 6 Skilled Trades
 41 Administrative
 4 Land Surveyors
 7 Marketing
 33 MMRP/UXO Specialists

Customers

74% of Revenue from our Federal clients, such as the Department of Defense, which includes the Air Force, Navy, and Corps of Engineers. Other Federal clients include the Environmental Protection Agency.
 12% Commercial –WE Energies, Raytheon
 13% State and Municipal– WI Department of Transportation, California National Guard, Ventura County, City of San Marcos, Division of State Facilities
 1% from Oneida Nation

- k. Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.

No current pending legal action.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept OESC Group 2nd quarter report

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Jacquelyn Zalim, OESC Group Board Chair

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida ESC Group, LLC

2nd Quarter Report – FY 2015

May 13, 2015

OESC Board of Managers:

Jacquelyn Zalim, Chair

Wilbert Rentmeester

Jeffrey House

Oneida ESC Group, LLC (OESC), was formed in 2012 as the catalyst for continued growth for Oneida owned firms doing business in Construction NAICS codes for federal government contracts. Oneida Total Integrated Enterprises (OTIE) has exceeded the \$33.5M limit in certain NAICS codes and is unable to bid and obtain contracts that fall within these NAICS codes as a prime contractor under the small business or 8(a) business categories in the federal procurement process. OESC and its subsidiaries are positioned to bid and pursue small business or 8(a) contracts where OTIE has exceeded size standards.

OESC and its subsidiaries are supported by OTIE with general management and administrative functions, including accounting and contracting management, human resource management, IT support, overall management, and marketing, bid and proposal. Below is a summary of OESC and its subsidiary's activities.

Narrative Report

a. Explanation of the core of the Corporation's business practices and market overview

OESC was created to serve as a holding company for subsidiary limited liability companies with an 8(a) certification. This type of holding company structure is modeled after the Alaskan Native Corporations (ANC) and other Native American Tribes that have created similar entity structures. This holding company structure allows ANCs and Native American Tribes to perpetually establish different 8(a) companies with different primary NAICS codes.

OESC currently has two subsidiaries, Mission Support Services (MS2) and Sustainment & Restoration Services (SRS). MS2 obtained its 8(a) certification in 2013. SRS received its 8(a) certification in 2014.

As part of the overall strategic plan for continued growth, OTIE will be moved under OESC as a third subsidiary upon OTIE's graduation from the 8(a) program in 2017.

b. Explanation of the Corporation's current place within the market

MS2 is focused on construction contracts with a size standard not to exceed \$33.5M. SRS is pursuing contracts with a size standard not to exceed \$14.5M. Only firms with less than \$33.5M or \$14.5M on average over a 3-year period can compete as a prime contractor. Since OTIE can no longer compete as a prime contractor under the small business or 8(a) business category under that size standard, OESC and its subsidiaries are strategically positioned to compete with OTIE support.

OTIE is currently focusing on developing both MS2 and SRS. The financial and technical resources that OESC needs are provided by OTIE.

c. Explanation of the outlines of strategies by the Corporation for improved value in the market

OESC's strategy is to develop its subsidiaries. The initial pursuits will take advantage of OTIE's existing networking capability and MS2's and SRS' key personnel who have existing

relationships with federal clients. These federal clients have various federal facilities nationwide.

OTIE has been supporting MS2 and SRS to recruit several employees including managers or staff that have proven past performance and existing working relationships with many federal clients. OTIE has led MS2 and SRS to their existing clients. Those clients have the work and usually will procure under the small or 8(a) category under the applicable NAICS code. This advantage will help MS2 and SRS to develop their capabilities rather quickly.

Currently MS2 is working in California, Florida and Oklahoma. Initial projects are expected to be sustainment, restoration, and modernization (SRM) projects for general facilities. Additional projects will be pursued in civil construction, utilities, energy management, and general facilities engineering requirements. More competencies will be added as opportunities arise.

SRS is currently pursuing work to provide waste management services for multiple clients in California. SRS established an office in Santa Barbara to pursue this opportunity. Additionally, SRS is planning to market the US EPA Region V and establish an office in Chicago, Illinois for this effort.

d. Explanation of the Corporation's relative performance vs. competitors and identification of key competitors within the market

OESC and its subsidiaries are start-up companies. It will be difficult for them to compete with established small businesses that are active in the industry market. To offset this disadvantage, OTIE will support and lead OESC and its subsidiaries to take advantage of existing relationships already built by MS2's and SRS' key employees or from OTIE's networking. While competition will be very challenging for OESC and its subsidiaries, OTIE's support will help to overcome those challenges through the years. With OTIE support, OESC can reach a point where its subsidiaries can become more competitive and sustainable in their industries.

e. Explanation of any material changes or developments in the market or nature of business the Corporation is primarily engaged in since the last reporting period

None.

f. Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same

Opportunities continue to exist in geographies where OTIE, MS2, or SRS key personnel have successful past performance, and where personnel involved in such projects have established strong relationships with teaming partners and clients in those locations. Downstream opportunities continue to emerge based on MS2 project performance and combined efforts of OTIE and MS2's marketing and sales efforts. Target clients continue to include Vandenberg AFB, NAVFAC SW, NAVFAC SE, NAVFAC Great Lakes, and NAS Pensacola.

Additional new target clients include Naval Base Ventura County, USACE Jacksonville, the US Army Joint Munitions Command (JMC), Edwards AFB, and the Air Force Civil Engineering Center.

OTIE is supporting MS2 and SRS on many marketing and proposal efforts. MS2 and SRS have been introduced by OTIE to many potential government clients, and as a result, more opportunities are within reach so that they can recruit more capable people to support each federal agency's mission as well as increase their technical capabilities. The following is the assistance that OTIE has provided to MS2 and SRS:

- MS2 and SRS have performed some projects as a subcontractor to OTIE.
- MS2 has submitted proposals and was awarded three projects which will sustain staff at Vandenberg AFB through FY15 and additional work is expected.
- OTIE's senior managers continue to introduce MS2 and SRS to different federal facilities in different states and continue to help M2 and SRS pursue several contract opportunities.

MS2 has recently been awarded the following contracts in part due to OTIE's assistance:

- 1) Great Lakes Naval Station Construction Project – design/build facility construction project. Funding for this project is contingent upon the exercise of seven options over the next few years. However, the scope on Task Order 1 has been revised by the Navy based on a suggestion from the Marine Corps. It took Navy several months to determine the revised scope. MS2 recently re-submitted the revised proposal based on the new scope. Due to this delay, MS2 may not generate revenue as expected 6 months ago.
- 2) Joint Munitions Command, IA – facility electrical services contract that we anticipate ongoing work for the next one to two years.
- 3) Naval Air Station, Pensacola, FL – construction contract that includes renovation of HVAC and lighting.
- 4) Dover Air Force Base, DE – continued study work that follows upon previous MS2 work conducted at the base. MS2 expects that design work will follow the study.
- 5) Naval Base Ventura County – Job Operations Contract (JOC) – received three task orders for facility renovation work including utilities, civil and site development.

g. Identification of key elements for success in strategies given, including risks, resources and relations available and needed in order to successfully fulfill outlined strategies

The primary strengths at the outset will be personnel-related. MS2 and SRS key personnel understand federal construction and construction-related professional services, and have strong knowledge of competitors, target clients, and strong business relationships in several geographies.

The primary risk includes lack of immediately available resources and bonding capacity, limited availability of cash on hand, and demonstrated past performance. These must be off-

set or mitigated by client knowledge of key MS2 and SRS personnel, pursuit of realistic project opportunities, and timely support from the owners or parent company with respect to bonding requirements.

h. Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given the present status, strategies and risks

Same as (g) above.

i. Explanation of market growth (if any) experienced by the Corporation, identifying sources of growth (i.e., organic growth through market share increase, volume of business increase, acquisition of competition or other assets, etc.)

As a start-up organization, OESC and its subsidiaries intend to grow organically through the methods identified above.

j. Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets.

OESC ASSETS

Financial (On Balance Sheet)

Cash –Checking Account

Work In Process on Current Projects

Fixed Assets such as Vehicles, Furniture and Fixtures, and Miscellaneous Equipment

Other Assets such as Prepaid Expenses, Investment

Employees

OESC - 0 employees

MS2 -14 employees

SRS - 2 employees

No Benefits

Customers

95% of Revenue from Federal clients.

k. Summary and status of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject.

No current pending legal action.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Pete King, King Solutions LLC
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 06 / 10 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: LORI ELM, ELECTION BOARD CHAIRPERSON
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

According to Reporting Schedule.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

ONEIDA ELECTION BOARD QUARTERLY REPORT
January -March 2015
May 28, 2015, 2015

Report Submitted By: Lori Elm, Chairperson as of May 18, 2015
920.869.6607

Board Members: Racquel Hill, Chairperson
Melinda K. Danforth, Vice Chairperson
Lori Elm, Secretary
Melanie Burkhart (Resigned March 4, 2015)
Jon Frion
Constance Danforth
Barb Erickson - *Recused*
Teresa Schuman

BC Liaison: Melinda J. Danforth, Vice Chairwoman
Alternate Lisa Summers, Tribal Secretary

Meetings:

	Regular Meeting	GTC Meeting	Officers Meeting	SOP Meetings	Emergency/Special
January	1	1		2	
February	1	1		1	1
March	2	1	1	2	

Highlights for the quarter include:

1. The Oneida Election Board is assisting the Secretarial Election Board with the upcoming Secretarial Election scheduled on May 2, 2015, with up to six (6) Election Board Members in Oneida and Milwaukee during the....
2. At the March 4, 2015 Oneida Election Board Meeting Melanie Burkhart resigned. We than requested to post One (1) vacancy to the Oneida Business Committee to be appointed for remainder of term.
3. Update the following SOP's: Alternate Board Member, SOP/Sub Committee SOP, Roles and Responsibilities, Caucus and submitted recommendations for edits and changes to the LRO concerning the By-Laws

Goals and Objectives:

- ❖ Conduct Tribal Elections in compliance with Tribal law.
- ❖ Develop, adopt, and review applicable standard operating procedures.
- ❖ Strive to serve the Oneida membership fairly while being fiscally responsible.

Meeting requirements: In the 2nd Quarter, the Board was meeting once per month with special meetings scheduled as needed and to improve communication there was an Officers Meeting and SOP Meetings to clarify duties during Caucus, Election and etc..

Land Claims Commission: BC Quarterly Report

Scheduled for May 27, 2015-deferred to June 10, 2015

- **Amelia Cornelius, Chair is on vacation for 2 ½ weeks.**
- **Loretta V. Metoxen, Vice-Chair was not able to attend the May 27, 2015.**
- **Jennifer Stevens excused May 27, 2015 due to an Emergency Dental Appointment.**
- **LCC next Regular Monthly Meeting is June 18, 2015.**
 - **BC Please Advise for report/LCC can resubmit a report for the June 24, 2015 Meeting.**
- **LCC has requested a BC and LCC New York Land Claims Meeting Update; we are still waiting for a meeting.**
- **Jennifer Stevens, LCC Exec. Assistant will be in attendance. Loretta V. Metoxen, Vice-Chair was called this morning as reminder about today's BC Quarterly Report and Amelia Cornelius, Chair is still on vacation?**

BC Motion: May 27, 2015

Motion by Jennifer Webster to defer the Oneida Land Claims Commission FY '15 2nd quarter report back to the Land Claims Commission and for the Land Claims Commission to report on their activities from January 1, 2015-March 31, 2015, as it is not contained within the report, seconded by Lisa Summers.

Motion carried unanimously:

**Ayes: Tehassi Hill, David Jordan, Trish King, Lisa Summers, Jennifer Webster
Not Present: Fawn Billie, Tina Danforth, Brandon Stevens**

LCC Question for the BC: (Please Clarify.)

Does anyone know any more about this like what was the update and what exactly is option 4?

5. Land Claims update from Attorney Locklear (*Scheduled at 12:00 p.m. on 5/26/15*)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Melinda J. Danforth to accept the update from Attorney Locklear and request Intergovernmental Affairs and Communications to proceed with option four as presented and develop and

action plan to be brought back to the Business Committee in 30 days, seconded by Lisa Summers.

Motion carried unanimously:

Ayes: Fawn Billie, Melinda J. Danforth, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

**ONEIDA LAND CLAIMS COMMISSION
QUARTERLY REPORT**

January 1, 2015 to March 31, 2015

Submitted by Jennifer M. Stevens, LCC Executive Assistant I 490-3955

Special Note: Report for May 27, 2015 submitted: LCC Chair Amelia Cornelius was on Vacation and Loretta V. Metoxen, Vice Chair was not able to attend. Jennifer Stevens, Executive Assistant had a medical emergency. Report was submitted-BC had questions but the LCC Officers were not able to be in attendance at that time. BC wanted the LCC to answer questions on their report for June 10, 2015 BC Meeting.

LAND CLAIMS COMMISSIONERS:

Chair-Amelia Cornelius, Vice-Chair-Loretta V. Metoxen, Secretary/Treasurer-Rita Summers, Newly Elected Commissioner: Dakota Webster. New BC appointed Commissioner; Donald McLester. Brandon Stevens/Jenny Webster, BC Chair and LCC Liaison. (Note: Need to do Internal Elections when we have a full board-waiting for another BC appointment to be completed after July 2015 elections.)

PURPOSE:

“Make recommendations to the Business Committee on ways to foster General Tribal Council participation in the decision making process regarding the settlement of the Oneida land claims in New York State. Article I-Authority 1-b ~LCC By-Laws

- Special Note: The Land Claims Commission is an educational resource and liaison for the Oneida community regarding the New York Land Claims case and history. The Land Claims Commission strives to provide educational opportunities to learn more about the Upstate New York in order for the G.T.C. to make better informed and/or sound decisions. Although, there is a sensitivity and confidentiality to our case, the Land Claims Commission continues to strive to assist G.T.C. members to be interested and better informed in the New York Land Claims case to the best of our knowledge and resourced provided for us.

OBJECTIVES:

The Oneida Land Claims Commission is an elected governing body and will still strive to meet the needs of the GTC. LCC continues to show interest in any BC meetings regarding the New York Land Claims Issues. LCC continues to aim to have their files put on On-base and Jennifer Stevens is striving to put articles in the Kaliwisaks-our last article was about the New York Land Claims Update. Jennifer Stevens was appointed by the LCC Chair, to assist in the New York Land Summit to be scheduled for spring of 2015.

MEETINGS:

Land Claims Commission has been meeting once a month on a regular basis as scheduled, the third Thursday of every month at 5PM.

FOLLOW UP:

Questions asked during our September 2014 BC Quarterly Report:

LCC requests a BC and LCC Meeting: Agenda-New York Land Claims Update.

- LCC is still waiting for a BC & Land Claims Commission Joint Meeting.