

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 Meeting Materials December 9, 2015

Open Session

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 238 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 9th day of DECEMBER, 2015.

A handwritten signature in blue ink that reads "Lisa Summers". The signature is fluid and cursive.

Lisa Summers, Tribal Secretary
Oneida Business Committee



Oneida Business Committee

Executive Session

9:00 a.m. Tuesday, December 8, 2015
BC Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting

9:00 a.m. Wednesday, December 9, 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 (*No Requested Action*)**
- V. MINUTES**
 - A. Approve November 19, 2015, special meeting minutes**
Sponsor: Lisa Summers, Tribal Secretary
 - B. Approve November 25, 2015, regular meeting minutes**
Sponsor: Lisa Summers, Tribal Secretary
- VI. RESOLUTIONS**
 - A. Adopt resolution titled Guidance for Implementing Fiscal Year 2016 Budget and Developing Fiscal Year 2017 and Fiscal Year 2018 Budget**
Sponsor: Trish King, Tribal Treasurer

VII. APPOINTMENTS

- A. **Appoint Gerald B. Cornelius to the Oneida Nation Veterans Affairs Committee**
Sponsor: Tina Danforth, Tribal Chairwoman

VIII. STANDING COMMITTEES

- A. **Legislative Operating Committee**
Sponsor: Councilman Brandon Stevens, Chair
1. **Accept November 18, 2015, Legislative Operating Committee meeting minutes**
- B. **Finance Committee**
Sponsor: Tribal Treasurer Trish King, Chair
1. **Approve November 30, 2015, Finance Committee meeting minutes**
- C. **Community Development Planning Committee (No Requested Action)**
- D. **Quality of Life (No Requested Action)**

IX. GENERAL TRIBAL COUNCIL

- A. **Petitioner Frank Cornelius: Special GTC meeting to address four resolutions**
- 1) **Audit of Oneida Seven Generations Corporation**
 - 2) **Oneida Seven Generations Corporation Return Money to Tribe**
 - 3) **Freedom of the Press**
 - 4) **Tax Oneida Business Committee for Failure to Dissolve Oneida Seven Generations Corporation**
- Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM NOVEMBER 25, 2015: Motion by Lisa Summers to defer the fiscal analyses to the December 9, 2015, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried with one abstention.

EXCERPT FROM SEPTEMBER 9, 2015: (1) Motion by Jennifer Webster to accept the update from Chief Counsel regarding legal analyses of resolutions 1-4, seconded by Brandon Stevens. Motion carried unanimously. (2) Amendment to the main motion by Melinda J. Danforth to provide a new due date of November 25, 2015, for the legal and financial analyses of resolutions 1-4, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM AUGUST 26, 2015: Motion by David Jordan to accept the legislative analyses for resolution 1-4, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM AUGUST 17, 2015: (1) Motion by Lisa Summers to take this item from the table, seconded by David Jordan. Motion carried unanimously. (2) Motion by Jennifer Webster to forward the four resolutions to the Legislative, Law, Finance Offices for the appropriate analyses and for those analyses to be due at the September 9, 2015, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by Lisa Summers to request the Law Office provide a legal opinion about what occurs when a petition is submitted which does not have all the appropriate documentation that would go with the petition, seconded by Tehassi Hill. Motion carried with one abstention.

EXCERPT FROM AUGUST 12, 2015: Motion by Lisa Summers to adjourn at 2:06 p.m. and to direct the Tribal Secretary to coordinate Business Committee special meeting date for the remainder of this agenda, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JULY 22, 2015: Motion by Brandon Stevens to table this item to next regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JULY 8, 2015: Motion by Tehassi Hill to accept the update as information and defer this item to the July 22, 2015, regular Business Committee meeting as agreed upon by the Business Committee members and the petitioner, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JUNE 24, 2015: Motion by Fawn Billie to defer this item to the next regular Business Committee meeting and direct the Secretary to work with the petitioner to find a solution to the concerns, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MAY 27, 2015: Motion by David Jordan to direct the Secretary to reach out to Petitioner Frank Cornelius to request the four (4) resolutions mentioned in the petition be submitted in thirty (30) days, seconded by Lisa Summers. Motion carried unanimously.

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 Secretary within sixty (60) days and a that a progress report is submitted in forty-five (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 Secretary within thirty (30) days, seconded by Trish King. Motion carried unanimously.

B. Accept legal review of Referendum Question regarding a Tribal Sales Tax
Sponsor: Jo Anne House, Chief Counsel

C. Accept legal review of Referendum Question regarding an Austin Straubel Airport Seat Tax
Sponsor: Jo Anne House, Chief Counsel

X. UNFINISHED BUSINESS

A. Approve Tribal Members' requests regarding Sacred Burial Grounds

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM NOVEMBER 25, 2015: Motion by Jennifer Webster to request the Division Director of Environmental Health and Safety, Pat Pelky, to give an update at the December 9, 2015, regular Business Committee meeting, seconded by David Jordan. Motion carried opposed.

XI. TABLED BUSINESS (No Requested Action)

XII. NEW BUSINESS

A. Approve Work Plan for CIP # 14-002 Cemetery Improvements

Sponsor: Troy Parr, Assistant Division Director/Development

B. Approve Tribal Members' four (4) requests regarding area designation # 18 'Where the Water Birds Nest' as identified in the Public Use of Land Law

Sponsor: Tina Danforth, Tribal Chairwoman

C. Approve Amendment to the Oneida Tribe of Indians of Wisconsin – Enterprise 401(k) Plan with Transamerica

Sponsor: Larry Barton, Chief Financial Officer

D. Approve Amendment to the Oneida Tribe of Indians of Wisconsin – Governmental 401(k) Plan with Transamerica

Sponsor: Larry Barton, Chief Financial Officer

E. Request Internal Security Department to provide parameters/guidelines for General Tribal Council meetings

Sponsor: Lisa Summers, Tribal Secretary

XIII. TRAVEL**A. Travel Reports**

1. **Accept travel report – Chairwoman Tina Danforth – Wisconsin Discretionary Transfer Rule Hearing – Madison, WI – November 9-10, 2015**
2. **Accept travel report- Councilman Brandon Stevens – National Indian Gaming Association (NIGA) Mid-Year Conference 2015 – Hollywood, FL – November 1-4, 2015**
3. **Accept travel report – Councilman Brandon Stevens – Bemidji Area Awards Ceremony – Bemidji, MN – October 22-24, 2015**

B. Travel Requests

1. **Approve travel request – Chairwoman Tina Danforth – Aboriginal Financial Officers Association (AFOA) Canada National Conference – Montreal, Quebec – February 16-19, 2016**

XIV. REPORTS *(This section of the agenda is scheduled to begin at 1:30 p.m.)***A. Operational Reports**

1. **Accept Self-Governance FY '15 4th quarter report – Chis Johns, Self-Governance Coordinator**
2. **Defer Emergency Management FY '15 4th quarter report – Kaylynn Gresham, Director/Emergency Management**
3. **Accept Internal Services Division FY '15 4th quarter report – Joanie Buckley, Division Director/Internal Services**

B. Corporate Reports

1. **Accept Bay Bancorporation Inc. FY '15 4th quarter report – Jeff Bowman, President**
Liaison: Tina Danforth, Tribal Chairwoman
2. **Accept Oneida Seven Generations Corporation FY '15 4th quarter report – Pete King III, Agent**
Liaison: Tina Danforth, Tribal Chairwoman
3. **Accept Oneida Golf Enterprise FY '15 4th quarter report – Janice Skenandore Hirth, Agent**
Liaison: Trish King, Tribal Treasurer

4. **Accept Oneida Airport Hotel Corporation FY '15 4th quarter report** – Janice Skenandore Hirth, President
Liaison: Trish King, Tribal Treasurer
5. **Accept Oneida Total Integrated Enterprise FY '15 4th quarter report** – Butch Rentmeester, Chair
Liaison: Tehassi Hill, Councilman
6. **Accept Oneida Engineering Science & Construction Group, LLC FY '15 4th quarter report** – Jacquelyn Zalim, Board Chair
Liaison: Tehassi Hill, Councilman

C. Boards, Committees, and Commissions

1. **Accept Land Claims Commission FY '15 4th quarter report** – Amelia Cornelius, Chair
Liaison: Brandon Stevens, Councilman

EXCERPT FROM NOVEMBER 25, 2015: Motion by Lisa Summers to defer the Land Claims Commission FY '15 4th quarter report to the December 9, 2015, regular Business Committee meeting and to have the Liaison follow-up with them to request somebody to be present, seconded by Brandon Stevens. Motion carried unanimously.

2. **Accept Land Commission FY '15 4th quarter report** – Amelia Cornelius, Chair
Liaison: Tehassi Hill, Councilman

EXCERPT FROM NOVEMBER 25, 2015: Motion by Lisa Summers to defer the Land Commission FY '15 4th quarter report to the December 9, 2015, regular Business Committee meeting and to have the Liaison follow-up with them to request somebody to be present, seconded by Fawn Billie. Motion carried unanimously.

XV. EXECUTIVE SESSION

A. Reports

1. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel
2. **Accept Bay Bancorporation Inc. FY '15 4th quarter report** – Jeff Bowman, President
Liaison: Tina Danforth, Tribal Chairwoman
3. **Accept Oneida Seven Generations Corporation FY '15 4th quarter report** – Pete King III, Agent
Liaison: Tina Danforth, Tribal Chairwoman
4. **Accept Oneida Golf Enterprise FY '15 4th quarter report** – Janice Skenandore Hirth, Agent
Liaison: Trish King, Tribal Treasurer
5. **Accept Oneida Airport Hotel Corporation FY '15 4th quarter report** – Janice Skenandore Hirth, President
Liaison: Trish King, Tribal Treasurer
6. **Accept Oneida Total Integrated Enterprise FY '15 4th quarter report** – Butch Rentmeester, Chair
Liaison: Tehassi Hill, Councilman
7. **Accept Oneida Engineering Science & Construction Group, LLC FY '15 4th quarter report** – Jacquelyn Zalim, Board Chair
Liaison: Tehassi Hill, Councilman

B. Standing Items

1. **Land Claims Strategy**
Sponsor: Nathan King, Director/Intergovernmental Affairs and Communication
2. **Goldwater suit – Indian Child Welfare case**
Sponsor: Nathan King, Director/Intergovernmental Affairs and Communication

C. Audit Committee

Sponsor: Councilman Tehassi Hill, Chair

- 1. Approve Mini Baccarat Rules of Play audit and lift confidentiality requirement to allow Tribal Members to view the audit**
- 2. Approve Title 31 audit and lift confidentiality requirement to allow Tribal Members to view the audit**
- 3. Approve Roulette Rules of Play audit and lift confidentiality requirement to allow Tribal Members to view the audit**

D. Unfinished Business

- 1. Approve two (2) requests regarding September Treasurer's Report (Preliminary Revised)**

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM NOVEMBER 25, 2015: Lisa Summers to request the Direct Reports submit a written explanation for any positive or negative variance of \$100,000 or more to be due December 2, 2015 for the December 9, 2015, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

- 2. Review Print Shop - Mail Center Operational plan**

Sponsor: Joanie Buckley, Division Director/Internal Services

EXCERPT FROM SEPTEMBER 23, 2015: Motion by Brandon Stevens to accept the update as information, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: (1) Motion by Jennifer Webster to accept this item as information, seconded by Lisa Summers. Motion carried unanimously. (2) Amendment to the main motion by Melinda J. Danforth to request the Internal Services Director bring back the assessment to the Business Committee in (3) three months, seconded by Lisa Summers. Motion carried unanimously.

E. New Business

- 1. Approve fifty-four (54) new enrollments**

Sponsor: Brandon Stevens, Councilman

- 2. Review General Tribal Council action taken on July 6, 2015 in regards to Packers contracts (*This item is scheduled at 1:30 p.m. on December 8, 2015*)**

Sponsor: Larry Barton, Chief Financial Officer

- 3. Approve continuation of additional duties compensation for Division Director of Land Management until March 31, 2016**
Sponsor: Lisa Summers, Tribal Secretary
- 4. Approve communication of 2016 Annual Evaluation Process and Expectations to Direct Reports *(This item is scheduled at 9:00 a.m. on December 8, 2015)***
Sponsor: Lisa Summers, Tribal Secretary
- 5. Review complaint # 2015-DR13-02**
Sponsor: Lisa Summers, Tribal Secretary
- 6. Review complaint # 2015-DR09-01**
Sponsor: Lisa Summers, Tribal Secretary
- 7. Review complaint # 2015-DR11-01**
Sponsor: Lisa Summers, Tribal Secretary
- 8. Review complaint # 2015-DR11-02**
Sponsor: Lisa Summers, Tribal Secretary
- 9. Review complaint # 2015-DR14-01**
Sponsor: Lisa Summers, Tribal Secretary
- 10. Review complaint # 2015-CC-13**
Sponsor: Lisa Summers, Tribal Secretary

XVI. ADJOURN

Posted on the Tribe's official website, www.oneida-nsn.gov, at 12:00 p.m. on Friday, December 4, 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: 12 / 9 / 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 November 19, 2015, special 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/Submitter: Heather Heuer, Information Management Specialist/BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Special Meeting**

2:00 p.m. Thursday, November 19, 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;

Not Present: Chairwoman Tina Danforth, Councilwoman Jennifer Webster;

Arrived at: ;

Others present: Jo Anne House, Heather Heuer, Nancy Barton, Danelle Wilson, Dawn Moon-Kopetsky, Mike Debraska, Ralinda Ninham-Lamberies, Nic Reynolds, Cathy Metoxen, Jessica Wallenfang, Linda Dallas, Karen Smith;

I. Call to Order and Roll Call by Vice-Chairwoman Melinda J. Danforth at 2:02 p.m.

For the record: Chairwoman Tina Danforth is away on approved travel to the CME Group-Ladies Professional Golf Association (LPGA) Tour Championship in Naples, FL. Councilwoman Jennifer Webster is away on approved travel to the Wisconsin Tribes Meeting with Officials from the Wisconsin Department of Health and Human Services (DHHS) and Centers for Medicare and Medicaid Services (CMS) in Washington D.C.

II. Opening

III. Adopt the agenda

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

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

Not Present: Tina Danforth, Jennifer Webster

IV. New Business

A. Set Special GTC meeting date to adopt the FY-2016 Budget

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve Monday, December 14, 2015, as the identified date for the Special General Tribal Council meeting to adopt the FY-2016 Budget, seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, Jennifer Webster

DRAFT

For the record: Melinda J. Danforth stated I will not be in attendance at that General Tribal Council meeting due to my pending maternity leave.

Councilman Tehassi Hill departs at 2:28 p.m.

Councilman Tehassi Hill returns at 2:29 p.m.

B. Approve Special GTC meeting materials

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the Special General Tribal Council meeting materials with the following changes [Insert approved meeting date of December 14, 2015 and insert completed description paragraph in the Treasurer’s memorandum], seconded by Tehassi Hill. Motion carried with one opposed:

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

Opposed: Lisa Summers

Not Present: Tina Danforth, Jennifer Webster

XVI. Adjourn

Motion by David Jordan to adjourn at 3:04 p.m., seconded by Tehassi Hill. Motion carried unanimously:

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

Not Present: Tina Danforth, Jennifer Webster

Minutes prepared by Heather Heuer, Information Management Specialist
Minutes approved as presented/corrected on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 9 / 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 November 25, 2015, regular 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/Submitter: Heather Heuer, Information Management Specialist/BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Executive Session**

9:00 a.m. Tuesday, November 24, 2015
BC Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting

9:00 a.m. Wednesday, November 25, 2015
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes – DRAFT**EXECUTIVE SESSION**

Present: Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, David Jordan, Brandon Stevens;

Not Present: Vice-Chairwoman Melinda J. Danforth, Councilman Tehassi Hill;

Arrived at: Councilwoman Jennifer Webster at 10:00 a.m.;

Others present: Jo Anne House, Larry Barton, Louise Cornelius, Chad Fuss, Janice Hirth, Nathan King, Jim Bittorf, Chris Cornelius, John Otto, Joanne Whiterabbit, Kelly McAndrews;

REGULAR MEETING

Present: Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers, Council members: Fawn Billie, David Jordan, Jennifer Webster;

Not Present: Vice-Chairwoman Melinda J. Danforth, Tehassi Hill;

Arrived at: Councilman Brandon Stevens at 1:36 p.m.;

Others present: Jo Anne House, Heather Heuer, Bill Graham, Brad Graham, Nancy Barton, Rhiannon Metoxen, Terry Cornelius, Chris Johnson, Danelle Wilson, Madelyn Genskow, Brian Doxtator, Lora Skenandore, Larry Barton, Jessica Wallenfang, Paul Witek, Ed Delgado, Dawn Moon-Kopetsky, Candice Skenandore, Krystal John, RaLinda Ninham-Lamberies, Nic Reynolds, Mike Debraska, Marlene Summers, Wes Martin Jr., Debra Danforth, Carol Elm, Cathy Metoxen, Jen Falk, Frank Cornelius, David Emerson, Tom Danforth, Lois Strong;

I. Call to Order and Roll Call by Chairwoman Tina Danforth at 9:02 a.m.

For the record: Vice-Chairwoman Melinda J. Danforth is on maternity leave for the next eight weeks. Councilman Tehassi Hill is away on personal time. Councilman Brandon Stevens is taking personal time until the afternoon.

II. Opening by Tribal Member Marlene Summers

DRAFT**III. Adopt the agenda (00:01:30)**

Motion by Lisa Summers to adopt the agenda with the following changes [add on XII.C. Approve Tribal Members requests regarding Sacred Burial Grounds; and move XV.E.07. Review "Communications" item to open session as New Business item XII.D.] and to accept the handout for item XIV.C.1. Accept Anna John Residential Centered Care Community Board FY '15 4th quarter report, seconded by Jennifer Webster. Motion carried unanimously:

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

IV. Oaths of Office (No Requested Action)**V. Minutes (00:03:12)****A. Approve November 10, 2015, regular meeting minutes**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the November 10, 2015, regular meeting minutes, seconded by Jennifer Webster. Motion carried unanimously:

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

VI. Resolutions (00:09:30)**A. Adopt resolution titled Fiscal Year 2015, Fiscal Year 2016, Fiscal Year 2017, and Fiscal Year 2018 Budget Guidance and Strategic Planning for Fiscal Year 2019 Budget**

Sponsor: Trish King, Tribal Treasurer

Motion by Jennifer Webster to defer the resolution titled Fiscal Year 2015, Fiscal Year 2016, Fiscal Year 2017, and Fiscal Year 2018 Budget Guidance and Strategic Planning for Fiscal Year 2019 Budget back to the Budget Core Team; to invite the Chairwoman to attend; and to bring back when ready, seconded by Lisa Summers. Motion carried with one opposed:

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

VII. Appointments (No Requested Action)

DRAFT**VIII. Standing Committees (00:55:50)****A. Legislative Operating Committee**

Sponsor: Councilman Brandon Stevens, Chair

1. Accept November 4, 2015, Legislative Operating Committee meeting minutes

Motion by Lisa Summers to accept the November 4, 2015, Legislative Operating Committee meeting minutes, seconded by Fawn Billie. Motion carried with one abstention:

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

B. Finance Committee

Sponsor: Tribal Treasurer Trish King, Chair

1. Approve November 16, 2015, Finance Committee meeting minutes, excluding the seven (7) Capital Expenditure requests

Motion by David Jordan to approve the November 16, 2015, Finance Committee meeting minutes, excluding the seven (7) Capital Expenditure requests, seconded by Trish King. Motion carried with one abstention:

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

2. Approve request for procedural exception to BC Resolution # 09-30-15-A Continuing Budget Resolution for Fiscal Year 2016 in regards to Capital Expenditures

Motion by Jennifer Webster to approve the request for a procedural exception to BC Resolution # 09-30-15-A Continuing Budget Resolution for Fiscal Year 2016 in regards to Capital Expenditures, seconded by David Jordan. Motion carried unanimously:

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

C. Community Development Planning Committee (No Requested Action)**D. Quality of Life (No Requested Action)****IX. General Tribal Council (1:17:25)**

Treasurer Trish King departs at 10:22 a.m.

A. Petitioner Madelyn Genskow: Special GTC meeting to address six resolutions

- 1) Completed Scheduling General Tribal Council Meetings
- 2) Fee to Trust Process
- 3) In Progress Elder Services Means Testing
- 4) In Research Record Subcommittee Meetings
- 5) Governmental Services Chain of Command
- 6) Unclaimed Per Capita Payments

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM OCTOBER 14, 2015: Motion by Lisa Summers to accept the financial analyses for resolution 1 with the following change [correction in the Chief Financial Officer's memorandum with

DRAFT

either the elimination of “TO: Tina Danforth, Treasurer” or replacement of “TO: Patricia King, Treasurer”] and resolution 2, seconded by David Jordan. Motion carried unanimously. EXCERPT FROM SEPTEMBER 23, 2015: Motion by Melinda J. Danforth to accept the update on this item and to place this petition and six (6) resolutions on the March 19, 2016 Special General Tribal Council meeting agenda, and to request the fiscal analyses on all six (6) resolutions be submitted to the Tribal Secretary’s Office in a timely manner, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: Motion by Jennifer Webster to accept the legal analysis for resolution 5) Governmental Services Chain of Command, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM AUGUST 26, 2015: (1) Motion by Brandon Stevens to accept the legal analyses for resolution 3, 4, and 6, seconded by Lisa Summers. Motion carried unanimously. (2) Motion by Lisa Summers to defer the legal analysis for resolution 5 to be completed by the September 9, 2015, regular Business Committee meeting and to defer the financial analyses for resolution 3, 4, and 6 to the September 23, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM JULY 8, 2015: Motion by David Jordan to defer the remaining legal and financial analyses to the second regular Business Committee meeting in August 2015, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JUNE 24, 2015: Motion by David Jordan to accept the legal analysis for resolution 1) Completed Scheduling General Tribal Council Meetings and note that the remaining analyses are due back at the July 8, 2015, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MAY 13, 2015: Motion by David Jordan to accept the legal analysis for resolution 2, seconded by Trish King. Motion carried unanimously.

EXCERPT FROM APRIL 22, 2015: Motion by Lisa Summers to accept the legislative analyses for resolutions 1-6 and to provide an additional sixty (60) days for the Law and Finance Offices to complete their portions of the analyses, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM FEBRUARY 25, 2015: (1) Motion by Tehassi Hill to accept the verified petitions from Petitioner Madelyn Genskow: Request Special GTC meeting to address six (6) resolutions, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Tehassi Hill to send the verified petitions to the Law, Finance, Legislative Reference and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to direct Law, Finance, and Legislative Reference Offices to submit the analyses to the Secretary’s Office within sixty (60) days and that a progress report be submitted in forty-five (45) days, seconded by Lisa Summers. Motion carried unanimously. (4) Motion by Lisa Summers to direct the Direct Report Offices to submit appropriate administrative analyses to the Secretary’s Office within thirty (30) days, seconded by Fawn Billie. Motion carried unanimously.

Motion by David Jordan to accept the fiscal analysis for resolution 3) In Progress Elder Services Means Testing, seconded by Lisa Summers. Motion carried unanimously:

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

Motion by Lisa Summers to request the remaining fiscal analyses come back in sixty (60) days, seconded by Jennifer Webster. Motion carried unanimously:

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

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- B. Petitioner Frank Cornelius: Special GTC meeting to address four resolutions**
- 1) Audit of Oneida Seven Generations Corporation**
 - 2) Oneida Seven Generations Corporation Return Money to Tribe**
 - 3) Freedom of the Press**
 - 4) Tax Oneida Business Committee for Failure to Dissolve Oneida Seven Generations Corporation**

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM SEPTEMBER 9, 2015: (1) Motion by Jennifer Webster to accept the update from Chief Counsel regarding legal analyses of resolutions 1-4, seconded by Brandon Stevens. Motion carried unanimously. (2) Amendment to the main motion by Melinda J. Danforth to provide a new due date of November 25, 2015, for the legal and financial analyses of resolutions 1-4, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM AUGUST 26, 2015: Motion by David Jordan to accept the legislative analyses for resolution 1-4, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM AUGUST 17, 2015: (1) Motion by Lisa Summers to take this item from the table, seconded by David Jordan. Motion carried unanimously. (2) Motion by Jennifer Webster to forward the four resolutions to the Legislative, Law, Finance Offices for the appropriate analyses and for those analyses to be due at the September 9, 2015, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by Lisa Summers to request the Law Office provide a legal opinion about what occurs when a petition is submitted which does not have all the appropriate documentation that would go with the petition, seconded by Tehassi Hill. Motion carried with one abstention.

EXCERPT FROM AUGUST 12, 2015: Motion by Lisa Summers to adjourn at 2:06 p.m. and to direct the Tribal Secretary to coordinate Business Committee special meeting date for the remainder of this agenda, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JULY 22, 2015: Motion by Brandon Stevens to table this item to next regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JULY 8, 2015: Motion by Tehassi Hill to accept the update as information and defer this item to the July 22, 2015, regular Business Committee meeting as agreed upon by the Business Committee members and the petitioner, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM JUNE 24, 2015: Motion by Fawn Billie to defer this item to the next regular Business Committee meeting and direct the Secretary to work with the petitioner to find a solution to the concerns, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MAY 27, 2015: Motion by David Jordan to direct the Secretary to reach out to Petitioner Frank Cornelius to request the four (4) resolutions mentioned in the petition be submitted in thirty (30) days, seconded by Lisa Summers. Motion carried unanimously.

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 Secretary within sixty (60) days and a that a progress report is submitted in forty-five (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 Secretary within thirty (30) days, seconded by Trish King. Motion carried unanimously.

Motion by Lisa Summers to defer the fiscal analyses to the December 9, 2015, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried with one abstention:

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

DRAFT**C. Petitioner Madelyn Genskow: Special GTC meeting to address three (3) resolutions**

- 1) Oneida Business Committee Accountability
- 2) Repeal Judiciary Law
- 3) Open Records and Open Meetings Law

Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM NOVEMBER 10, 2015: Motion by Tehassi Hill to deny the request by Madelyn Genskow to only place the petition, "Special GTC meeting to address three (3) resolutions", on the March 19, 2016, special General Tribal Council meeting agenda, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM OCTOBER 28, 2015: Motion by Lisa Summers to accept the legal analysis for resolution 2, noting it was not actually due until the November 25, 2015, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously.

EXCERPT FROM OCTOBER 14, 2015: Motion by Lisa Summers to accept the legal analysis for resolution 1 and to note the remaining legal analyses are not due until the November 25, 2015, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: Motion by Jennifer Webster to accept the update from Chief Counsel and to provide an additional sixty (60) days for the legal analyses of resolutions 1-3, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM JUNE 24, 2015: Motion by David Jordan to accept the legislative analyses for resolutions 1-3 of the petition and to 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 JUNE 10, 2015: Motion by Tehassi Hill to accept the status report from the Legislative Operating Committee as information, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM APRIL 22, 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 sixty (60) days and that a progress report is submitted in forty-five (45) days; and to direct the Direct Report offices to submit the appropriate administrative analyses to the Tribal Secretary's office within thirty (30) days, seconded by Lisa Summers. Motion carried unanimously.

Motion by David Jordan to accept the legal analysis for resolution 3) Open Records and Open Meetings Law, seconded by Lisa Summers. Motion carried unanimously:

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

Motion by Lisa Summers to request the Finance Office to submit the appropriate fiscal analyses for these resolutions within sixty (60) days, seconded by Fawn Billie. Motion carried unanimously:

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

Treasurer Trish King returns at 10:40 a.m.
Councilman David Jordan departs at 10:55 a.m.
Councilman David Jordan returns at 10:57 a.m.

DRAFT**D. Approve January 4, 2016, Annual General Tribal Council meeting materials**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the January 4, 2016, Annual General Tribal Council meeting packet materials; to include sections for updates on the Cemetery and the Dialysis Center; and to include a Litigation/Key Issues update to be done at the beginning of the meeting, seconded by Fawn Billie. Motion carried unanimously:

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

Motion by David Jordan to add the nine (9) reports and to make a note that they were submitted late, seconded by Jennifer Webster. Motion carried unanimously:

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

X. Unfinished Business (No Requested Action)**XI. Tabled Business (1:57:20)****A. Adopt resolution titled No Trade Back for Cash for Fiscal Year 2016**

Sponsor: Trish King, Tribal Treasurer

EXCERPT FROM OCTOBER 14, 2015: Motion by David Jordan to table to this item, seconded by Tehassi Hill. Motion carried with one opposed.

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

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

Motion by Lisa Summers to adopt resolution 11-25-15-A No Trade Back for Cash for Fiscal Year 2016, seconded by Jennifer Webster. Motion carried unanimously:

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

Motion by David Jordan to direct the Human Resource Department and Division Directors to budget the Trade Back for Cash benefit to allow each eligible employee to trade back no more than forty (40) hours in Fiscal Year 2017, seconded by Lisa Summers. Motion carried unanimously:

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

DRAFT**XII. New Business (2:27:19)****A. Approve CIP Concept Paper and activate \$50,000 from approved FY2015 CIP Budget for project # 07-002 Social Services Building Remodel – Phase V**

Sponsor: Troy Parr, Assistant Division Director/Development

Motion by Lisa Summers to approve the CIP Concept Paper and to activate \$50,000 from the approved FY2015 CIP Budget for project # 07-002 Social Services Building Remodel – Phase V, seconded by Jennifer Webster.

Motion carried unanimously:

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

B. Approve request to make Oneida Vendor List available to any enrolled Tribal member upon request and that it include names of entity and individual(s) who own and operate it

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to defer the request to make the Oneida Vendor List available to any enrolled Tribal member upon request and that it include names of entity and individual(s) who own and operate it to the Law Office for a legal opinion to be brought back in thirty (30) days, seconded by Jennifer Webster. Motion carried unanimously:

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

Councilman David Jordan departs at 11:45 a.m.

Councilman David Jordan returns at 11:52 a.m.

Councilwoman Fawn Billie departs at 11:52 a.m.

Councilwoman Fawn Billie returns at 11:56 a.m.

Secretary Lisa Summers departs at 11:56 a.m.

Secretary Lisa Summers returns at 11:59 a.m.

C. Approve Tribal Members requests regarding Sacred Burial Grounds

Sponsor: Lisa Summers, Tribal Secretary

Motion by Jennifer Webster to request the Division Director of Environmental Health and Safety, Pat Pelky, to give an update at the December 9, 2015, regular Business Committee meeting, seconded by David Jordan.

Motion carried opposed:

Ayes: Fawn Billie, David Jordan, Trish King, Jennifer Webster
Opposed: Lisa Summers
Not Present: Melinda J. Danforth, Tehassi Hill, Brandon Stevens
For the record: Secretary Lisa Summers stated the reason that I opposed is because the items that were identified in that meeting were actually taken on by the Officers to come back with an action plan and that included doing all of the follow-ups that were already included in the...we're intending to do today. So it's not that I don't support the intent of the action, it's just that we've already taken action to do that and we've fulfilled that and I understand the concerns and I think if there's an issue that we need to take up with one of our Direct Reports, it becomes a personnel issue and we deal with it that way. That's why I oppose that motion.

Motion by Lisa Summers to recess at 12:08 p.m. until 1:30 p.m., seconded by Fawn Billie. Motion carried unanimously:

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

Called to order by Chairwoman Tina Danforth at 1:33 p.m.

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Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, Councilman Brandon Stevens, and Councilman Tehassi Hill not present.

Councilman Brandon Stevens arrives at 1:36 p.m.

D. Review “Communications” item

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to defer this topic to the December 1, 2015, Business Committee work meeting; to request the Business Committee come prepared to share all of their examples and offer up solutions; and to affirm Group Agreements to proceed in a way that identifies the Business Committee’s standards moving forward, seconded by Jennifer Webster. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Lisa Summers, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Tehassi Hill, Trish King
 For the record: Councilman David Jordan stated I do not participate in Facebook at all during work hours or away from work hours. I just wanted to make that statement because of this situation alone. I feel like if something was brought up, I would react to it and that’s why I don’t participate in any of that. Thank you.

XIII. Travel (5:10:54)**A. Travel Reports****1. Accept travel report – Chairwoman Tina Danforth – 7th Annual White House Tribal Nations Conference – Washington D.C. – November 5-6, 2015**

Motion by David Jordan to accept the travel report – Chairwoman Tina Danforth – 7th Annual White House Tribal Nations Conference – Washington D.C. – November 5-6, 2015, seconded by Lisa Summers. Motion carried unanimously:

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

B. Travel Requests**1. Approve travel request – Vice-Chairwoman Melinda J. Danforth – 2016 Tribal Technical Advisory Group (TTAG) Face-to-Face Meetings – Washington D.C. – Calendar Year 2016**

Motion by Jennifer Webster to approve the travel request – Vice-Chairwoman Melinda J. Danforth – 2016 Tribal Technical Advisory Group (TTAG) Face-to-Face Meetings – Washington D.C. – Calendar Year 2016, noting travel is funded by Indian Health Services, seconded by David Jordan. Motion carried unanimously:

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

2. Enter E-poll results into the record – Councilwoman Jennifer Webster – Wisconsin Tribes Meeting with Officials from Wisconsin Department of Health and Human Services (DHHS) and Centers for Medicare and Medicaid Services (CMS)– Washington D.C. – November 17-19, 2015

Motion by Lisa Summers to enter the E-poll results into the record – Councilwoman Jennifer Webster – Wisconsin Tribes Meeting with Officials from Wisconsin Department of Health and Human Services (DHHS) and Centers for Medicare and Medicaid Services (CMS)– Washington D.C. – November 17-19, 2015, seconded by Fawn Billie. Motion carried with one abstention:

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

DRAFT**3. Enter E-poll results into the record – Chairwoman Tina Danforth – CME Group-Ladies Professional Golf Association (LPGA) Tour Championship – Naples, FL – November 20, 2015**

Motion by Jennifer Webster to enter the E-poll results into the record – Chairwoman Tina Danforth – CME Group-Ladies Professional Golf Association (LPGA) Tour Championship – Naples, FL – November 20, 2015, seconded by Lisa Summers. Motion carried one abstention:

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

4. Enter E-poll results into the record – Treasurer Trish King – CME Group-Ladies Professional Golf Association (LPGA) Tour Championship – Naples, FL – November 20, 2015

Motion by Jennifer Webster to enter the E-poll results into the record – Treasurer Trish King – CME Group-Ladies Professional Golf Association (LPGA) Tour Championship – Naples, FL – November 20, 2015, noting the request was withdrawn via e-mail dated November 16, 2015, seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, David Jordan, Lisa Summers, Brandon Stevens, Jennifer Webster
 Not Present: Melinda J. Danforth, Tehassi Hill, Trish King
 For the record: Councilwoman Jennifer Webster stated Treasurer Trish King did not attend. She ended up changing her mind and not attending after all.
 For the record: Councilman David Jordan stated I think her purse was stolen.

XIV. Reports (3:06:00) (This section of the agenda is scheduled to begin at 1:30 p.m.)**A. Operational Reports (No Requested Action)****B. Corporate Reports (No Requested Action)****C. Boards, Committees, and Commissions****1. Accept Anna John Residential Centered Care Community Board FY '15 4th quarter report – Kimberly Schultz, Vice-Chair
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman**

EXCERPT FROM NOVEMBER 10, 2015: Motion by Jennifer Webster to defer the Anna John Residential Centered Care Community Board FY '15 4th quarter report to the November 25, 2015, regular Business Committee meeting and to direct the Tribal Secretary's Office to notify the Anna John Residential Centered Care Community Board that stipends will be withheld if they do not comply for the next Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM OCTOBER 28, 2015: Motion by Lisa Summers to defer the Anna John Residential Centered Care Community Board FY '15 4th quarter report to the November 10, 2015, regular Business Committee meeting; to request the Liaison follow-up to ensure a representative will be present to answer questions; and to request financial information be provided in the report, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM OCTOBER 14, 2015: Motion by Lisa Summers to defer the Anna John Residential Centered Care Community Board FY '15 4th quarter report to the October 28, 2015, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

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Motion by Jennifer Webster to accept the Anna John Residential Centered Care Community Board FY '15 4th quarter report, seconded by Fawn Billie. Motion carried unanimously:

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

- 2. Accept Oneida Nation Commission on Aging FY '15 4th quarter report – Wes Martin Jr., Chair**
Liaison: Melinda J. Danforth, Tribal Vice-Chairwoman

EXCERPT FROM NOVEMBER 10, 2015: Motion by Tehassi Hill to defer the Oneida Nation Commission on Aging FY '15 4th quarter report to the November 25, 2015, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously.

Motion by Lisa Summers to accept the Oneida Nation Commission on Aging FY '15 4th quarter report, seconded by David Jordan. Motion carried unanimously:

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

Secretary Lisa Summers departs at 2:36 p.m.

Secretary Lisa Summers returns at 2:39 p.m.

- 3. Accept Oneida School Board FY '15 4th quarter report – Debra Danforth, Chair**
Liaison: Fawn Billie, Councilwoman

Motion by Jennifer Webster to accept the Oneida School Board FY '15 4th quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

- 4. Accept Land Claims Commission FY '15 4th quarter report – Amelia Cornelius, Chair**
Liaison: Brandon Stevens, Councilman

Motion by Lisa Summers to defer the Land Claims Commission FY '15 4th quarter report to the December 9, 2015, regular Business Committee meeting and to have the Liaison follow-up with them to request somebody to be present, seconded by Brandon Stevens. Motion carried unanimously:

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

- 5. Accept Land Commission FY '15 4th quarter report – Amelia Cornelius, Chair**
Liaison: Tehassi Hill, Councilman

Motion by Lisa Summers to defer the Land Commission FY '15 4th quarter report to the December 9, 2015, regular Business Committee meeting and to have the Liaison follow-up with them to request somebody to be present, seconded by Fawn Billie. Motion carried unanimously:

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

DRAFT**XV. Executive Session (5:26:00)****A. Reports****1. Accept Chief Counsel report – Jo Anne House, Chief Counsel**

Motion by Lisa Summers to accept the Chief Counsel report and to request a written update to accompany that report to be provided by December 2, 2015, seconded by Jennifer Webster. Motion carried unanimously:

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

2. Accept Gaming General Manger report – Louise Cornelius, Gaming General Manager

Motion by Lisa Summers to accept the Gaming General Manger report of November 24, 2015, seconded by Jennifer Webster. Motion carried unanimously:

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

3. Accept Intergovernmental Affairs and Communication report – Nathan King, Director/Intergovernmental Affairs and Communication

Motion by Lisa Summers to accept the Intergovernmental Affairs and Communication report of November 24, 2015, noting that the Chair is assigned to identify the follow-ups, seconded by David Jordan. Motion carried unanimously:

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

B. Standing Items**1. Land Claims Strategy (*No Requested Action*)****2. Goldwater suit – Indian Child Welfare case (*No Requested Action*)****3. Oneida Golf Enterprise – Ladies Professional Golf Association**

Motion by Lisa Summers to accept the verbal update from the Oneida Golf Enterprise regarding the Ladies Professional Golf Association event, seconded by David Jordan. Motion carried unanimously:

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

C. Audit Committee

Sponsor: Councilman Tehassi Hill, Chair

1. Accept October 15, 2015, Audit Committee meeting minutes

Motion by Brandon Stevens to accept the October 15, 2015, Audit Committee meeting minutes, seconded by Fawn Billie. Motion carried unanimously:

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

DRAFT**2. Accept Audit Committee FY '15 4th quarter report**

Motion by Brandon Stevens to accept the Audit Committee FY '15 4th quarter report, seconded by Lisa Summers. Motion carried unanimously:

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

3. Schedule special executive session Business Committee meeting on December 18, 2015

Motion by Lisa Summers to schedule a special executive session Business Committee meeting on December 18, 2015 at 1:30 p.m. to approve the annual audit, seconded by Fawn Billie. Motion carried unanimously:

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

D. Unfinished Business**1. Accept final report for procedural exception to allow Health Providers to exceed 280 hour cap for FY '16 based on contractual obligations (*This item is scheduled at 9:00 a.m. on November 24, 2015*)**

Sponsor: Debra Danforth, Division Director/Comprehensive Health Operations

EXCERPT FROM NOVEMBER 10, 2015: Motion by David Jordan to defer this item to the November 25, 2015, regular Business Committee meeting and to require the Operations and Medical Division Directors attend that meeting, seconded by Jennifer Webster. Motion carried unanimously.

EXCERPT FROM OCTOBER 28, 2015: Motion by Lisa Summers to request a final report be brought back at the November 10, 2015, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM OCTOBER 14, 2015: Motion by Tehassi Hill to defer the request of a procedural exception to allow Health Providers to exceed the 280 hour cap for FY '16 based on contractual obligations to the October 28, 2015, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 23, 2015: Motion by David Jordan to request the Comprehensive Health Directors to bring back an alternative plan at the October 14, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

Motion by Lisa Summers to accept the final report on the procedural exception request, seconded by Brandon Stevens. Motion carried unanimously:

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

2. Approve extension request for complaint # 2015-DR13-01

Sponsor: Fawn Billie, Councilwoman

EXCERPT FROM SEPTEMBER 23, 2015: (1) Motion by Lisa Summers to take this item from the table, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by David Jordan to assign Councilwoman Jennifer Webster, Councilwoman Fawn Billie, and Councilman Tehassi Hill to investigate complaint # 2015-DR13-01, seconded by Lisa Summers. Motion carried unanimously.

EXCERPT FROM SEPTEMBER 9, 2015: Motion by Lisa Summers to table this item, seconded by Brandon Stevens. Motion carried unanimously.

Motion by David Jordan to approve the extension request for complaint # 2015-DR13-01 to the December 22, 2015 executive session Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously:

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

DRAFT**E. New Business****1. Approve limited waiver of sovereign immunity – RJ Reynolds Tobacco Co. – contract # 2015-0894**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Lisa Summers to approve the limited waiver of sovereign immunity – RJ Reynolds Tobacco Co. – contract # 2015-0894, seconded by Jennifer Webster. Motion carried unanimously:

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

2. Approve limited waiver of sovereign immunity – Liggett Vector Brands Inc. – contract # 2015-1068

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Jennifer Webster to approve the limited waiver of sovereign immunity – Liggett Vector Brands Inc. – contract # 2015-1068, seconded by Lisa Summers. Motion carried unanimously:

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

3. Approve Native Diversification Network – Procurement Technical Assistance Center (NDN-PTAC) donation request from Minnesota American Indian Chamber of Commerce

Sponsor: David Jordan, Councilman

Motion by Lisa Summers to accept the request for support and to defer item to the Finance Committee to review the request; to identify funding source; and to bring back a final recommendation for the December 23, 2015, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously:

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

Motion by Lisa Summers to defer this item to a four (4) member Business Committee team to work with the presenters on other opportunities NDN-PTAC may be able to provide for the Tribe, seconded by Jennifer Webster. Motion carried unanimously:

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

4. Determine appropriate action to address personnel concern # 2015-DR11-01

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to accept the presented recommendation in the memorandum dated November 20, 2015, and to direct the Tribal Secretary to complete the follow-up, seconded by Fawn Billie. Motion carried with one opposed:

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

5. Review complaint # 2015-DR03-02 in accordance with Standard Operating Procedure

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summer to accept the request as information and ask the Tribal Secretary to send follow-up correspondence to the complainant, seconded by Jennifer Webster. Motion carried unanimously:

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

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6. Approve two (2) requests regarding September Treasurer’s Report (Preliminary Revised)
Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to request the Direct Reports submit a written explanation for any positive or negative variance of \$100,000 or more to be due December 2, 2015 for the December 9, 2015, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously:

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

7. Review “Communications” item

Sponsor: ~~_____ Tina Danforth, Tribal Chairwoman~~

Item moved to open session (XII.D.) at the adoption of the agenda.

XVI. Adjourn

Motion by David Jordan to adjourn at 4:25 p.m., seconded by Fawn Billie. Motion carried unanimously:

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

Minutes prepared by Heather Heuer, Information Management Specialist
Minutes approved as presented/corrected on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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, "Guidance for Implementing Fiscal Year 2016 and Developing Fiscal Year 2017 and Fiscal Year 2018.

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/Submitter: Brian A. Doxtator, Executive Assistant to Tribal Treasurer

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

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 # ___-__-__

Guidance for Implementing Fiscal Year 2016 Budget and Developing Fiscal Year 2017 and Fiscal Year 2018 Budget

- 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, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee, after being sworn into office on August 14, 2014, identified that the government would operate under "Oneida Leadership Group Agreements" which is based upon dialogue and consensus; and
- WHEREAS,** the Oneida Business Committee on August 27, 2014, adopted Four (4) *Strategic Directions* and Seven (7) *Practical Visions*, which provides guidance for all areas of the Tribe for the next three (3) to five (5) years; and
- WHEREAS,** to begin addressing the annual budget gap between \$30 - \$45 million, the Oneida Business Committee adopted BC Resolution 02-11-15-A, titled, "Budget Initiative for Fiscal Years 2016, 2017, and 2018" where the end in mind is sustainability; and
- WHEREAS,** the Treasurer deemed Fiscal Year 2015 as a year of "Assessment and Understanding" so that tribal operations begin to: align their operational plans to the strategic directions and practical visions; create efficiencies and effectiveness that would reduce the annual budget gap, and set goals toward sustainability; and
- WHEREAS,** Fiscal Year 2015 assessments provides a basis for measuring and determining appropriate initiatives to support the visions; and
- WHEREAS,** the Oneida Business Committee's Four (4) Strategic Directions and Seven (7) Practical Visions provided direction to focus on four specific categories: Community Development, New Revenues, Focus on Reducing Debt, and Improving Employment Programs; and
- WHEREAS,** the Treasurer, created the *Budget Core Team* as a working group to: dialogue, support, communicate, and recommend to the Oneida Business Committee, operational and tactical goals to be developed, implemented, and aligned with the Seven Practical Visions and Four Strategic Directions; and
- WHEREAS,** the Budget Core Team did recommended assessments to occur during Fiscal Year 2015; and

WHEREAS, the Business Committee supports Fiscal Year 2016 as a year of transition where tribal operations shall carry forward their Fiscal Year 2015 assessments, develop and implement strategy plans towards sustainability, while continuing to focus their operations on Community Development, New Revenues, Reducing Debt, and Improving Employment Programs; and

WHEREAS, specific to Community Development: General Tribal Council took action on July 6, 2015, supporting the Comprehensive Housing Plan within Community Development, and requiring the Tribe to focus on implementing the proposed plan elements in Fiscal Year 2016; and

WHEREAS, specific to New Revenues: General Tribal Council took action on September 21, 2015, supporting the Oneida Golf Enterprise's request for the Oneida Tribe to provide financing for a contract with the Ladies Golf Professional Association, and supporting elements of this plan within Fiscal Year 2016; and

WHEREAS, specific to Focus on Reducing Debt: the debt schedule prepared by the Tribe's Chief Financial Officer requires the Tribe continue to allocate accelerated debt payment in accordance with the plan for Fiscal Years 2016 and 2017 in order to alleviate the financial pressures in Fiscal Year 2018, and beyond; and

WHEREAS, specific to Improving Employment Programs: the Chief Financial Officer has identified that our personnel line is approximately 24% of the annual budget, and the Tribe will be unable to support continued employment at current levels beyond Fiscal Year 2018, requiring the Tribe to focus on implementing an Employment Law and improving tribal employment programs within Fiscal Year 2016; and

NOW THEREFORE BE IT RESOLVED, that tribal operations, at all levels, are expected to know and understand the objectives and budget initiatives for guiding actions during Fiscal Year 2016 and developing the Fiscal Year 2017 and 2018 budgets; and more specifically tribal operations are directed to create a more effective workforce based on Strategic Workforce Planning proposal as approved by the Oneida Business Committee on October 22, 2014; and

BE IT FUTHER RESOLVED, the Oneida Business Committee continues to support Fiscal Year 2017 as a "Year of Action" and directs the organization to continue implementing their Fiscal Year 2016 transition and efficiency plans, while focusing on Community Development, New Revenues, Reducing Debt, and Improving Employment Programs; and

BE IT FINALLY RESOLVED, that tribal operations shall report in accordance with their scheduled quarterly report to the Oneida Business Committee, their progress consistent with the Oneida Business Committee's Four (4) Strategic Directions, and their alignment to achieve the objectives as stated within the Seven (7) Practical Visions, and Fiscal Year 2016 budget goals.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

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



Committee Members

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

Statement of Effect

*Guidance for Implementing Fiscal Year 2016 Budget and Developing
Fiscal Year 2017 and Fiscal Year 2018 Budget*

Summary

This Resolution provides guidance for implementing the Fiscal Year 2016 Budget and continued development of the Fiscal Year 2017 as a “Year of Action” all under the governing philosophy adopted by the Oneida Business Committee.

Submitted by: Douglass A. McIntyre, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

Governing Philosophy

At the beginning of the Oneida Business Committee (OBC) term in 2014, the OBC identified that the government would operate best under a foundation of “Oneida Leadership Group Agreements” based on dialogue and consensus. In doing so, the OBC has adopted guiding principles including the Four (4) Strategic Directions and Seven (7) Practical Visions. With a goal of sustainability, the OBC adopted the Resolution a “Budget Initiative for Fiscal Years 2016, 2017, and 2018.”

Fiscal Years 2015, 2016 and 2017

To support the governing philosophy, the Treasurer created the Budget Core Team to dialogue, support, communicate and make recommendations to the OBC operational and tactical goals to assist in implementing the governing philosophy. The Budget Core Team recommended assessments in Fiscal Year 2015 to assist in providing a standard for measuring and determining appropriate initiatives to support the governing philosophy. Accordingly, the Treasurer has deemed Fiscal Year 2015 a year of “Assessment and Understanding” aimed at aligning the operational plans to the guiding principles, sustainability and alleviating the structural budget deficit.

Under the Resolution, the OBC adopts Fiscal Year 2016 as a “Year of Transition” for implementing assessments developed in Fiscal Year 2015 with a focus on Community

Development, New Revenues, Reducing Debt and Improving Employment Program. The Resolution provides a specific example to each of the four focuses of Fiscal Year 2016:

Community Development	GTC took action on July 6, 2015, supporting the Comprehensive Housing Plan within Community Development, and requiring the Tribe to focus on implementing the proposed plan elements in Fiscal Year 2016.
New Revenues	GTC took action on September 21, 2015, supporting the Oneida Golf Enterprise's request for the Oneida Tribe to provide financing for a contract with the Ladies Golf Professional Association, and supporting elements of this plan within FY 2016.
Reducing Debt	The debt schedule prepared by the Tribe's Chief Financial Officer requires the Tribe continue to allocate accelerated debt payment in accordance with the plan for Fiscal Years 2016 and 2017 in order to alleviate the financial pressures in FY 2018 and beyond.
Improving Employment Programs	The Chief Financial Officer has identified that our personnel line is approximately 24% of the annual budget, and the Tribe will be unable to support continued employment at current levels beyond Fiscal Year 2018, requiring the Tribe to focus on implementing an Employment Law and improving tribal employment programs within Fiscal Year 2016.

Additionally, under the Resolution the OBC continues to support Fiscal Year 2017 as a "Year of Action" with continued focus on Community Development, New Revenues, Reducing Debt and Improving Employment Program.

Tribal Operations

Under the Resolution, Tribal operations are expected to know and understand the objectives and budget initiatives and to create a more effective workforce based on Strategic Workforce Planning. Further, the Resolution requires Tribal operations to include in their scheduled quarterly reports to the OBC their progress and alignment with the governing philosophy and Fiscal Year 2016 budget goals.

Conclusion

This Resolution does not contain any prohibitions or restrictions. The adoption of this Resolution will not conflict with any current Tribal laws or policies.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 15

2. General Information:

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

[Empty text box]

Agenda Header: Appointments

Accept as Information only

Action - please describe:

BC to approve the Oneida Nation Veteran Affairs Committee recommendation.

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: Cristina Danforth, Tribal Chairwoman

Primary Requestor/Submitter: Lora Skenandore, Assistant to Chairwoman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

**Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE**



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



**P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040**



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.

TO: Oneida Business Committee
FROM: Chairwoman Tina Danforth CSO
DATE: 11/30/15
RE: Oneida Veterans Affairs Committee (ONVAC)

There were 2 applicants for one vacancy on the Oneida Veterans Affairs Committee. The applicants were Floyd J. Hill and Gerald B. Cornelius.

Each candidate is qualified to serve. In accordance with the Article VI., Section 6-2 (c) of the Comprehensive Policy Governing Boards, Committees and Commissions, I recommend Gerald B. Cornelius to be re-appointed to serve on the Oneida Veterans Affairs Committee.

Thank You.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 the November 18, 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: Submitted by: Doug McIntyre, Staff Attorney/Legislative Reference Office
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 request is to ask the OBC to accept the attached November 18, 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 approval by the LOC [See LOC Bylaws, 4-2(a)].

Action Requested:

Accept the LOC meeting minutes of November 18, 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@oneidation.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

November 18, 2015 9:00 a.m.

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

EXCUSED: Jennifer Webster

OTHERS PRESENT: Taniquelle Thurner, Candice Skenandore, Krystal John, Bonnie Pigman, Nancy Barton, Mike Debraska, Lisa Liggins, Rae Skenandore, Danelle Wilson, Nicolas Reynolds, Cathy Metoxen, Leyne Orosco, Marlene Garvey.

I. Call To Order and Approval of the Agenda

Brandon Stevens called the November 18, 2015 Legislative Operating Committee meeting to order at 9:02 a.m.

Motion by David P. Jordan to adopt the agenda; seconded by Fawn Billie. Motion carried unanimously.

II. Minutes to be approved

1. November 4, 2015 LOC Meeting Minutes

Motion by Fawn Billie to approve the November 4, 2015 LOC meeting minutes; seconded by David P. Jordan. Motion carried with David P. Jordan abstaining.

III. Current Business

1. Administrative Procedures Act Amendments (2:22-3:33)

Motion by David P. Jordan to defer the Administrative Procedures Act Amendments to the Finance Department for a fiscal impact statement and to forward the Administrative Procedures Act Amendments to a public meeting date of January 7, 2016; seconded by Fawn Billie. Motion carried unanimously.

2. GTC Meetings Law (3:38-1:45:43)

Motion by Fawn Billie to defer the GTC Meetings Law with the noted changes for a legislative analysis and fiscal impact statement; seconded by David P. Jordan. Motion carried unanimously.

Noted changes include the following:

- *Require the Tribal Secretary to provide a petition form with instructions;*
- *Require one subject matter per petition (does not limit the number of resolutions so long as they apply to the topic);*

Legislative Operating Committee Meeting Minutes of November 18, 2015

- *Limit the number of resolutions that can be heard at a GTC meeting;*
- *Defer the discussion regarding denying a vote on matters deemed illegal or unconstitutional;*
- *Expand the 60-day timeframe under 11.5-5 (a);*
- *Add specific deadlines for each required analysis (legal, legislative & fiscal);*
- *If a petition is denied, notice must be provided to the petitioner and those that signed the petition stating the reason(s) why the petition was denied;*
- *Amend the list under 11.5-8 to be more common sense;*
- *Include when an alternate may be assigned for representing a petition;*
- *Identify the forums, media that can be used at GTC and specify who can utilize them for presentations;*
- *Remove the 2-minute time limit under 11.8-5 (c) and allow GTC, at the start of the GTC meeting, to determine if a time limit is necessary, and if so, identify the time limit;*
- *Require the OBC to adopt a GTC security plan; and*
- *Identify who can grant permission to videotape*

3. **Legislative Procedures Act Amendments** (1:45:45-1:46:27)

Motion by David P. Jordan to accept the memorandum regarding the status of the Legislative Procedures Act Amendments; seconded by Tehassi Hill. Motion carried unanimously.

4. **Oneida Higher Education Scholarship** (1:46:30-1:58:10)

Motion by David P. Jordan to accept the public meeting comments regarding the Oneida Higher Education Scholarship and defer to a LOC work meeting to be held on November 23, 2015; seconded by Tehassi Hill. Motion carried unanimously.

Note: LOC work meeting will be held on November 23, 2015 at 10 a.m. in the B.C.C.R.

5. **Public Use of Tribal Land Amendments** (1:58:11-2:05:54)

Motion by Tehassi Hill to accept the public meeting comments regarding the Public Use of Tribal Land Amendments and defer to a LOC work meeting to be held on November 23, 2015; seconded by Fawn Billie. Motion carried unanimously.

Note: LOC work meeting will be held on November 23, 2015 at 3:30 p.m. in the E.C.R.

6. **Severance Law** (2:05:55-2:24:42)

Motion by Tehassi Hill to remove the emergency status of the Severance Law; seconded by David P. Jordan. Motion carried unanimously.

Note: The sponsor will work with the Finance Department and Treasurer's Office and bring back this item in 60 days.

7. **Community Support Fund Policy Amendments** (2:24:43-2:45:55)

Motion by David P. Jordan to accept the public meeting comments regarding the Community Support Fund Policy Amendments and defer to a LOC work meeting to be held tentatively on December 4, 2015; seconded by Fawn Billie. Motion carried unanimously.

8. **Removal Law Amendments** (2:45:57-2:52:27)

Motion by Tehassi Hill to accept the public meeting comments regarding the Removal Law Amendments and defer to a LOC work meeting to be held tentatively on December 4, 2015; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

1. **Vendor Licensing Law Amendments** (2:52:30-3:01:24)

Motion by Fawn Billie to add the Vendor Licensing Law Amendments to active files list with either Jennifer Webster or Brandon Stevens as the sponsor; seconded by David P. Jordan. Motion carried unanimously.

Note: The sponsor of this item will be determined at the next LOC meeting.

V. Additions

VI. Administrative Updates

1. **Annual Report** (3:01:25-3:02:09)

Motion by Tehassi Hill to accept the Annual Report as FYI; seconded by Fawn Billie. Motion carried unanimously.

2. **Sponsor List** (3:02:11-3:02:51)

Note: Included for information only; no action required.

VII. Executive Session

VIII. Recess/Adjourn

Motion by Tehassi Hill to adjourn the November 18, 2015 Legislative Operating Committee meeting at 12:05 p.m.; seconded by Fawn Billie. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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:

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

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.

MEMORANDUM

TO: Finance Committee
FR: Denise Vigue, Executive Assistant
DT: November 30, 2015
RE: **E-Poll Results of: FC Meeting Minutes of Nov. 30, 2015**

An E-Poll vote of the Finance Committee was conducted today to approve the November 30, 2015 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 4 YES votes from David Jordan, Jennifer Webster, Patrick Stensloff and Wesley Martin, Jr. to approve the November 30, 2015 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of Dec. 9, 2015 for approval and the next Finance Committee agenda of Dec. 14, 2015 to accept this E-Poll action.

* 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

NOVEMBER 30, 2015 – 10:00 A.M.

Business Committee Executive Conference Room

REGULAR MEETING MINUTES

Members Present:

Larry Barton, CFO/FC Vice-Chair
David Jordan, BC Council Member
Wesley Martin, Jr., Community Elder member

Jennifer Webster, BC Council Member
Patrick Stensloff, Purchasing Director

Members Excused: Patricia King, Treasurer/FC Chair and Chad Fuss, Gaming AGM/FC Alternate

Others Present: Megan White, Chad Cornelius, Mary Cornelius, Brenda Buckley Dianne Boex and Denise Vigue, FC recording secretary

I. Call to Order: The meeting was called to order by the FC Vice-Chair at 10:00 A.M.

II. Approval of Agenda: November 30, 2015

Motion by David Jordan to approve the Finance Committee agenda of Nov. 30, 2015. Seconded by Wesley Martin, Jr. Motion carried unanimously.

III. Approval of Minutes: November 16, 2015 (approved via FC E-Poll on 11/17/15)

Motion by David Jordan to ratify the FC E-Poll action of Nov. 17, 2015 approving the Finance Committee meeting minutes of Nov. 16, 2015. Seconded by Patrick Stensloff. Jennifer Webster abstained. Motion carried.

IV. Tabled Business: No tabled business

V. Capital Expenditures:

1. Northern X-Ray Company David Larson & Dianne Boex, OCHC

Dianne Boex was present to provide details of this purchase as it is a replacement of a mammography unit with new 3-D technology making it a long term investment for use with women's care at the health center; the staff that will be operating unit have all received training; old machine sold as it has no use; she explained the reason they did not select lowest bidder as well as let the committee know this purchase is through Indian Health Services.

Motion by Wesley Martin, Jr to approve the capital expenditure from the Northern X-Ray Company in the amount of \$208,763.00 noting the item is an exception under the continuing resolution as a compliance requirement and funds are coming from Indian Health Services. Seconded by Jennifer Webster. Motion carried unanimously.

VI. New Business:

1. Green Bay Packers – Multi-Year Agreement Brenda Mendolla-Buckley, Gaming Marketing

Brenda Mendolla-Buckley was present along with Gaming Marketing staff to explain this agreement. They explained that they combined their gold player suite contract with their marketing contract so they can benefit from one point of contact and to receive better rates; details of costs for each year for the suite and advertising were discussed along with additional costs and benefits if the Packers make the playoffs; there was discussion about a possible renegotiation and dialogue to include the LPGA as it is expected to draw large crowds; there was also discussion on the GTC action taken to have Internal Services turn all items from the gate contract to gaming for use with Gold Club members and to further maximize profits for the casino and tribe. There have been continuous questions surrounding this latter contract and the FC members felt it and the motion should be clarified and decisions made on both by

the higher body of the OBC; all parties will need to be invited and it should go on the next BC Executive Session.

Motion by David Jordan to table this agreement in the amount of \$2,115,730.00 and forward to the next OBC Executive Session for clarity of the GTC motion, to have further discussion and to ask Internal Services and Gaming staff to be present to explain the details of the two different contracts and their benefits for the tribe. Seconded by Wesley Martin, Jr. Motion carried unanimously.

2. Government Policy Solutions Contract
Nathan King, Legislative Affairs

Racquel Hill was present to explain this contract. It is for a new state lobbyist as a replacement for previous one who passed on; this lobbyist firm was also chosen as they have an expertise in health care; the term is to September 2016 and the contract start date has been corrected.

Motion by David Jordan to approve the Government Policy Solutions contract in the amount of \$121,992.00. Seconded by Jennifer Webster. Motion carried unanimously.

VII. Executive Session: No items submitted

VIII. Community Fund:

1. Student Trip to France & Italy

Motion by Wesley Martin, Jr to approve from the Community Fund the student trip overseas in the amount of \$300.00. Seconded by Jennifer Webster. Motion carried unanimously.

2. Green Bay Youth Hockey fees (BW)

Motion by David Jordan to approve from the Community Fund this and the following request for Green Bay Youth Hockey registration fees for sons of requestor in the amount of \$240.00 for each son. Seconded by Jennifer Webster. Motion carried unanimously.

3. Green Bay Youth Hockey fees (CW)

- SEE motion in Community Fund #2.

IX. Follow Up:

1. Legal Review of Capital Expenditures
JoAnne House, Law Office

Motion by David Jordan to accept as FYI the Legal Review of Capital Expenditures for FY16; noting the OBC did approve the gaming capital expenditures of slot machines as a procedural exception so there could be a cost savings that is for a limited time. Seconded by Wesley Martin, Jr. Motion carried unanimously.

X. FYI and /or Thank You: None

XI. Adjourn: Motion by Wesley Martin, Jr to adjourn. Seconded by Jennifer Webster. Motion carried unanimously. The meeting ended at 11:00 A.M. The next Finance Committee meeting is scheduled for Monday, December 14, 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: November 30, 2015

Oneida Business Committee FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 9 / 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 four (4) financial analyses dated November 20, 2015 and November 23, 2015.
2. Request, from the Law Office, an update on the anticipated completion date of the 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/Submitter: Heather Heuer, Information Management Specialist/BC Support Office
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: December 14, 2015

Re: Petitioner Frank Cornelius: Special GTC meeting to address four resolutions

1. Investigation into Oneida Seven Generations Corporation
2. Enforcing Salaries for Oneida Seven Generations Corporation
3. Freedom of Speech, Press and Assembly
4. Imposing a Tax on the Business Committee

The purpose of this memorandum is to provide you the status of the analyses for the above referenced petition.

Background

The above referenced petition was submitted to the Tribal Secretary's Office on April 28, 2015, and verified by the Enrollment Department. The petition was submitted to the Oneida Business Committee (OBC) agenda and accepted at the May 13, 2015, meeting.

Status

<i>Analysis</i>	<i>Original Due Date</i>	<i>Extension # and New Due Date</i>	<i>Date Accepted by the OBC</i>
Legislative	Sept. 9, 2015	n/a	Resolutions 1-3 – Aug. 26, 2015
Legal	Sept. 9, 2015	1. Dec. 9, 2015	
Financial	Sept. 9, 2015	1. Dec. 9, 2015	

The four (4) financial analyses were submitted as handouts at the November 25, 2015, regular Business Committee meeting. They were ultimately deferred to the December 9, 2015, regular Business Committee for acceptance.

Requested OBC Action

1. Accept the four (4) financial analyses dated November 20, 2015 and November 23, 2015.
2. Request, from the Law Office, an update on the anticipated completion date of the analyses.

Current Petitions At-A-Glance

Petitioner and Subject	Analyses		
	<i>legislative</i>	<i>legal</i>	<i>financial</i>
<u>Danforth</u> – Membership Changes	✓	✓	✓
<i>GTC meeting date scheduled for 3/19/16</i>			
<u>Genskow</u> – Four Resolutions	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Budget Cuts	✓	✓	✓
2 Swimming Lessons	✓	✓	✓
3 BCC to Carry Out GTC directives	✓	✓	✓
4 Elder Home Repair	✓	✓	✓
<i>GTC meeting date scheduled for 3/19/16</i>			
<u>Genskow</u> – Six Resolutions	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Completed Scheduling General Tribal Council Meetings	✓	✓	✓
2 Fee to Trust Process	✓	✓	✓
3 In Progress Elder Services Means Testing	✓	✓	✓
4 In Research Record Subcommittee Meetings	✓	✓	
5 Governmental Services Chain of Command	✓	✓	
6 Unclaimed Per Capita Payments	✓	✓	
<i>GTC meeting date scheduled for 3/19/16; due date for remaining fiscal analyses is 2/16/16</i>			
<u>Genskow</u> – Three Resolutions	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Oneida Business Committee Accountability	✓	✓	
2 Repeal Judiciary Law	✓	✓	
3 Open Records and Open Meetings Law	✓	✓	
<i>due date for fiscal analyses is 2/16/16</i>			
<u>Cornelius</u> – Report on OSGC and four resolutions	<i>legislative</i>	<i>legal</i>	<i>financial</i>
1 Audit of OSGC	✓		
2 OSGC Return Money to Tribe	✓		
3 Freedom of the Press	✓		
4 Tax Oneida Business Committee for Failure to Dissolve OSGC	✓		
Report Report on OSGC	n/a	n/a	n/a
<i>due date for legal and fiscal analysis is 12/9/15</i>			
<u>Powless, John</u> – Per Capita Distribution	<i>legislative</i>	<i>legal</i>	<i>financial</i>
	✓		
<i>due date for legal analysis is 12/2/15</i>			
<u>Barton, Nancy</u> – To open and emergency food pantry	<i>legislative</i>	<i>legal</i>	<i>financial</i>
<i>due date for legislative, legal, and fiscal analysis is 1/28/16</i>			

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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:

Four requested Financial Impact Statements from Finance on the Frank Cornelius resolutions:
1. Audit of Oneida Seven Generations Corporation
2. Oneida Seven Generations Corporation Return Money to Tribe
3. Freedom of the Press
4. Tax Oneida Business Committee for Failure to Dissolve Oneida Seven Generations Corporation

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.



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

ONEIDA TRIBE OF INDIANS OF WISCONSIN




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 η Toll Free: 1-800-236-2214
FAX # (920) 869-4024

MEMORANDUM

DATE: November 20, 2015
FROM: Larry Barton, Chief Financial Officer 
TO: Patricia King, Treasurer
Oneida Business Committee
RE: **Financial Impact of Resolution– Investigate Oneida Seven Generations**

I. Background

Under consideration is a petition which contained a resolution directing an investigation of the Oneida Seven Generations Corporation. The Petition, if approved, would require the Chairwoman to “request the Superintendent of the Bureau of Indian Affairs to conduct an outside Federal forensic audit or investigation into the Seven Generations’ operation for possible fraud in their land transactions or other financial improprieties.”

Further, there are thirteen (13) separate bullet points listed, detailing directed information regarding the legal structures of partnerships involving Oneida Seven Generations Corporation, which the petitioners request be disclosed to the General Tribal Council. Lastly, the resolution would direct the Oneida Business Committee to immediately withdraw the Charter of the Oneida Seven Generations Corporation.

II. Executive Summary of Findings

The Finance Department has not been able to review the Legal Opinion of the resolution, as of this writing. However, in consultation with the Chief Counsel and the Director of Legislative Affairs, it is our understanding that the Bureau of Indian Affairs does not provide the type of service suggested by the resolution. As written, the resolution may not be actionable. However, we have requested a ballpark estimate from RSM US LLP, the audit firm currently conducting our annual audit of the Tribe’s financial statements. They have estimated fees would fall in a range from fifty-thousand dollars (\$50,000) to two hundred-thousand dollars (\$200,000) or more, depending on how many hours are required to drill into the documents of each partnership, should the Business Committee choose to have RSM to perform the requested review. This would be outside the scope of work which the audit firm is already performing for the Tribe.

III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is our understanding that the Bureau of Indian Affairs does not perform the service suggested by the resolution, therefore it may not be acted upon.

TOTAL ESTIMATED FINANCIAL IMPACT: NOT APPLICABLE

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.



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

ONEIDA TRIBE OF INDIANS OF WISCONSIN


ONEIDA FINANCE OFFICE

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UGWA DEMOLUM YATEHE
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MEMORANDUM

DATE: November 23, 2015
FROM: Larry Barton, Chief Financial Officer 
TO: Patricia King, Treasurer
Oneida Business Committee
RE: **Financial Impact of Resolution– Salaries for Oneida Seven Generations**

I. Background

Under consideration is a petition which contained a resolution regarding salaries for all Oneida Seven Generations employees. Citing the original charter of the Oneida Seven Generations Corporation, the draft resolution states that the corporation was to keep only 25% of all revenues collected for operating expenses and return the other 75% back to the Tribe. The draft resolution would seek to have funds returned to the Tribe.

The first resolved section states that the General Tribal Council would set a maximum limit for salaries of 25% (for) operational costs per year for all four Seven Generations employees. Further, the draft resolution would establish a look back period, beginning in 2008 and progressing until the date of dissolution of the corporation. The second resolved section would direct the "Tribal Attorney" to take all necessary actions to compel Seven Generations to return any "excess profit" (salary paid to them which may have exceeded 25% of the revenues received by the corporation) back to the Tribe, using Federal Courts, if necessary.

II. Executive Summary of Findings

We have not received the legal opinion as of this writing. Finance has no opinion regarding the legality of such an action. The Statement of Effect drafted by the Legislative Reference Office indicates the Tribe has no Corporate Code, therefore there is no legislative impact of the first part of the draft resolution. They further state that there is no legislative impact if the "Tribal Attorney" were to seek reimbursement from Oneida Seven Generations employees. Development of a Corporate Code would best be addressed by the Legislative Reference Office's processes.

III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is our understanding that since there is not a current Corporate Code, the draft resolution may not be acted upon.

TOTAL ESTIMATED FINANCIAL IMPACT: NOT APPLICABLE

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.



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FAX # (920) 869-4024

MEMORANDUM

DATE: November 20, 2015
FROM: Larry Barton, Chief Financial Officer 
TO: Patricia King, Treasurer
Oneida Business Committee
RE: **Financial Impact of Resolution– Freedom of Speech, Press and Assembly**

I. Background

Under consideration is a petition which contained a resolution regarding the freedom of speech, press and assembly. The first resolved section would compel the Kalihwisaks to print an unedited version of any article submitted by any Oneida tribal member, provided the submission did not exceed 400 words. The second resolved section states the “Kalihwisaks will print a disclaimer, so as not to be sued.”

II. Executive Summary of Findings

We contacted the Managing Editor of the Kalihwisaks. It was communicated that the number of submissions cannot be determined. However, if the volume is such that additional pages were required to be added to the editions, the cost is sixty-three (\$63.00) per page. Further, the Managing Editor states that a disclaimer would not protect the Kalihwisaks, if the resolution would compel the paper to print any libelous or slanderous material. Last, the Managing Editor is concerned with a potential inability to edit any submissions in order to remove any obscene or objectionable material.

III. Financial Impact

A direct financial impact cannot be estimated. Whether or not additional pages would need to be added to any edition of the Kalihwisaks would be solely determined by the number of submissions which could not be edited by the Kalihwisaks staff. Further, according to the Managing Editor, the paper could be subject to lawsuit if libelous or slanderous material were printed, despite presence of any disclaimers.

TOTAL ESTIMATED FINANCIAL IMPACT: INDETERMINABLE

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.



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MEMORANDUM

DATE: November 20, 2015
FROM: Larry Barton, Chief Financial Officer 
TO: Patricia King, Treasurer
Oneida Business Committee
RE: **Financial Impact of Resolution– Imposing Tax on Business Committee**

I. Background

Under consideration is a petition which contained a resolution that a tax be imposed on the Business Committee members whom voted to restructure Oneida Seven Generations Corporation, as well as on the "Tribal Attorney."

The draft resolution alleges that the Oneida Business Committee has either not followed or has violated various General Tribal Council resolutions cited. The draft resolution seeks to compel all Business Committee members who voted not to dissolve OSGC to pay a "tax" of five-thousand dollars (\$5,000.00). However, the Chairwoman and the "Tribal Attorney" (presumably, the Chief Counsel) would be required to pay twice that amount, or ten-thousand dollars (\$10,000.00). Further, the draft resolution states that the affected persons begin paying from their personal accounts, or have their per capita payments canceled until the "tax" amount is paid.

II. Executive Summary of Findings

We have not received the legal opinion as of this writing, and have no opinin as to the legality of such an action. The Statement of Effect drafted by the Legislative Reference Office indicates the Tribe has no tax law or policy, therefore there is no legislative impact of the first part of the draft resolution, which imposes \$5,000 and \$10,000 taxes upon Business Committee members and the Chief Counsel. As to the second part, which describes how the impacted parties may pay the "taxes," there is already a Per Capita Law which would govern any attachments of per capita payments. Attachments may only be ordered currently by the Tribe's Judicial System.

III. Financial Impact

There is no direct financial impact of the draft resolution as written. It is our understanding that since there is not a current Tax Law or Policy, the draft resolution may not be acted upon.

TOTAL ESTIMATED FINANCIAL IMPACT: NOT APPLICABLE

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.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 15
~~11 / 25 / 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:

Legal review of Referendum Question regarding a tribal sales tax.

- 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

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C O N F I D E N T I A L M E M O R A N D U M

TO: Jo Anne House, Chief Counsel
FROM: James R. Bittorf, Deputy Chief Counsel
DATE: November 13, 2015
SUBJECT: Referendum Question — Tribal Sales Tax



Background

The United States holds title to land within the Oneida Reservation in trust for the benefit of the Tribe (“trust land”). The Tribe leases some of this trust land to developers, who in turn sublease the land to non-Indian companies that operate retail businesses on the land. The Tribe also leases trust land directly to non-Indian companies that operate retail businesses on the land. The Secretary of the United States Department of the Interior approves the leases pursuant to applicable federal laws and regulations. The State of Wisconsin imposes a 5% sales tax on all on-reservation sales made by non-Indian companies to customers who are not members of the Tribe, including sales made by non-Indian companies to nonmembers on trust land.

A majority of tribal members who participated in a recent election voted in favor of the following referendum question:

As a sovereign the Oneida Nation has the right to tax. Should the Oneida Nation supplant the existing 5.5% Wisconsin State and Brown County sales taxes on businesses located on tax exempt trust lands including Walmart and Sam’s on West Mason Street and the Home Depot on Taylor Street with all such funds collected and dedicated to a trust fund for per capita distribution?

Questions Presented

This memorandum addresses the following questions: 1) Does the Tribe have the authority to impose a sales tax on the non-Indian companies that operate retail businesses on the Tribe's trust lands? 2) Would a tribal sales tax on these non-Indian companies supplant or replace the state sales tax?

Short Answers

1) The Tribe has the authority to impose a sales tax on the non-Indian companies that operate retail businesses on the Tribe's trust lands, because the companies have entered the Tribe's lands for the purpose of conducting business, and because the companies have entered into consensual relationships with the Tribe, and the sales tax has a connection with those consensual relationships.

2) If enacted, a tribal sales tax would not supplant or replace the state sales tax. The non-Indian companies operating retail businesses on the Tribe's trust lands would be subject to both tribal and state sales taxes, and would be placed at a competitive disadvantage to companies whose businesses are not located on tribal trust lands. The non-Indian companies operating retail businesses on the Tribe's trust lands would therefore have an incentive to challenge the validity of the Tribe's sales tax, and may seek to terminate their leases/subleases.

Discussion

I. Tribal Authority to Impose Sales Taxes on Non-Indian Lessees of Trust Land.

Indian tribes have the authority to tax the activities of nonmembers who enter upon tribal lands to conduct business. A tribe's interest in raising revenue by taxing the activities of nonmembers on tribal lands is at its strongest when the tribe has a significant interest in the subject matter and the nonmembers receive governmental services from the tribe. A tribe also

has the authority to tax the activities of nonmembers if the nonmembers have entered into consensual relationships with the Tribe and the tax has a connection with those consensual relationships, or if the nonmembers' activities threaten the political integrity or health and welfare of the tribe.

A. Inherent tribal authority.

The United States Supreme Court has described Indian tribes as “‘domestic dependent nations,’ which exercise inherent sovereign authority over their members and territories.” *Oklahoma Tax Comm’n v. Citizen Band Potawatomi Indian Tribe*, 498 U.S. 505, 509 (1991) (citing *Cherokee Nation v. Georgia*, 5 Pet. 1, 17, 8 L.Ed. 25 (1831)). On two occasions, the Supreme Court has ruled that the inherent authority of tribes includes the power to tax nonmembers' activities on tribal trust land. In *Washington v. Confederated Tribes of the Colville Indian Reservation*, 447 U.S. 134 (1980) (“*Colville*”), the Court stated “[t]he power to tax transactions occurring on trust lands and significantly involving the tribe or its members is a fundamental attribute of sovereignty which tribes retain unless divested of it by federal law or necessary implication of their dependent status.” *Id.* at 152. Similarly, in *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1981), the Court determined that Indian tribes possess the authority to tax nonmembers' activities on trust land, and stated:

The power to tax is an essential attribute of Indian sovereignty because it is a necessary instrument of self-government and territorial management. This power enables a tribal government to raise revenues for its essential services. The power does not derive solely from the Indian tribe's power to exclude non-Indians from tribal lands. Instead, it derives from the tribe's general authority, as sovereign, to control economic activity within its jurisdiction, and to defray the cost of providing governmental services by requiring contributions from persons or enterprises engaged in economic activities within that jurisdiction.

Id. at 137.

Colville involved both tribal taxes on cigarette sales made by tribal retailers to non-Indians on trust lands, and state cigarette and sales taxes on those same transactions. In defending its tax, the State of Washington claimed the Tribes lacked authority to impose taxes on non-Indian purchasers. The Court rejected this claim, noting the view of the federal government that Indian tribes possess authority to tax the activities of non-Indians on reservation lands in which the tribes have a significant interest:

The widely held understanding within the Federal Government has always been that federal law to date has not worked a divestiture of Indian taxing power. Executive branch officials have consistently recognized that Indian tribes possess a broad measure of civil jurisdiction over the activities of non-Indians on Indian reservation lands in which the tribes have a significant interest, including jurisdiction to tax.

Colville, 447 U.S. at 152-53 (citations omitted). The Court also suggested that the authority to tax non-Indians on tribal lands was confirmed by the Indian Reorganization Act, which secures for tribes organized under the Act all powers vested in the tribes by “existing law,” in addition to the rights and powers enumerated in the Act. The Court stated:

[A]uthority to tax the activities or property of non-Indians taking place or situated on Indian lands, in cases where the tribe has a significant interest in the subject matter, was very probably one of the tribal powers under “existing law” confirmed by the Indian Reorganization Act of 1934, 48 Stat. 987, 25 U.S.C. § 476.

Id. at 153. Finally, the Court noted the Tribes’ interest in taxing nonmembers to raise “revenues for essential governmental programs...is strongest when the revenues are derived from value generated on the reservation by activities involving the Tribes and when the taxpayer is the recipient of tribal services.” *Id.* at 156-57.

In *Merrion*, the Jicarilla Apache Tribe entered into long-term leases under which non-Indian companies extracted oil and gas from tribal trust land in exchange for royalty payments. The Tribe later imposed oil and gas severance taxes on the companies, and the companies

challenged the Tribes authority to levy the taxes. *Merrion*, 455 U.S at 135-36. The Court upheld the tax, and ruled the power to tax is not only an “essential attribute of Indian sovereignty,” but also is supported by a tribe’s power to exclude non-Indians from tribal lands. *Id.* at 137. In reaching this holding, the Court noted the companies benefitted from conducting business on the Tribe’s lands, and the companies received services from the Tribe.

The [companies] avail themselves of the substantial privilege of carrying on business on the reservation. They benefit from the provision of police protection and other governmental services, as well as the advantages of a civilized society that are assured by the existence of tribal government.

Id. at 137-38 (citations and internal quotation marks omitted). The Court also considered “the views of the three branches of the federal government, as well as general taxation principles, [which] confirm that Indian tribes enjoy authority to finance their governmental services through taxation of non-Indians who benefit from those services.” *Id.* at 140.

Three justices dissented in *Merrion*. They would have ruled that a tribe’s power to tax nonmembers arises solely from the tribe’s power to exclude them from tribal lands, and that the Jicarilla Apache Tribe gave up the power to exclude the companies from its lands when it entered into leases with them. *Id.* at 185-86. While the majority rejected this position, they agreed there are limits on a tribe’s authority to tax nonmembers. “We do not question that there is a significant territorial component to tribal power: a tribe has no authority over a nonmember until the nonmember enters tribal lands or conducts business with the tribe.” The majority also ruled that “[n]onmembers who lawfully enter tribal lands remain subject to the tribe’s power to exclude them. This power necessarily includes the lesser power to place conditions on entry, on continued presence, or on reservation conduct, such as a tax on business activities on the reservation.”

Merrion only involved nonmember activities on tribal trust land, as all lands within the Jicarilla Apache Reservation are held in trust. *Id.* at 133. In *Atkinson Trading Post v. Shirley*, 532 U.S. 645 (2001), the Court considered whether a tribe may tax nonmember activities on non-Indian fee lands, and ruled that such assertions of tribal taxing authority must fall within an exception to the general rule announced in *Montana v. United States*, 450 U.S. 544 (1981), which holds that Indian tribes generally do not possess jurisdiction over the activities of nonmembers on non-Indian fee land. In so ruling, the Court specifically limited the applicability of *Merrion* to “transactions occurring on *trust* lands and significantly involving a tribe or its members.” *Atkinson*, 532 U.S. at 653 (citations and internal quotation marks omitted, emphasis in original). The Court explained:

There are undoubtedly parts of the *Merrion* opinion that suggest a broader scope for tribal taxing authority than the quoted language above. But *Merrion* involved a tax that only applied to activity occurring on the reservation, and its holding is therefore easily reconcilable with the *Montana-Strate* line of authority, which we deem to be controlling. See *Merrion, supra* at 142 (“[A] tribe has no authority over a nonmember until the nonmember enters tribal lands or conducts business with the tribe”). An Indian tribe’s sovereign power to tax — whatever its derivation — reaches no further than tribal land.

Id. (footnotes omitted).

The Supreme Court recently granted review of the decision of the United States Court of Appeals for the Fifth Circuit in *Dolgenercorp, Inc. v. Mississippi Band of Choctaw Indians*, 746 F.3d 167 (2014). The petitioners in that case are non-Indian companies that operate a retail business on leased tribal trust land. They are challenging the tribal court’s exercise of jurisdiction over them in a civil lawsuit arising out of an alleged sexual assault by one of their employees against a minor tribal member. They are arguing, in part, that an Indian tribe may only exercise civil jurisdiction over a nonmember if the nonmember expressly consents to the tribe’s jurisdiction. The Supreme Court is expected to rule on the case next year, and the Court’s

decision could limit the authority of Indian tribes over nonmembers who enter tribal land, and over nonmembers who enter consensual relationships with tribes. An adverse decision of the Court could therefore call into question an Indian tribe's ability to tax nonmembers who have entered tribal land, or entered into consensual relationships with a tribe.

B. Inherent tribal authority to tax activities of nonmembers who enter into consensual relationships with the Tribe.

In *Montana*, the Court announced the general rule that Indian tribes lack jurisdiction over the activities of nonmembers on non-Indian fee land. The Court determined that tribes have been divested of this authority “through their original incorporation into the United States as well as through specific treaties and statutes.” *Montana*, 450 U.S. at 563 (citation omitted). “These limitations rest on the fact that the dependent status of Indian tribes within our territorial jurisdiction is necessarily inconsistent with their freedom *to determine their external relations.*” *Id.* at 564 (quoting *United States v. Wheeler*, 435 U.S. 313, 326 (1978)) (italics in original).

The Court identified two exceptions to this general rule. First, the Court stated:

A tribe may regulate, through taxation, licensing, or other means, the activities of nonmembers who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements.

Id. at 565 (citations omitted). Second, the Court stated:

A tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, of the health or welfare of the tribe.

Id. at 566 (citations omitted).

In subsequent cases, the Court has emphasized the narrow scope of these exceptions, and has stated that they are “limited ones and cannot be construed in a manner that would swallow the rule or severely shrink it.” *Plains Commerce Bank v. Long Family Land & Cattle Co.*, 554

U.S. 316, 330 (2008) (citations and quotation marks omitted). With respect to the first *Montana* exception relating to consensual relationships, the Court has ruled that the tribal regulation must have a connection with the consensual relationship between the nonmember and the Tribe or tribal member. “*Montana’s* consensual relationship exception requires that the tax or regulation imposed by the Indian tribe have a nexus to the consensual relationship itself.... A nonmember’s consensual relationship in one area thus does not trigger tribal civil authority in another – it is not ‘in for a penny, in for a Pound.’” *Atkinson*, 532 U.S. at 656 (quoting *E. Ravenscroft, The Canterbury Guests; Or a Bargain Broke*, act v, sc. 1). With respect to the second *Montana* exception, the Court has held the nonmember’s conduct must threaten the subsistence of the tribal community.

The second exception authorizes the tribe to exercise civil jurisdiction when non-Indians’ conduct menaces the political integrity, the economic security, or the health and welfare of the tribe. The conduct must to more than injure the tribe, it must imperil the subsistence of the tribal community. One commentator has noted that “th[e] elevated threshold for application of the second *Montana* exception suggest that tribal power must be necessary to avert catastrophic consequences.” Cohen § 4.02[3][c], at 232, n. 220.

Plains Commerce, 554 U.S. at 341 (2008) (citation and quotation marks omitted). At the same time, the Court has stated a tribe’s “traditional and undisputed power to exclude persons from tribal land, ... gives it the power to set conditions on entry to that land...,” and has remarked, “[m]uch taxation can be justified on a similar basis.” *Id.* at 335 (citations and quotation marks omitted).

As discussed above, the *Dolgenercorp* case is currently pending before the Supreme Court, and the Court’s decision in that case could further limit tribal jurisdiction over nonmembers, and may call into question a tribe’s authority to impose taxes on nonmembers who have entered upon tribal land or who have entered into consensual relationships with the tribe.

C. The proposed tribal sales tax on non-Indian lessees of tribal trust land.

The Tribe leases trust land to non-Indian developers who sublease the land to non-Indian companies who operate retail businesses on the land. The Tribe also leases trust land directly to non-Indian companies who operate retail businesses on the land. These non-Indian companies have entered the tribe's land for business purposes, have directly or indirectly entered into relationships with the Tribe, and may receive some tribal services. Under *Merrion, Montana*, and *Atkinson*, the Tribe has the authority to impose a sales tax on the companies.

II. A Tribal Sales Tax Would Not Supplant Or Replace the State Sales Tax.

A. Preemption analysis.

When a state imposes a tax on a non-Indian on an Indian reservation, the tax may be preempted if the federal and tribal interests at stake outweigh the state interest in imposing the tax. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 142 (1980). This weighing of interests has become known as the *Bracker* interest-balancing test, and calls for "a particularized inquiry into the nature of the state, federal, and tribal interests at stake, and inquiry designed to determine whether, in the specific context, the exercise of state authority would violate federal law." *Id.* at 144-45. State taxes may also be preempted if they interfere with tribal self-governance. *Id.* at 142.

Applying the *Bracker* interest-balancing test, courts have invalidated state taxes on non-Indians when federal regulation of the activity in question is "comprehensive" and "pervasive." *Id.* at 145-48; *Ramah Navajo Sch. Bd. v. Bureau of Revenue*, 458 U.S. 832, 839-42 (1982). In *Bracker*, for instance, the Court invalidated state motor carrier license and fuel taxes imposed on a non-Indian logging company operating on tribal land because the taxes "would obstruct federal policies" regarding the harvesting of Indian timber. *Bracker*, 448 U.S. at 148. Similarly, in

Ramah, the Court struck down state gross receipts taxes imposed on a non-Indian contractor in relation to the construction of a reservation school, because the taxes would interfere with federal policies regarding the education of Indian children. *Ramah*, 458 U.S. at 841-43. A federal appellate court has also invalidated state taxes on non-Indians when the tax impacted value generated by an Indian tribe on its reservation, and the tribe was “not merely serving as a conduit for the products of others.” *Cabazon Band of Mission Indians v. Wilson*, 37 F.3d 430, 435 (9th Cir. 1994) (Cabazon Band’s interest in generating activities of value on reservation, coupled with federal interest in tribal economic development and self-sufficiency, outweighed state interest in imposing simulcast wagering tax).

B. Tribal taxes do not preempt state taxes.

In *Moe v. Confederated Salish and Kootenai Tribes of Flathead Reservation*, 425 U.S. 463 (1976), the Supreme Court determined Montana could impose taxes on non-Indians who purchased cigarettes from tribal retailers on the Flathead Reservation, and could require tribal retailers to collect the taxes and remit them to the state. “Without the simple expedient of having the retailer collect the sales tax from non-Indian purchasers, it is clear that wholesale violations of the law by the latter class will go virtually unchecked.” *Id.* at 482. The Court described the state’s requirement that tribal retailers collect and remit the tax as “a minimal burden designed to avoid the likelihood that in its absence non-Indians purchasing from the tribal seller will avoid payment of a concededly lawful tax.” *Id.* at 483. The Court saw “nothing in this burden which frustrates tribal self-government, or runs afoul of any congressional enactment dealing with the affairs of reservation Indians.” *Id.* (citations omitted).

Four years after *Moe* was decided, the Supreme Court ruled in *Colville*, *supra*, that a tribe’s imposition of a tax does not preclude a state from imposing a tax on the same transaction.

As noted above, *Colville* involved tribal and state taxes on non-Indians who purchased cigarettes from tribal retailers on the Tribes' reservations. The Tribes levied their taxes pursuant to ordinances approved by the Secretary of the Interior, and were significantly involved in the businesses as retailers or wholesalers.

[The Colville, Lummi and Makah] Tribes use federally restricted tribal funds to purchase cigarettes from out-of-state dealers. The Tribes distribute the cigarettes to the tobacco outlets and collect from the operators of those outlets both the wholesale distribution price and a tax of 40 to 50 cents per carton. The cigarettes remain the property of the Tribe until sale. The taxing ordinances specify that the tax is to be passed on to the ultimate consumer...

...[T]he Yakima Tribe acts as a wholesaler. It purchases cigarettes from out-of-state dealers and then sells them to its licensed retailers. The Tribe receives a markup over the wholesale price from those retailers as well as a tax of 22.5 cents per carton. There is no requirement that the tax be added to the selling price.

Colville, 447 U.S. at 144-45 (footnotes omitted).

The Court identified the issue whether the Tribes' taxes preempted the state tax as "perhaps the most significant" question presented by the case:

Although a variety of questions are presented, perhaps the most significant is whether an Indian tribe ousts a State from any power to tax on-reservation purchases by nonmembers of the tribe by imposing its own tax on the transaction or by otherwise earning revenues from the tribal business.

Id. at 138. While the Court upheld the Tribes' authority to impose taxes on non-Indian purchasers, the Court rejected the Tribes' challenge to the state tax, and ruled the state tax was not preempted by virtue of the tribal taxes. The Court found both the Tribes and the State had a legitimate interest in raising revenue through taxation:

While the Tribes do have an interest in raising revenues for essential governmental programs, that interest is at its strongest when the revenues are derived from value generated on the reservation by activities involving the Tribes and when the taxpayer is the recipient of governmental services. The State also has a legitimate governmental interest in raising revenues, and that interest is likewise strongest when the tax is directed at off-reservation value and when the taxpayer is the recipient of state services.

Id. at 156-157. The Court ruled that both the Tribes and the State could impose taxes on the same transactions. “There is no direct conflict between the state and tribal schemes, since each government is free to impose its taxes without ousting the other.” *Id.* at 158.

The Court acknowledged that its ruling placed tribal retailers at a competitive disadvantage. “The tribal retailers will actually be placed at a competitive disadvantage, as compared to retailers elsewhere, due to the overlapping impact of tribal and state taxation.” *Id.* at 157. However, the Court determined this result was necessary to prevent the Tribes from inappropriately marketing a tax exemption.

If [the Tribes’] assertion were accepted, the Tribes could impose a nominal tax and open chains of discount stores at reservation borders, selling goods of all descriptions at deep discounts and drawing custom from surrounding areas. We do not believe that principles of federal Indian law, whether stated in terms of pre-emption, tribal self-governance, or otherwise, authorize Indian tribes thus to market an exemption from state taxation to persons who would normally do their business elsewhere.

Id. at 155.

In *Wagon v. Prairie Band Potawatomi Nation*, 546 U.S. 95 (2005), the Supreme Court addressed a similar situation involving motor fuel taxes, and reached the same result. Both the Prairie Band Potawatomi Nation and the State of Kansas imposed motor fuel taxes on gasoline sold at the Nation’s gas station located on its reservation. The Nation and the State disputed whether the legal incidence of the state tax fell on the Nation as the retailer, or on the non-Indian distributor who then passed it on to the Nation. The Court determined that the legal incidence of the state tax fell on the non-Indian distributor off the reservation, and that there was no need to apply the *Bracker* interest-balancing test. “If a State may apply a nondiscriminatory tax to Indians who have gone beyond the boundaries of the reservation, then it follows that it may apply a nondiscriminatory tax where, as here, the tax is imposed on non-Indians as a result of an

off-reservation transaction. In these circumstances, the interest-balancing test set forth in *Bracker* is inapplicable.” *Id.* at 113.

The Court also held that *Bracker* interest-balancing was not required based upon the fact the state tax interfered with the tribal tax. “Nor is the Nation entitled to interest balancing by virtue of its claim that the Kansas motor fuel tax interferes with its own motor fuel tax.” *Id.* at 114. In so holding, the Court specifically affirmed the validity of dual taxation, stating:

When two sovereigns have legitimate authority to tax the same transaction, exercise of that authority by one sovereign does not oust the jurisdiction of the other. If it were otherwise we would not be obligated to pay federal as well as state taxes on our income or gasoline purchases. Economic burdens on the competing sovereign . . . do not alter the concurrent nature of the taxing authority.

Id. at 114-15 (quoting *Colville*, 447 U.S. at 184 n. 9 (Rehnquist, J., concurring in part, concurring in result in part, and dissenting in part)) (ellipsis in original). The Court drew no distinction between the Tribe’s business revenue and its tax revenue, stating: “The Nation merely seeks to increase [its] revenues by purchasing untaxed fuel. But the Nation cannot invalidate the Kansas tax by complaining about a decrease in revenues.” *Id.* at 114.

Two justices dissented in *Wagnon*. They recognized that, although the state tax was imposed on the non-Indian distributor, it was passed on to the Tribe and “burden[ed] *on-reservation* tribal activity.” *Id.* at 123 (Ginsburg, J., dissenting) (italics in original). They also recognized the tribal and state taxes could not coexist:

As a practical matter, however, the two tolls cannot coexist. If the Nation imposes its tax on top of Kansas’ tax, then unless the Nation operates the Nation Station at a substantial loss, scarcely anyone will fill up at its pumps. Effectively double-taxed, the Nation Station must operate as an unprofitable venture, or not at all.

Id. at 116 (citation omitted).

At least one federal appellate court has also affirmed dual taxation by tribes and states. In *Salt River Pima-Maricopa Indian Community v. Arizona*, 50 F.3d 734 (9th Cir. 1995), the United States Court of Appeals for the Ninth Circuit addressed tribal and state sales taxes, and ruled that both sovereigns could impose taxes on the same transactions. *Salt River* involved trust allotments on the Community's reservation which were leased to a non-Indian developer who constructed a shopping mall on the property and then subleased space within the mall to non-Indian retailers, including Circuit City, Clothestime, J.C. Penney, and Home Depot. Nearly all of the goods sold were produced off the reservation, and all of the retailers were owned and managed by non-Indian entities with headquarters off the reservation. The Community imposed a 1 percent sales tax on the retailers, as contemplated in the leases with the developer. The state also imposed sales and rental taxes on the retailers. The developer, the Community, and the State all provided services to the mall. *Id.* at 735.

The Community challenged the state taxes: "The Community sued in federal court, arguing that the state taxes interfere with its right to impose taxes. In effect, the Community argued that because it acts like a state in providing various governmental services to the mall's businesses, Arizona's 5.5 percent tax should be preempted." *Id.* at 736. The court framed the issue presented by the case as follows: "We must decide whether state taxes on the sale of non-Indian goods to a non-Indian by a non-Indian business on a reservation are preempted when the tribe concurrently taxes and provides some governmental services used by the non-Indian businesses." *Id.*

The court rejected the Community's challenge, and upheld the state taxes. The court noted that the Supreme Court upheld state taxes on non-Indians who purchased cigarettes from tribal retailers in *Moe*, and that the Supreme Court found "no conflict between concurrent taxes

on non-Indians by the state and the tribe” in *Colville*. *Id.* at 737. Based upon the considerations outlined in *Moe* and *Colville*, the court determined the *Bracker* interest-balancing test favored the state:

Applying these principles to the facts here, it is clear that the balance tips in favor of Arizona’s taxation. Most importantly, the goods and services sold are non-Indian, and the legal incidence of Arizona’s tax falls on non-Indians. Furthermore, Arizona and its agents provide the majority of the governmental services used by these taxpayers. Consequently, the State’s interest is at its strongest, not its weakest.

Id. (citations omitted). The court also emphasized the non-Indian character of the products and businesses:

The mall earns its profits simply by importing non-Indian products onto the reservation for resale to non-Indians. The Community contributes relatively little to the value of the products and services at the mall; the businesses are managed and owned by non-Indians, and the Community does not participate in the business decisions and does not share in the profits.

Id. at 738. Finally, the court noted the state’s interest in enforcing its tax laws:

Arizona’s ability to tax these sales precludes the Community from creating a tax haven at the mall. If we were to disallow the state tax, there is nothing to prevent the Community from opening chains of discount stores at reservation borders, selling goods of all descriptions at deep discounts and drawing custom from surrounding areas.

Id. Given these circumstances, the court found “[t]he preemption balance unmistakably tips in favor of the State.” *Id.* at 739.

C. Effect of the proposed tribal sales tax on the state’s ability to impose its sales tax.

The Tribe leases trust land to non-Indian developers who sublease the land to non-Indian companies who operate retail businesses on the land. The Tribe also leases trust land directly to non-Indian companies who operate retail businesses on the land. In both scenarios, the Tribe has little to no involvement in the businesses, and the businesses sell primarily non-Indian products.

Under *Colville*, *Wagon*, and *Salt River*, the Tribe's imposition of a sales tax would not prevent the state from imposing its sales tax.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: ~~11 / 11 / 15~~ 12 / 09 / 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:

Legal review of Referendum Question regarding a seat tax assessed at Austin Straubel Air Port

- 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

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CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE
ATTORNEY WORK PRODUCT

CONFIDENTIAL MEMORANDUM

TO: Jo Anne House, Chief Counsel
FROM: James R. Bittorf, Deputy Chief Counsel 
DATE: November 13, 2015
SUBJECT: Referendum Question – Austin Staubel Seat Tax

Background

Brown County, Wisconsin, owns and operates the Austin Straubel International Airport (the "Airport"), which is located in the Village of Ashwaubenon and within the boundaries of the Oneida Reservation. Both tribal members and nonmembers travel on commercial flights which depart from or land at the Airport.

A majority of tribal members who participated in a recent election voted in favor of the following referendum question:

The Austin Straubel International Airport is located within the Oneida Nation Reservation established by the 1838 Treaty with the United States of America. Should the Oneida Nation apply a seat tax to all persons commuting through the Austin Straubel International Airport on commercial flights and dedicate the funds collected to a trust fund for per capita distribution?

Question Presented

Does the Tribe have the authority to impose a seat tax on all persons commuting through the Airport on commercial flights.

Short Answer

The Tribe does not have the authority to impose a seat tax on all persons commuting through the Airport on commercial flights. The Tribe can impose seat taxes on tribal members who travel through the Airport. The Tribe cannot impose seat taxes on nonmembers who travel through the Airport.

The Austin Straubel International Airport is located on non-Indian fee land within the Oneida Reservation. Tribal authority over nonmembers is limited, and in order to impose a tax on nonmembers on non-Indian fee land, the Tribe must be able to establish one of the following: 1) the United States Congress has authorized the Tribe to impose the tax; 2) the nonmembers have entered into consensual relationships with the Tribe or tribal members, and the tax is related to those consensual relationships; or 3) the nonmembers' activities as airline passengers pose a threat to the Tribe's political integrity or health and welfare.

The Tribe cannot demonstrate that it has authority to impose seat taxes on nonmembers who travel through the Airport, because Congress has not authorized the Tribe to impose the tax, the nonmembers have not entered into consensual relationships with the Tribe or tribal members which would support the imposition of the tax, and the nonmembers' activities as airline passengers do not pose a threat to the Tribe's political integrity or health and welfare..

Discussion

I. Tribal Authority Over Nonmembers On Non-Indian Fee Land.

Tribal authority "centers on the land held by the tribe and on tribal members within the reservation," *Plains Commerce Bank v. Long Family Land and Cattle Co.*, 554 U.S. 316, 327 (2008) (citation omitted). As a general rule, absent congressional authorization through statutes or treaties, tribal authority does not extend to nonmembers. The United States Supreme Court

has noted that this general rule “restricts tribal authority over nonmember activities taking place on the reservation, and is particularly strong when the nonmember’s activity occurs on land owned in fee simple by non-Indians – what we have called ‘non-Indian fee land.’” *Id.* at 328 (citing *Strate v. A-1 Contractors*, 520 U.S. 438, 446 (1997)).

There are two exceptions to the general rule, and a Tribe may exercise authority over nonmembers in two limited circumstances:

We have recognized two exceptions to this principle, circumstances in which tribes may exercise civil jurisdiction over non-Indians on their reservations, even on non-Indian fee lands. *First*, a tribe may regulate, through taxation, licensing, or other means, the activities of nonmembers who enter into consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements. *Second*, a tribe may exercise civil authority over the conduct of non-Indians on fee land within the reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, of the health or welfare of the tribe. These rules have become known as the Montana exceptions, after the case that elaborated them.

Id. at 329-30 (citing *Montana v. United States*, 450 U.S. 544, 565-66 (1981)) (quotation marks omitted) (italics supplied).

In *Atkinson Trading Company, Inc. v. Shirley*, 532 U.S. 645 (2001), the Supreme Court identified *Montana*’s general rule and exceptions as the proper test for determining whether an Indian tribe may impose taxes on nonmembers’ activities on non-Indian fee land. *Atkinson* involved the Navajo Nation’s imposition of a hotel room occupancy tax on the nonmember customers of a hotel located on non-Indian fee land on the Navajo Reservation. The Court determined the Navajo Nation was required to demonstrate the existence of one of the *Montana* exceptions in order to support its authority to tax nonmembers. The Court stated:

Tribal jurisdiction is limited: For powers not expressly conferred them by federal statute or treaty, Indian tribes must rely upon their retained or inherent sovereignty. In *Montana*, the most exhaustively reasoned of our modern cases addressing this later authority, we observed that Indian tribe power over nonmembers on non-Indian fee land is sharply circumscribed.

Accordingly, ...we apply *Montana* straight up. Because Congress has not authorized the Navajo Nation's hotel occupancy tax through treaty or statute, and because the incidence of the tax falls on nonmembers on non-Indian fee land, it is incumbent upon the Navajo Nation to establish the existence of one of *Montana's* exceptions.

Id. at 649-50, 654.

The Navajo Nation argued the hotel owner and the hotel's nonmember customers consented to the tax because they benefitted from police, fire and emergency services provided by the Nation. The Court found these generalized services to be "patently insufficient to sustain the Tribe's civil authority over nonmembers on non-Indian fee land," under both the first and second *Montana* exceptions. *Id.* at 655.

With respect to the first *Montana* exception, the Court stated, "[t]he consensual relationship must stem from commercial dealing, contracts, leases, or other arrangements, and a nonmember's actual or potential receipt of tribal police, fire, and medical services does not create the requisite connection." *Id.* (citation and internal quotation marks omitted). The Court also determined the nonmember hotel owner did not consent to the tax by being licensed as an Indian trader under federal law. *Id.* at 655-56.

With respect to the second *Montana* exception, the Court determined the cost of providing services to the hotel's customers did not impact the Navajo Nation severely enough to justify the tax. The Court stated, "*Montana's* second exception grants Indian tribes nothing beyond what is necessary to protect tribal self-government or to control internal relations." *Id.* at 658 (citation and internal quotation marks omitted). The Court explained:

The exception is only triggered by nonmember conduct that threatens the Indian tribe; it does not broadly permit the exercise of civil authority wherever it might be considered necessary to self-government. Thus, unless the drain of the nonmember's conduct upon tribal services and resources is so severe that it

actually imperils the political integrity of the tribe, there can be no assertion of civil authority beyond tribal lands.

Id. at 657 n. 12 (citation, internal quotation marks and brackets omitted).

II. The Proposed Seat Tax

The United States Congress has not authorized the Tribe to impose a seat tax on nonmembers commuting through the Airport. Under *Atkinson*, the Tribe must therefore establish the existence of one of the *Montana* exceptions to justify the tax. In order to meet this burden, the Tribe must be able to show either that the nonmembers have entered into consensual relationships with the Tribe or tribal members and the tax is related to those consensual relationships, or that the nonmembers' activities imperil the political integrity of the Tribe.

While the Tribe may be able to establish that it has consensual relationships with some nonmembers who travel through the Airport, the Tribe cannot demonstrate that it has consensual relationships with all nonmembers who travel through the Airport. In addition, to the extent consensual relationships may exist, it is unlikely the Tribe could establish the tax has a connection to those relationships. The Tribe therefore cannot establish authority to impose the seat tax under the first *Montana* exception.

The Tribe also cannot establish authority to impose the tax under the second *Montana* exception, because the Tribe cannot demonstrate that the nonmembers' activities as airline passengers endanger the Tribe's political integrity or ability to control internal relations. This is especially the case because the Tribe has survived for many years without imposing a seat tax, and because the purpose of the proposed tax would be to generate funds for additional per capita payments, as opposed to offsetting costs occasioned by the nonmembers' use of the Airport.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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/Submitter: _____
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:

An update on the progress of the action items around the area of Sacred Burial Grounds: Please see attachments.

- 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
Environmental, Health & Safety Division

Little Bear Development Office
 PO Box 365
 N7332 Water Circle Place
 Oneida, WI 54155
 Phone (920) 869-4591
 FAX (920) 869-1610



Conservation Field Office
 PO Box 365
 N8047 County Road U
 Oneida, WI 54155
 Phone (920) 869-1450
 FAX (920) 869-2743

To: Business Committee
 From: Patrick J. Pelky, EH&S Division Director *Patrick Pelky*
 Subject: Update - Surrounding Properties of the Sacred Burial Grounds
 Date: December 1, 2015

Per the direction of the Business Committee (BC), the following is an update on the progress of the action items around the area of Sacred Burial Grounds:

Specific Issue	Action Item	Status	Contact Person
Sweat lodge location	Move sweat lodge and clean-up site. Remove trailer.	Complete: sweat lodge, stones, and trailer have been moved	Sheila Huff, DOLM
Area adjacent to sweat lodge, former staging area	Clean up C&D material and return area to agricultural use.	Complete: site clean up Pending: return to ag. use	Mary Jo Nash, DOLM
Where the Waterbirds Nest	Close entrances during the moratorium. Remove signs, benches, and picnic tables.	All steps completed. Further comments about this issue are below.	Dan Brooks/ Shad Webster, Conservation

ERB Action on Where the Waterbirds Nest

The closing of the site and entrance was referred to the Environmental Resources Board (ERB) for Action.

- The ERB held a hearing under the Public Use of Tribal Lands law to listen to any concerns or recommendations regarding Land Access designations on October 27, 2015. The main topic of discussion was related to the B.C. moratorium action from 9/23 as it applies to the Oneida Burial Ground/Cemetery, Where the Waterbirds Nest, and construction waste area. The general preference was to not close the Natural Area, but to potentially close off the entrance by the cemetery to create privacy there and provide some type of buffer/trees. The Natural Areas could be accessed by improving the secondary access on Cty U and providing clear marking.
- **ERB's Decision:** Based on the comments and consideration of the variety of opinions, the ERB finds that no changes to the Land Access map and designations will occur at this time. There was no petition submitted and therefore no specific and significant community support behind any specific proposal. The ERB will continue to review existing access and perform community outreach regarding the access designations.

- **ERB further agrees** with the discussion about the concerns with the moratorium and will draft a letter to the BC requesting the moratorium be modified to allow access to Where the Waterbirds Nest though the original access road and improvements to the secondary access. The legal description for Where the Waterbirds Nest should change to exclude the wooded area next to the cemetery, and that wooded area would become a no hunting zone. This would help provide more privacy and buffer to the Sacred Burial Grounds

Teams & Contact People

Cemetery Work Group Contact Person: Susan White, 490-3935 ext. 3934

Cemetery Contact for Families: Julie Denny, 920-869-2083

Cemetery Tech Team Members: Paul Witek and Troy Parr are the team leads and the team members are Dennis Johnson, Community Wells & Septic; Shelia Huff, DOLM; Dan Skenandore, Engineering, Steve Linskens, EH&SD; and Jeff Witte, Planning.

Cemetery Tech Team and Cemetery Work Group update:

Task	Status
BC approved the following recommendation from BC Officers: 1. Turn over monitoring of the land use moratorium on #18 “Where the Water Birds Nest,” to the Environmental Resources Board for follow up and completion in accordance with the Public Use of Land Law.	Complete
BC approved the following recommendation from BC Officers: 2. Affirm the aesthetic maintenance of the Cemetery remain under Trust department as provided for in the Cemetery Law.	Complete

Task	Status
<p>3. Support the Cemetery Technical Team recommended actions identified in the memorandum dated October 30, 2015 to be carried out with cooperation of the Finance Committee as it relates to identifying adequate funding to carry out the activities identified:</p> <ol style="list-style-type: none"> 1. Continue recording ground water elevations for the existing monitoring wells. 2. Continue with drain tile installation, if funding is approved, and as funding allows; especially along cemetery road (both sides) with priority on south side of road. 3. Install additional monitoring wells on the existing raised surfaces and collect data. 4. If data from the additional monitoring wells is favorable, raise the grade of areas in the cemetery that are between the existing raised areas. Material can potentially be obtained from the Oneida Lake – Phase II project. <ol style="list-style-type: none"> a. Additional funding will be needed to accomplish this work. Can be requested in the FY2017 CIP Budget. b. If raised grade work is done: <ol style="list-style-type: none"> i. The top of existing clay layer would be sloped (contoured) to drain tile locations. ii. The added material would be well compacted. iii. The newly raised areas would not be used for one year to allow material to consolidate. 	<p>Underway. See Cemetery Improvements project #14-002 Work Plan as submitted to BC by Technical Team.</p>

Silver Creek Project Update

The Oneida Nation is a partner in an effort to reduce Phosphorous levels in Lower Green Bay. The effort is being spearheaded by NEW Water, which is the brand of the Green Bay Metropolitan Sewage District. In order to comply with new State regulations, NEW Water needs to reduce Phosphorous levels leaving its wastewater treatment plant by 3% by 2018. The cost estimate of upgrading the plant to meet the new standard is estimated at over \$220 million dollars. Annual cost to maintain the upgrade are estimated at over \$2.5 million.

The DNR is allowing permitted point source businesses the ability to use Adaptive Management to reduce phosphorous levels. The Silver Creek Watershed is being used as a case study to determine if Adaptive Management efforts within the watershed can be used to reduce phosphorous levels that meet the DNR regulations. Because the Oneida Nation owns the majority of the land within the watershed, we are uniquely situated to benefit from this study. Most of the work to date has been geared towards gathering baseline data. A component of this data gathering is identifying the fields and problem areas within the watershed that are contributing the greatest amounts of Phosphorous.

The next steps are to begin implementing Best Management Practices within the watershed and to monitor the effectiveness of the BMP's. The BMP's are typical of what we have been doing on are agricultural lands such as; grassed waterways, stream buffers, improved stream crossings, etc. Another component to this study is using wetlands to reduce phosphorous levels. Wetlands are a natural "sink" for sediment and nutrients and have a proven track record for reducing pollutants. Several wetland restoration projects have been identified within the watershed.

One of the projects being reviewed is located south of Adams Drive and east of the Oneida Sacred Burial grounds. It is a lobe of farmed wetland that juts out into the farm field. The USFWS, NEW Water, UWGB and The Nature Conservancy are involved with the study, monitoring and design of this potential wetland restoration project. The concept is to provide a grassed buffer between the active farm field and the farmed wetland area. There is also the opportunity to hold water within this wetland for a longer period of time to promote the sequestration of phosphorous in plant tissue and sediment. This would likely involve constructing a low elevation berm to impound water within the basin. Because the main goal is pollutant removal, the type of wetland we would want to restore is a wet meadow/sedge meadow. This would not be an open water, duck habitat type of project. To the casual observer it would not appear to be what most people think of as a wetland.

The initial thoughts are to hold water at a maximum elevation of 700'. This would be a seasonal maximum with the wetland naturally drawing down water levels throughout the growing season. It is likely that there would be little or no water in the basin by August. We have a stakeholder meeting next week to discuss design constraints, project goals and next steps.

This team has contacted the Cemetery Tech Team making sure all information and analysis are exchanged to be factual and data driven. The project is not intended to be a "destination" for the public like the adjacent Water birds area. Sole purpose is to provide cleaner water for Silver Creek. To date we have installed groundwater monitoring wells, conducted vegetation and bird

surveys, and cleared some woody vegetation to facilitate a topographic survey of the area.

Fact Sheets will be created and put on Website and Facebook.

cc: Julie Denny, Burial Program Coordinator

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 9 / 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:

Approval of Work Plan for Cemetery Improvements project #14-002.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Work Plan"/>	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/Submitter: Troy Parr, Asst. Division Director/Development
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Paul J. Witek, Senior Tribal Architect/ Engineering Dept.
Name, Title / Dept.

Additional Requestor: Fawn Cottrell, Contract Processor/ Engineering Dept.
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

Purpose:

Follow-up to item X.A from November 10, 2015 OBC Meeting.

The project team is seeking approval of the project Work Plan.

Background:

On November 10, 2015 the Business Committee approved the Business Committee Officers' Cemetery Action Plan dated 11/5/15. The Action Plan requested a Work Plan be developed for the Geological/Hydraulic Study. The Work Plan for the hydrogeology study and entire project is attached.

We have met with the Finance Department and reviewed potential additional funding sources. Finance Department requested that the transfer of the funds from #07-009 Building Demolitions be submitted to and approved by the Finance Committee.

Action Requesting:

1. Approval of Work Plan for Cemetery Improvements project #14-002.

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

WORK PLAN

Cemetery Improvements Project
#14-002

12/1/15

No.	Description	Notes	Tasks	Task Coordinator	Estimated Completion Date	Status
1	Continue data readings from existing monitoring wells.	Monthly readings.	a. Collect data.	CW&S Dept.	On-going	On-going
2	Install additional monitoring wells.	Install monitoring wells at existing raised plateaus and on property to east.	a. Draft and release Request For Proposals (RFP).	Engineering Dept.	12/11/15	Underway
			b. Draft and award contract.	Engineering Dept.	1/15/16	
			c. Install monitoring wells	Vendor	Jan. 2016	
3	Hydrogeology Study (ground-water study).	The study will review previous reports, existing data from monitoring wells, data from new monitoring wells and provide verification/recommendations of plan of action to address groundwater concerns.	a. Identify budget source for study.	Troy Parr	12/1/15	Per CFO, request approval from Finance Committee to transfer funds from #07-009 Building Demolitions. Will place on 12/14/15 FC agenda.
			b. Draft and release Request For Proposals (RFP).	Engineering Dept.	T.B.D.	Waiting for approval of funding before release.
			c. Draft and award contract.	Engineering Dept.	T.B.D.	
		Study duration is anticipated to be 6 months.	d. Conduct study.	Vendor	T.B.D.	
4	Request funding for implementation.	Funding will be requested through the CIP Budget and amounts will be based upon estimates included in the Hydrogeology Study.	a. Include budget request in annual fiscal year CIP Budget request.	Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
5	Additional drain tile installation.	Contingent upon results of Hydrogeology Study. If study results confirm this is an appropriate action, work will commence as funding allows.	a. Define specific scope of work with Technical Team.	Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
			b. Drain tile installation.	CW&S Dept.	T.B.D.	
6	Raise grades between existing plateaus.	Contingent upon results of Hydrogeology Study. If study results confirm this is an appropriate action, work will commence as funding allows.	a. Prepare Construction Documents to define scope of work and allow bidding of work.	Vendor/ Engineering Dept.	T.B.D.	Waiting on Hydrogeology Study results.
			b. Request bids and award construction contract.	Engineering Dept.	T.B.D.	
			c. Construction	Vendor	T.B.D.	

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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:

BC to redirect Pat Pelky to address issues with Land Use #18.
1) Update report(s) from Division of Land Management/Environmental re: cemetery and plan for follow-up on Moratorium as directed by the Chairwoman.
2) Follow up of cemetery and moratorium (re: debris complaint)
3) CIP14-002 (re:the estimates on cemetery improvement project)
4) 950 pg. chronological historical master plans (I would like a copy of the plan)

3. Supporting Materials

Report Resolution Contract

Other:

- 1. CIP Estimates
- 2. Debris Complaint
- 3. [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: Cristina Danforth, Tribal Chairwoman *[Signature]*

Primary Requestor/Submitter: Nancy Barton, Tribal Member
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Mike Debraska, Tribal Member
Name, Title / Dept.

Additional Requestor: Submitted by: Lora Skenandore, Executive Assistant/Office of Tina Danforth
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

1) Update report(s) from Division of Land Management/Environmental re: cemetery and plan for follow-up on Moratorium as directed by the Chairwoman

-At the October 28, 2015 Business Committee, Pat Pelky, Division Director for DOLM and EH&S was directed by the Chair to provide weekly reports and an updated report at the November 10, 2015 Business Committee meeting. He was not present at the November 10, 2015 Business Committee meeting.

-Requesting information regarding the plan for gydrologist including the budget, hiring process and scope of work.

2) Follow up of cemetery and moratorium
-regarding debris complaint

3) CIP14-002
- re:the estimates on cemetery improvement project

4) 950 page chronological historical master plan
-Requesting a copy of the historical master plan.

- 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

Engineering Department



Location:
N7332 Water Circle Place
Oneida, WI 54155

Phone: (920) 869-1600

Mailing Address:
P.O. Box 365
Oneida, WI 54155-0365

Fax: (920) 869-1610

Letter of Transmittal

To: Nancy Barton

Date: 11/13/15

Project: Cemetery Improvements

Project No.: 14-002

If checked please: Acknowledge receipt of enclosures Return enclosures to us

We are sending you: Attached Under separate cover via the following items:

- Shop Drawings Prints Plans Samples Contracts
 Copy of letter Change Order Specifications Submittal

Copies	Date	Description
1	5-19-15	Project Budget Estimate for #14-002 Phase III, Engineering Dept. 63K
1	5-5-15	2016 Phase III Estimate, Oneida Community Well & Septic (CW&S) Dept. 63K or 49,515
← 1	5-5-15	CW&S Estimate – Attachment A (11" x 17" sketch) +
		↓
		\$ 13,455 ?? = 63K

These are transmitted as checked below:

- For approval For review & comment Returned for corrections
 For your use Approved as submitted Other _____
 As requested Approved as noted

Remarks:

These are the documents you requested at the Nov. 10, 2015 OBC meeting. They identify the planned scope of work the funding request is based on. The funding is requested in the FY2016 CIP budget.

Copy to:	With Enc:	From: Paul J. Witek, AIA, LEED-AP - Senior Tribal Architect
Melinda Danforth - OBC	<input checked="" type="checkbox"/>	Signature:
File: 14-002/correspondence outgoing	<input checked="" type="checkbox"/>	

Oneida Community Well & Septic Dept.

To: Dan Skenandore, Project Manager

From: Dennis Johnson, CW&S Manager

Re: 2016 Phase III Estimate for Oneida Cemetery Improvement Project

CIP No. 14-002

Date	Estimate No.
5/5/2015	2015-003

Description Of Work

Continue installations of drain tile, fill, grade and landscape all within Oneida Cemetery

Item	DESCRIPTION	WORK BY	UNIT	Qty	UNIT COST	TOTAL
1	Install approximately 1700' of French drain along the south side of the cemetery road. Trench is 1' to 2' wide and average 6' deep. See site map for location.	CW&S	LF	1700	\$8.85	\$15,045.00
2	Horizontal Drill under Cemetery road for future French drain. Excavating and material provided by CW&S	Vendor	LS	2	\$2,500.00	\$5,000.00
3	Truck in fill material from Oneida Lake Project to fill in proposed area shown on site map. Truck in black dirt from one of our staging areas. Use a combination of Tribal and Vendor trucking & equipment. Final grade elevation will be similar to existing mounded areas	Tribe & Vendor	LS	To be determined	\$29,500.00	\$29,500.00
TOTAL						\$49,545.00

Note: 1 This estimate is proposed for fiscal 2016 Phase III Oneida Cemetery Improvement Project

2 Regarding item 3: Monitoring well data will determine final grade elevation, however final elevation will likely not be above existing grade of mounded areas. Estimated fill is yet to be determined. The amount of work completed primarily depends on internal resources such as fill material, trucking and heavy equipment.

Attach: Attachment A site map

PROJECT BUDGET ESTIMATE

CLIENT NAME: ONEIDA TRIBE of INDIANS of WISCONSIN
 PROJECT NAME: **Cemetery Improvements - Phase III**
 PROJECT No.: 14-002
 DATE: 19-May-15

SOFT and MISCELLANEOUS COSTS

Engineering Dept. Fees	5,000 ✓
Architect / Engineer Fees & Reimbursables	0
Soil Borings, Testing and Surveys	0
Agency Review and Approval Fees	0
Insurance - Builders Risk	covered by property insurance
Archaeological Survey & Site Monitoring	0

Sub-total: 5,000

CONSTRUCTION

General Requirements	0
Site Work & Landscape	0
Oneida CW&S Estimate	49,545 ✓

Sub-total: 49,500

✕ Oneida Preference Amount	0		
Sustainable Design Premium	0%	0	
Inflation Factor:	0 years	3% per year	0

Sub-total: 49,500

FIXTURES, FURNISHINGS AND EQUIPMENT

Division 10 - Specialties	0
Division 11 - Equipment	0
Division 12 - Furnishings	0
Division 27 - Communications	0
Division 28 - Electronic Safety & Security	0

Sub-total: 0

TOTAL:		54,500
Contingency:	15.0%	8,200
Finance Costs:	0.0%	0

ESTIMATED TOTAL PROJECT BUDGET: \$ 63,000

Oneida Tribe of Indians of Wisconsin
Environmental, Health & Safety Division

Little Bear Development Office
 PO Box 365
 N7332 Water Circle Place
 Oneida, WI 54155
 Phone (920) 869-4591
 FAX (920) 869-1610



Conservation Field Office
 PO Box 365
 N8047 County Road U
 Oneida, WI 54155
 Phone (920) 869-1450
 FAX (920) 869-2743

To: Jeffrey Mears, Environmental Area Manager
 From: Amy Spears, Environmental Specialist
 RE: 300 Blk W. Adam Drive, Hobart, WI – Debris Complaint
 Project ID: ENQTERPINV00003
 Date: September 24, 2015

Background

Questions raised at a community meeting for the Highway 54 One Stop Remodel on September 10, 2015 prompted an investigation concerning a possible TERP violation at the 300 block of W. Adam Drive, Hobart, WI. The investigation and report, completed by Victoria Flowers – Environmental Specialist, resulted in a finding of no violation but indicated a potential solid waste violation at the site.

Investigative Activities

On September 15, 2015 at approximately 3:00 pm, Amy Spears and Sylvia Cornelius, Project Manager, visited the site to evaluate the material and to take photographs.

The property was entered from Adam Drive to the north using the driveway. Mounds of soil, aggregate and miscellaneous pieces of PVC piping, rebar and construction fabric was noted. There were approximately 5 mounds of various sizes that were inspected.

A review of aerial photographs provided in the report from Victoria Flowers revealed an approximately 2 acre area where mounds of material were stacked in 2014. Approximately 125 mounds of material were estimated to be present. The color of the material ranged between grey to brown, suggestive of aggregate material and soils. The field investigation supports this assumption.

Questions were raised by Jeffrey Mears, Environmental Area Manager of the actions that led to the disposal of the material at this site, who disposed of this material and if permission was received have not been answered.

Findings

Based on the available information and observations made, it is concluded that a significant quantity of Construction and Demolition waste, consisting primarily of aggregate, soil, concrete, some PVC piping, rebar and construction fabric was disposed of in 2014. Construction and demolition (C&D) waste is defined by the United States Environmental Protection Agency (EPA) as: *The waste material produced in the process of construction, renovation, or demolition of structures (both buildings and roads). In addition, it includes the materials generated as a result of natural disasters. Components of C&D debris include materials such as concrete,*

asphalt, wood, brick, metals, wallboard, and roofing shingles.

It is unknown if approval was sought or if permission was granted for the disposal and placement of this material by any employee of the Oneida Tribe. It is concluded as well that the majority of the material previously disposed of has been removed; it is unknown what was done with this material.

Conclusion

Based on the complaint, observations made, and records reviewed the action that led to the placement of the alleged C&D waste is a violation of the Oneida Recycling and Solid Waste Disposal Law and was disposed of illegally. Illegal Dumping is generally defined as:

Dumping waste on public or private property that is not licensed or permitted to receive waste. Allowing another to dump waste on one's land, without being licensed to receive such waste.

C&D waste is considered a solid waste under the Oneida Recycling and Solid Waste Disposal law per the following definition:

44.4. Definitions

44.4-21. "Solid Waste" means garbage, refuse, sludge, and other discarded materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

The Oneida Recycling and Solid Waste Disposal Law states:

44.11. Solid Waste

44.11-1. The following provisions shall apply to all solid waste disposal within the exterior boundaries of the Oneida Reservation, and those business premises owned or leased by the Oneida Nation of Wisconsin not covered by a recycling law;

(a) No person shall leave, deposit, or dump solid waste within the exterior boundaries of the Oneida Reservation except at a designated disposal or collection site. No person shall dispose of any solid waste generated outside the boundaries of the Oneida Reservation unless such disposal is at a collection or transfer site which is certified as in-compliance with all applicable state, federal and tribal regulations.

(e) No person shall dispose of solid waste at a collection or disposal site located within the exterior boundaries of the Oneida Reservation except in a manner approved a Recycling and Solid Waste Disposal program or agency as established by the Oneida Business Committee.

Recommendations:

It is the recommendation of the Environmental Specialist-Pollution Prevention that the remaining material be removed from the site immediately and recycled and/or reused in the following manor:

- Disposed of with a licensed C&D recycling company.

- Reused as fill in a Tribal construction project.

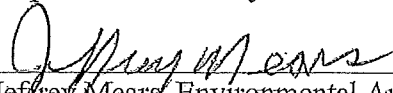
Documentation of the reuse or disposal of this material in the form of a manifest from the recycling company, or written documentation provided by the construction project manager shall be submitted to EHSD and filed with this report.

Report Prepared By:



Amy Spears, Environmental Specialist

Report Reviewed By:



Jeffrey Mears, Environmental Area Supervisor

Oneida Tribe of Indians of Wisconsin
Environmental, Health & Safety Division

Little Bear Development Office
 PO Box 365
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Conservation Field Office
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 N8047 County Road U
 Oneida, WI 54155
 Phone (920) 869-1450
 FAX (920) 869-2743

To: Jeffrey Mears, Environmental Area Manager
 From: Victoria Flowers, Environmental Specialist
 RE: 300 Blk W. Adam Drive, Hobart, WI – Debris Complaint
 Project ID: ENQTERPINV00003
 Date: September 11, 2015

Issue Statement:

On September 10, 2015, during a community meeting for the Highway 54 One Stop Remodel held at the Business Committee Conference Room, statements were made regarding the disposal of construction and demolition waste (C&D) at the Oneida Cemetery during the 2014 Oneida Casino remodel. This document provides the findings of the investigation by the Tribal Environmental Response Program (TERP) in response to those complaints to determine if a formal response action is necessary under Chapter 40 of the Oneida Code of Laws – Tribal Environmental Response Law (TERL). This review does not consider Oneida's Solid Waste and Recycling Law, or other local or state regulations that may apply.

Background

Jeffrey Mears, Oneida Environmental, Health and Safety Division (EHSD) – Area Manager and Victoria Flowers – Environmental Specialist, attended the community meeting to address any environmental concerns that arose during the community meeting for the Highway 54 One Stop. Several community members raised questions concerning the fate of C&D waste and if it was going to be disposed at the Oneida Cemetery property like the Casino C&D waste. Jeffrey Mears responded by stating his understanding was that the C&D would be recycled where possible or transported to a landfill. He also stated he was not aware of the issue of the Casino C&D waste and would investigate the matter further.

Administrative Review

On September 11, 2015 an inquiry by Jeffrey Mears to Patrick Pelky, EHSD Division Director regarding the C&D waste concern, confirmed that the C&D material from the Casino remodel was taken to a property immediately adjacent to the Oneida Cemetery for disposal. It was further stated that Oneida Department of Public Works (DPW) was moving the material to either the Oneida Materials Staging Area (184 W. Adam Drive) or to a landfill if not suitable for reuse.

Investigative Activities

On September 11, 2015, Victoria Flowers and Michael Arce, Compliance Assistance Inspector, visited the site to evaluate the material and to take aerial and ground level photographs.

The property was accessed from the north from Adam Drive using the driveway. Approximately nine mounds of soil, aggregate and miscellaneous pieces of PVC piping, and rebar of various sizes were noted.

Historical aerial photographs from from the Brown County website from 2014, revealed an approximately 2 acre area where approximately 125 mounds of material was stacked. The color of the material ranged between grey to brown, suggestive of aggregate material and soils. The field investigation supports this assumption.

Findings

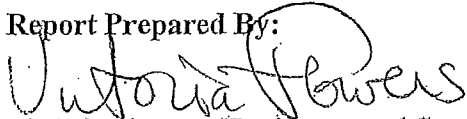
Review of the available information and observations made, it is concluded that a significant quantity of C&D waste, consisting primarily of aggregate, soil, concrete, some PVC piping and rebar was disposed of in 2014. It is also concluded that the majority of material previously disposed of has been removed, though some still remains.

Conclusion

Based on the complaint, observations made and records reviewed, the action that led to the placement of the alleged C&D waste is not actionable under TERP due to the lack of evidence of a release of regulated or hazardous materials. The information reviewed and evidence gathered, suggests that C&D waste was placed at this location.


Based on the conditions observed it is concluded that this finding will not require further action under TERL.

Report Prepared By:



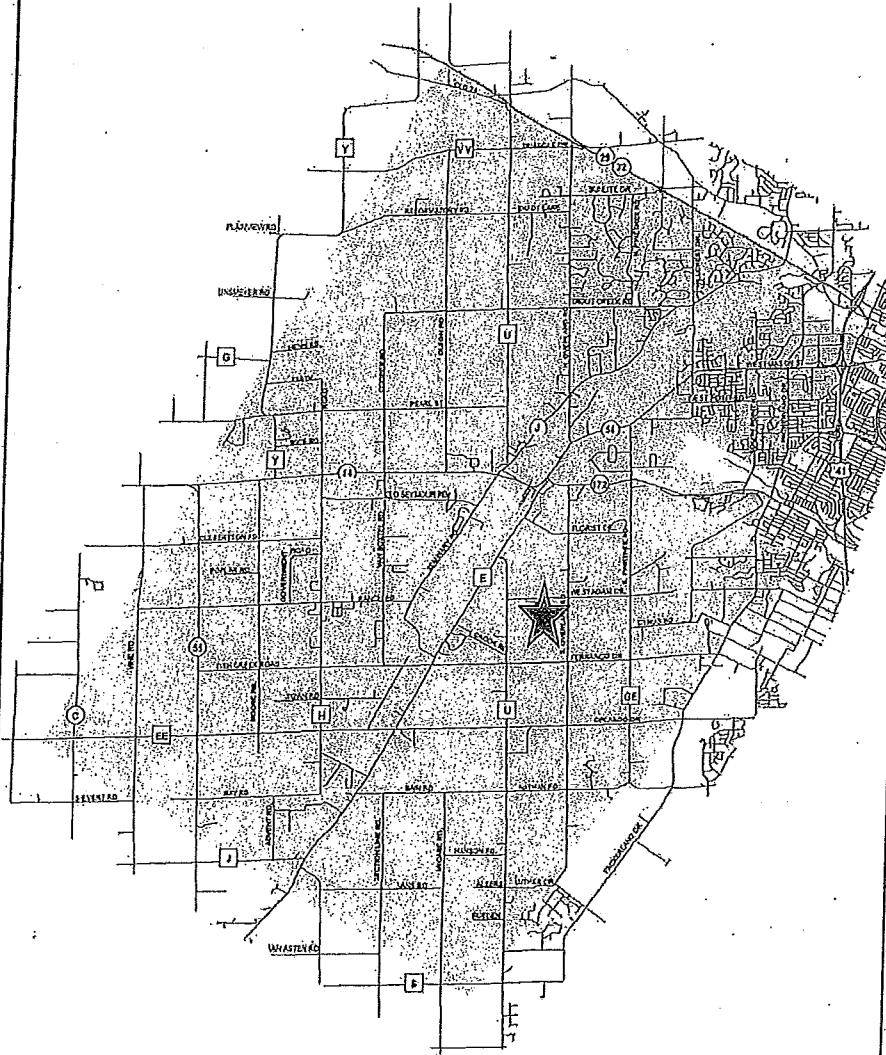
Victoria Flowers, Environmental Specialist

Report Reviewed By:



Jeffrey Mears, Environmental Area Supervisor

Oneida Reservation Road Map



Legend

- Road Centerlines
- Oneida Reservation



Approximate Location



GEOGRAPHIC LAND INFORMATION SYSTEMS
703 Backland Drive
Green Bay, Wisconsin
(920) 496-2007

File: r054r_buffer.mxd Date:



Coordinate System: Wisconsin State Plane, Central Zone
Linear Projection, U.S. Feet
Horizontal Datum: NAD83
Vertical Datum: North

300 Blk Adam Drive

2014 Aerial Photo - General Location Map



Map provided by the Brown County Planning & Land Services Department - Land Information Office (LIO)

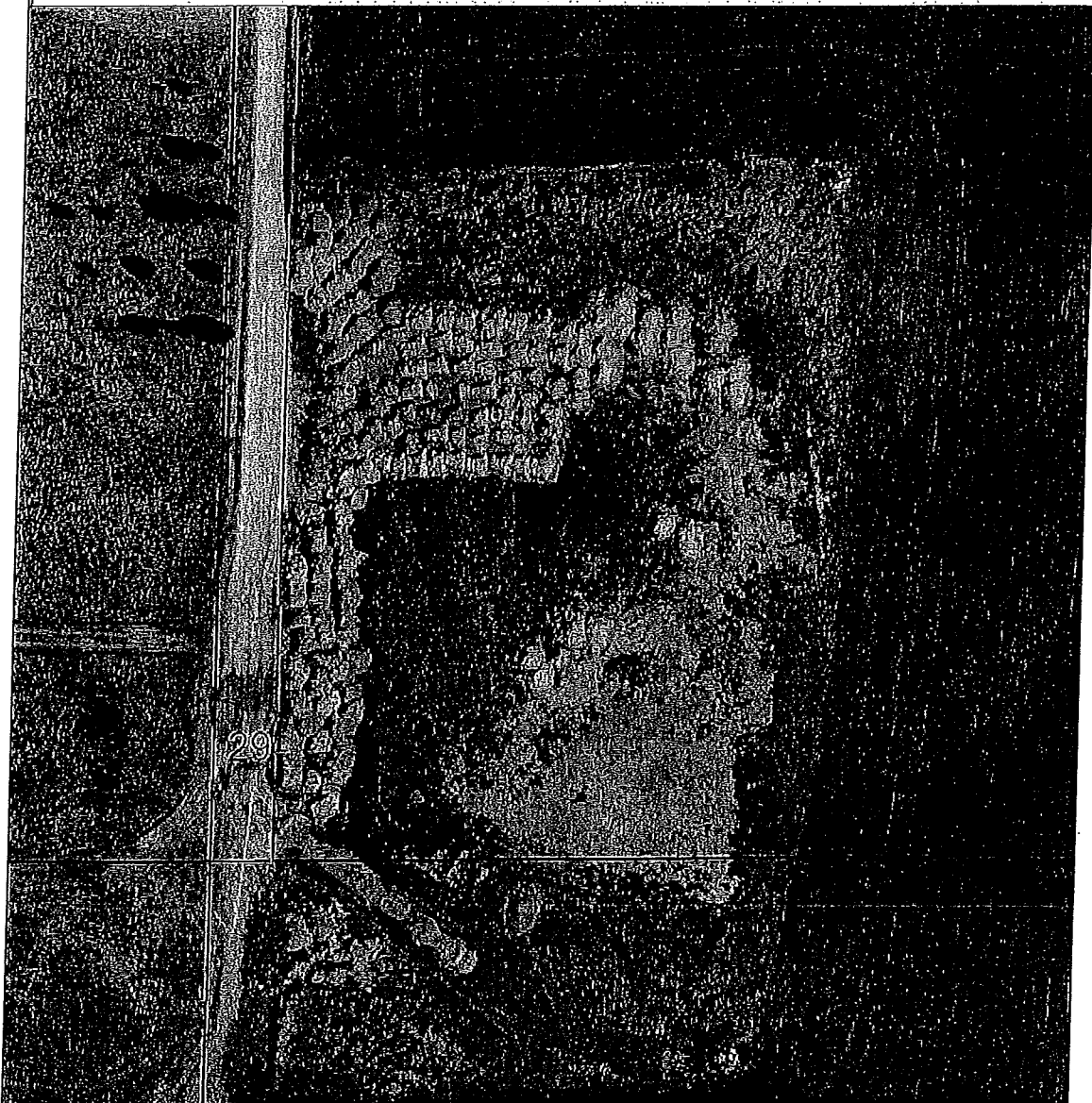
A map key (legend) and other information about this map is available at: maps.gis.co.brown.wi.us

This map is intended for advisory purposes only. It is based on sources believed to be reliable, but Brown County distributes this information on an "As Is" basis. No warranties are implied. Boundaries shown on this map are general representations only and should not be used for legal documentation, boundary survey determinations, or other property boundary issues.

09/11/2015
Scale 1:7200

300 BLK W. Adam Drive

2014 Aerial - Debris Disposal Area

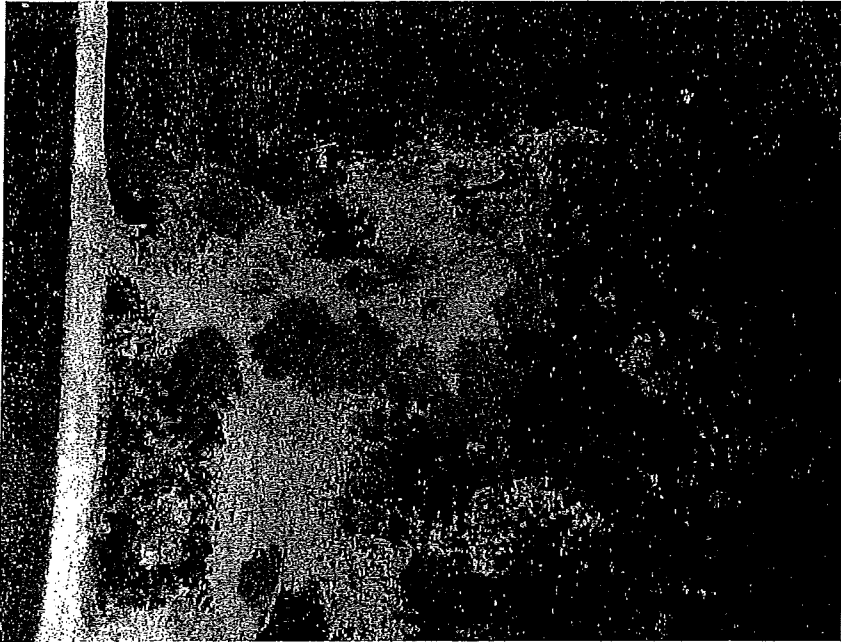


Map provided by the Brown County Planning & Land Services Department - Land Information Office (LIO)

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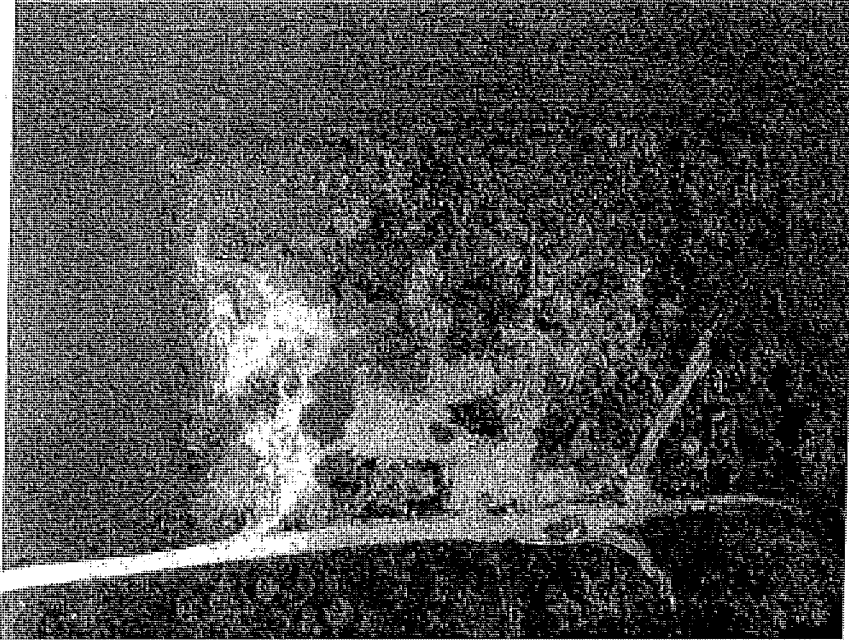
09/11/2016
Scale 1:720



Aerial view – north on top



Aerial view – south on top



Aerial view – east on top



Aggregate pile with PVC



Miscellaneous debris pile



Concrete pieces

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 Amendment to the Oneida Tribe of Indians of WI - Enterprise 401(k) Plan with Transamerica

3. Supporting Materials

Report Resolution Contract

Other:

1. Annual Participant Notice

3. PPA Restatement Package revised

2. PPA Restatement Signature Pages

4. Replacement pages

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Larry Barton, Chief Financial Officer

Primary Requestor: Terry Cornelius, CFA /Finance
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Denise Vigue, Executive Assistant/Finance
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

BC approval needed before any plan changes can occur and before representative signs documents.

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 Enterprise 401(k) Plan ("Plan")
IMPORTANT NOTICE TO PARTICIPANTS FOR THE 2016 PLAN YEAR

PURPOSE OF THIS NOTICE: Oneida Tribe of Indians of Wisconsin (Employer) is helping to make saving for retirement under our Plan easier by offering automatic plan enrollment.

In addition to this notice, you can also find out much more about the Plan provisions in another document, the Plan's Summary Plan Description (SPD) including any supplements to the SPD.

Your Right to Make Salary Deferrals into the Plan: Saving with your 401(k) Plan has many advantages. Automatic payroll deductions make savings convenient, and you may enjoy immediate and future federal income tax savings. That means your savings can grow substantially over time. Your 401(k) Plan also offers you the option of saving on an after-tax basis if you so elect. The current limit on elective contributions is \$18,000 (as indexed annually). You may change your elective contribution rate as of any business day. Please see your SPD for the information about the Plan's eligibility requirements.

You can enroll in the Plan, change your pre-tax and/or after-tax Roth elective contribution level and/or investment choice(s) by going online at www.TA-Retirement.com or by calling (800) 401-TRAN (8726). Your enrollment selections will generally be effective as of the elective contribution change dates reflected above.

Does the Plan's automatic enrollment feature apply to me?

Yes, as of April 1, 2011 and thereafter, if you are a new hire who satisfies the Plan's eligibility requirements, you will automatically be enrolled in the Plan if you do not enroll online at www.TA-Retirement.com. Each pay period following the date you first become eligible, 3% will be deducted from your paycheck and invested in the Vanguard Target Retirement - Investor Target Maturity series. You may change your automatic enrollment contribution percentage and/or make a different investment choice, or opt out of the Plan entirely, by enrolling online at www.TA-Retirement.com. You may also elect to make Roth elective contributions to the Plan.

The pre-tax elective contributions taken out of your pay are not subject to federal income tax at the time of payroll deduction. Instead, they are contributed to your Plan account and can grow over time with earnings. Your account will be subject to federal income tax only when withdrawn. This helpful tax rule is a good reason to save for retirement through pre-tax elective contributions.

The Automatic Contribution Percentage under the Plan: Pre-tax elective contributions will be taken out of your pay if you do nothing but you are always in charge of the amount that you contribute. If you decide to do nothing and you do not go online or submit a completed enrollment form, you will become automatically enrolled and 3% of your eligible pay for each pay period will be contributed to the Plan.

Your Right to Stop the Automatic Contributions or to Choose a Different Contribution Rate: Alternatively, you may go online or submit a completed enrollment form and elect to contribute an amount that better meets your needs. You can change your pre-tax elective contributions by going online or turning in a new enrollment form to the Plan Administrator at the address listed at the end of this notice. If you want to contribute more to your Plan account than would be provided automatically, there are limits on the maximum amount. To learn more about these limits and about the Plan's definition of eligible pay, please see your SPD.

Additional Information About Employer Contributions: You can learn more about any additional Employer Contributions that may be made to the Plan by referring to the section of your SPD regarding Employer Contributions. In addition, please refer to the definition of Compensation in your SPD for further information regarding the types of eligible pay which may be used to determine Contribution amounts and any limits on Compensation that may apply.

If I do not make an investment election, how will my contributions be invested?

Qualified Default Investment Alternative (QDIA): The Plan Fiduciary has decided to include a Qualified Default Investment Alternative (QDIA) under the Plan. This decision will not change any investment elections you have already made. This notice will explain more about what this may mean to you.

Your Right to Direct Investments: Your Plan allows you to direct the investment of some or all of the contributions made on your behalf in a number of investment choices. If you fail to provide investment direction, your Plan's Fiduciary will invest Plan contributions in a QDIA established under the Plan. The Plan Fiduciary has chosen the Vanguard Target Retirement - Investor Target Maturity series issued by Vanguard as the QDIA for contributions made to your Plan account(s). Contributions invested in the QDIA are subject to gains or losses like other investment choices available under your Plan including losses near and following retirement, and there is no guarantee that the investment will provide adequate retirement income.

Your Right to Transfer Out of the Default Alternative Without Penalty: Subject to your Plan's distribution rules, you may withdraw defaulted contributions invested on your behalf by your Plan's Fiduciary in the QDIA. You may also make transfers from the QDIA to any other investment

choice offered under the Plan on any business day without any penalties or fees, such as redemption or liquidation fees. However, the QDIA will be assessed an investment management fee and Contract Asset Charges, if applicable, and the Expense Ratio will be as noted below. In addition, Plan service fees may be charged on any withdrawal or distribution of your account balance from the QDIA.

Consequences of Your Failure to Make an Investment Election: When you fail to give investment direction after having been provided the opportunity to do so and the Plan's Fiduciary invests contributions on your behalf in the QDIA, you are considered to have exercised control over the investment of assets in your account(s). Neither the Trustees of your Plan nor your Employer or the Plan's Fiduciary will be liable to you for any loss that is the result of such investments.

Description of the Default Alternative: The Vanguard Target Retirement - Investor Target Maturity series allow participants to invest for retirement in one single step, into a fund that automatically adjusts to a more conservative allocation as retirement grows near. Default allocations are based on a projected retirement age of 65. If you have already turned 65, your contributions will be allocated to the most conservative fund available. A detailed description of the allocations by year of birth is listed next to each investment choice below:

If you were born:	Your applicable Vanguard Target Retirement - Investor Fund is:
On or before 1942	Vanguard Target Retirement Income Fund
01/01/1943 - 12/31/1947	Vanguard Target Retirement 2010 Fund
01/01/1948 - 12/31/1952	Vanguard Target Retirement 2015 Fund
01/01/1953 - 12/31/1957	Vanguard Target Retirement 2020 Fund
01/01/1958 - 12/31/1962	Vanguard Target Retirement 2025 Fund
01/01/1963 - 12/31/1967	Vanguard Target Retirement 2030 Fund
01/01/1968 - 12/31/1972	Vanguard Target Retirement 2035 Fund
01/01/1973 - 12/31/1977	Vanguard Target Retirement 2040 Fund
01/01/1978 - 12/31/1982	Vanguard Target Retirement 2045 Fund
01/01/1983 - 12/31/1987	Vanguard Target Retirement 2050 Fund
01/01/1988 - 12/31/1992	Vanguard Target Retirement 2055 Fund
1993 and later	Vanguard Target Retirement 2060 Fund

For example, if you were born in 1958 and you fail to give investment direction, your Plan's Fiduciary will invest contributions made on your behalf in the Vanguard Target Retirement 2025 Fund.

Risk and Return Characteristics:

The investment choice(s) listed invest in a combination of domestic and foreign stocks, bonds, U.S. treasuries and money market securities.

Investment Risk:

The values of stock change in response to general market and economic conditions and the circumstances of individual issuers. The values of bonds change in response to changes in economic conditions, interest rates and the creditworthiness of individual issues.

Name of Fund:	Investment Strategy:	Expense Ratio:
Vanguard Target Retirement Income Fund	The investment seeks to provide current income and some capital appreciation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors currently in retirement. Its indirect bond holdings are a diversified mix of short-, intermediate-, and long-term U.S. government, U.S. agency, and investment-grade U.S. corporate bonds; inflation-protected public obligations issued by the U.S. Treasury; mortgage-backed and asset-backed securities; and government, agency, corporate, and securitized investment-grade foreign bonds issued in currencies other than the U.S. dollar.	0.16
Vanguard Target Retirement 2010 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2010 (the target year). Its asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.16
Vanguard Target Retirement 2015 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2015 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.16
Vanguard Target Retirement 2020 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2020 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.16
Vanguard Target Retirement 2025 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2025 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.17
Vanguard Target Retirement 2030 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2030 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.17

Vanguard Target Retirement 2035 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2035 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2040 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2040 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2045 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2045 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2050 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2050 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2055 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2055 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2060 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2060 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18

How to Make an Affirmative Investment Election: The investment fact sheet will provide you more information about the investment objectives, risk and return characteristics, and fees and expenses of the QDIA and the other investment choices available to you. To view the investment fact sheet, to make your own investment choices, or to move funds previously invested on your behalf, you may go online at www.TA-Retirement.com, or call (800) 401-TRAN (8726).

When will my Plan account be vested?

To be vested in Plan contributions means that the contributions made on your behalf (together with any investment gain or loss) will belong to you, and you will not lose them when you leave your job. You will always be 100% vested in your elective contributions made to the Plan.

Employer matching contributions will vest under a 6-year graded (1-0%, 2-20%, 3-40%, 4-60%, 5-80%, 6-100%) vesting schedule.

Employer non-matching contributions will vest under a 6-year graded (1-0%, 2-20%, 3-40%, 4-60%, 5-80%, 6-100%) vesting schedule.

Please see your SPD for more details.

Withdrawal Information:

Even if you are vested in your Plan account, there are limitations on when you may withdraw your funds from the Plan. These limitations may be important to you in deciding how much to contribute to the Plan. Generally, you may only withdraw your pre-tax and/or Roth elective contributions after you leave your job, incur a financial hardship, or become disabled. There is generally an additional 10% tax on distributions taken before age 59½. Also, your beneficiary may be entitled to receive any vested amount remaining in your Plan account(s) when you die. See your SPD for more details.

You can learn more about the Plan's withdrawal rules in the SPD. You can also learn more about the additional 10% tax in IRS Publication 575, Pension and Annuity Income.

HOW TO OBTAIN ADDITIONAL INFORMATION:

If you need a copy of the SPD or have any additional questions, please contact Terry Cornelius who may be reached at (920) 869-4410, N7210 Seminary Road P.O. Box 365, Oneida, WI 54155

Plan recordkeeping and administration services are provided by Transamerica Retirement Solutions Corporation ("Transamerica" or "Transamerica Retirement Solutions"), which is headquartered in Los Angeles, CA. The investment choices are available through a contract issued by Transamerica Financial Life Insurance Company ("TFLIC"), TA-AP-2001-CONT, or Transamerica Life Insurance Company ("TLIC"), TGP-439-194, TGP-416-192/194, TGP-430-192/194, CNT-TALIAC 05-02, or CNT-TLIC 10-05. Transamerica is an affiliate of TFLIC and TLIC. TFLIC is not authorized and does not do business in the following jurisdictions: Guam, Puerto Rico, and the U.S. Virgin Islands. TLIC is not authorized in New York and does not do business in New York. Contract form and number may vary, and these investment choices may not be available in all jurisdictions. Fees and charges may apply. Certain limitations on the number of investment choices for your plan will still apply. For complete information, contact your Transamerica representative.

The adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under Code §401 only to the extent provided in Rev. Proc. 2011-49 or subsequent guidance.

The Employer may not rely on the advisory letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the advisory letter issued with respect to the Plan and in Rev. Proc. 2011-49 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, application for a determination letter must be made to Employee Plans Determinations of the Internal Revenue Service.

This Adoption Agreement may be used only in conjunction with the Volume Submitter basic Plan document #07. This Adoption Agreement and the basic Plan document will together be known as Transamerica Retirement Solutions Corporation Volume Submitter 401(k) Profit Sharing Plan #07-003.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

Transamerica Retirement Solutions Corporation will notify the Employer of any amendments made to the Plan or of the discontinuance or abandonment of the Plan. Furthermore, in order to be eligible to receive such notification, the Employer agrees to notify Transamerica Retirement Solutions Corporation of any change in address. In addition, this Plan is provided to the Employer either in connection with investment in a product or pursuant to a contract or other arrangement for products and/or services. Upon cessation of such investment in a product or cessation of such contract or arrangement, as applicable, the Employer is no longer considered to be an adopter of this Plan and Transamerica Retirement Solutions Corporation no longer has any obligations to the Employer that relate to the adoption of this Plan.

With regard to any questions regarding the provisions of the Plan, adoption of the Plan, or the effect of an advisory letter from the IRS, call or write (this information must be completed by the sponsor of this Plan or its designated representative):

Name: Transamerica Retirement Solutions Corporation

Address: 8488 Shepherd Farm Drive

West Chester Ohio 45069

Telephone: (800) 371-5086

The Employer and Trustee (or Insurer), by executing below, hereby adopt this Plan:

EMPLOYER: Oneida Tribe of Indians of Wisconsin

By: _____ **DATE SIGNED**

TRUSTEE (OR INSURER):

[X] The signature of the Trustee or Insurer appears on a separate agreement or Contract,

OR (add additional Trustee signature lines as necessary)

TRUSTEE OR INSURER

DATE SIGNED

ADOPTING RESOLUTION

The undersigned authorized representative of Oneida Tribe of Indians of Wisconsin (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on the date specified below, and that such resolutions have not been modified or rescinded as of the signature date below:

RESOLVED, that the form of amended 401(k) Profit Sharing Plan and Trust effective January 1, 2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto are true copies of Oneida Tribe of Indians of Wisconsin Enterprise 401(k) Plan as amended and restated, the Summary Plan Description and the Funding Policy and Method which are hereby approved and adopted.

Date: _____

By: _____

[print name/title]

This Agreement shall be effective on the date last executed by a party to this Agreement unless such date is set forth on the Trust Specifications Schedule.

IN WITNESS WHEREOF, the Employer and the Trustee have caused this Agreement to be signed by their duly authorized officers or representatives as of the day first written above.

EMPLOYER

Oneida Tribe of Indians of Wisconsin

By: _____

Title: _____

Date: _____

TRUSTEE

RELIANCE TRUST COMPANY



By:

Title: Vice President

Date: January 1, 2016



Oneida Tribe of Indians of Wisconsin Enterprise 401(k) Plan

In both the March and November 2014 issues of Sponsor E-News, we informed you of the upcoming required restatement of “pre-approved” defined contribution plan documents (e.g. 401(k), Profit Sharing or Money Purchase plans). In case you missed those articles, every six years the Internal Revenue Service (IRS) requires that “pre-approved” defined contribution plan documents be restated in their entirety to include language for changes in applicable laws or regulations. This restatement process also provides an excellent opportunity to incorporate any discretionary amendments you’ve made to your plan during the past six years into your new plan document and/or mirror your plan’s actual operation.

Transamerica has prepared your restated plan documents **and we have also included your amendment request to change the automatic deferral percentage from 1% to 3%, and to allow employer match on Roth deferrals.**

Included for your review are the following:

- Adoption Agreement and Appendices
- Resolution
- IRS Advisory Letter
- Passive Trust Agreement
- Summary Plan Description
- Base Plan and Trust document
- PPA Restatement Signature Pages
- 2016 Annual Participant Notice (Automatic Enrollment Notice)

To ensure compliance with IRS regulations, timing is very important. Please review these documents to confirm that they accurately reflect the provisions of your plan. If these documents meet your approval, please have the appropriate party sign and date where indicated on each of the **PPA Restatement Signature Pages**. **Please return only the signed signature pages to me within 30 days of receipt of these documents. You may return these to me by email at jon.masica@transamerica.com** or by hard copy mail at:

Transamerica Retirement Solutions
8488 Shepherd Farm Drive
West Chester, OH 45069

Please note that the document restatement fee of \$1,000 will be included on your next quarterly invoice from Transamerica.

Please note that Transamerica will not be automatically submitting your plan to the IRS to receive a determination letter regarding the customized language in your document. Your plan has received IRS approval in the past, but should you wish to submit the plan to the IRS for an individual determination letter, more information detailing the procedure and associated costs can be provided upon request. The preceding is not meant to represent legal advice or guidance.

Please contact me at (800) 371-5086 ext. 3304 or jon.masica@transamerica.com should you wish to make any changes, if you believe there is a discrepancy, or if you have any questions regarding these plan documents.

Thank you,

Jon Masica
Compliance Analyst
Document & Consulting Services

AND, if k., l., or m. above is selected, a Participant whose Affirmative Election has expired will be automatically re-enrolled unless the Participant makes another Affirmative Election, including an election not to participate (0%). Existing Affirmative Elections at or above the Automatic Deferral amount will not expire, and a Participant will continue to defer at such rate unless and until the Participant makes some other Affirmative Election.

- D. **Automatic Deferral amount.** Unless a Participant makes an Affirmative Election, the Employer will withhold the following Automatic Deferral amount (only select one):
- n. 3 % of Compensation for each payroll period (if a QACA, must not be more than 10% and may not be less than 3% if escalation provisions used in r. below or 6% if no escalation provisions are selected)
- o. \$ _____ for each payroll period (may not be selected if a QACA or EACA)
- p. **QACA statutory minimum schedule** (may select even if Plan is not a QACA). Unless a modified QACA statutory schedule is selected below, the Employer will withhold from a Participant's Compensation each payroll period the percentage of Compensation set forth in the following, which is based on the Plan Year of application to a Participant: 1-2 years-3%; 3 years-4%; 4 years-5%; 5 or more-6%. (if selected, skip E.)

1. The following modified QACA statutory schedule will apply:

<u>Plan Year of application to a Participant</u>	<u>Automatic Deferral Percentage</u>
1 - 2	_____% (not less than 3)
3	_____% (not less than 4)
4	_____% (not less than 5)
5	_____% (not less than 6 and not more than 10)
6 and thereafter	_____% (not less than 6 and not more than 10)

NOTE: If Plan only applies escalation provisions to Participants with Affirmative Elections then select n. above and enter the percentage at which escalation applies (e.g., if escalation only applies to Participants who have an Affirmative Election of 3% or greater, then enter 3%).

- E. **Escalation of Automatic Deferral amount** (may not be selected with 26.p.)
- q. No escalation
- r. **Scheduled increases.** The initial Automatic Deferral amount will increase as selected below (may not be selected with p. above):
1. by _____% of Compensation up to a maximum of _____% of Compensation (may not be selected if a QACA)
2. by \$ _____ up to a maximum of \$ _____ (may not be selected if a QACA or EACA)
3. other: _____ (in order to satisfy the QACA requirements (if applicable), an alternative Automatic Deferral amount schedule (i) must be uniform based on the number of years, or portions of years, since the beginning of the initial period for a Participant, (ii) must satisfy the minimum percentage requirement in p. above throughout the Plan Year, and (iii) must not exceed 10% of Compensation)

Timing of escalation

4. N/A (entry at r.3. includes timing provision)
5. The escalation provision above will apply as of:
- a. each anniversary of the Participant's date of hire
- b. each anniversary of the Participant's Entry Date
- c. the first day of each Plan Year
- d. the first day of each calendar year
- e. other: _____ (must be a specified date that occurs at least annually after the Plan Year in which the Participant is first subject to the Automatic Contribution Arrangement).

First period of application. Unless selected below, the escalation provision above will apply as of the second period specified above that begins after the period in which the Participant first has contributions made pursuant to a default election.

- f. The escalation provision will apply as of the first period after the Participant first has contributions made pursuant to a default election (or the date of Affirmative Election if 6. or 7. below is selected).

Application to Participants with Affirmative Elections

Unless selected below, the escalation provisions will not apply to Participants with an Affirmative Election.

6. The escalation provisions apply to Participants with an Affirmative Election of at least _____% of Compensation.
7. The escalation provisions apply to Participants with an Affirmative Election in accordance with the following rules: _____ (must be definitely determinable in accordance with Regulation §1.401-1(b)(1)(ii) and if an EACA, must be uniform).

GOVERNING LAW/JURISDICTION

All of the provisions of this Plan shall be construed and enforced according to the Tribal laws of the Oneida Tribe of Indians of Wisconsin and shall be administered according to the laws of such Tribe, except as otherwise required by the Code or other applicable federal law. The position of the Tribe and Employer is that the Act does not apply to this Plan in particular or to the Tribe or its enterprises in general. Nothing in this Plan or its Trust Agreement shall be construed to make applicable any laws or regulations which the Tribe and/or the Employer is entitled to exemption from in accordance with its sovereign status.

Deferral Limit. As a Participant, you may elect to defer a percentage of your compensation each year instead of receiving that amount in cash. Such election will also apply to irregular pay (e.g., bonuses). Your total deferrals in any taxable year may not exceed a dollar limit which is set by law. The limit for 2015 is \$18,000. After 2015, the dollar limit may increase for cost-of-living adjustments. See the paragraph below on Annual dollar limit. The Administrator will notify you of the maximum percentage you may defer.

Catch-up contributions. If you are at least age 50 or will attain age 50 before the end of a calendar year, then you may elect to defer additional amounts (called "catch-up contributions") to the Plan as of the January 1st of that year. The additional amounts may be deferred regardless of any other limitations on the amount that you may defer to the Plan. The maximum "catch-up contribution" that you can make in 2015 is \$6,000. After 2015, the maximum may increase for cost-of-living adjustments. Any "catch-up contributions" that you make will not be taken into account in determining any Employer matching contribution made to the Plan.

Automatic Deferral. Effective April 1, 2011, the Plan includes an automatic salary deferral feature. Your Employer will automatically withhold a portion of your compensation from your pay each payroll period and contribute that amount to the Plan as a Pre-Tax 401(k) deferral. The Automatic Deferral provisions apply to all new Participants who were hired after the effective date of the Automatic Deferral provisions.

Automatic Deferral provisions. The following provisions apply to these Automatic Deferrals:

- You may complete a salary deferral agreement to elect an alternative deferral amount or to elect not to defer under the Plan in accordance with the deferral procedures of the Plan. Your election will remain in effect until you modify or terminate it.
- The amount to be automatically withheld from your pay each payroll period will be equal to 3% of your compensation.
- If your salary deferrals are automatically suspended under the terms of the Plan (e.g., to qualify for a hardship distribution), then your deferral agreement that was in place prior to the suspension will continue in effect after the suspension.

Contact the Administrator if you have any questions concerning the application of this Automatic Deferral provision.

Annual dollar limit. You should also be aware that each separately stated annual dollar limit on the amount you may defer (the annual deferral limit and the "catch-up contribution" limit) is a separate aggregate limit that applies to all such similar salary deferral amounts and "catch-up contributions" you may make under this Plan and any other cash or deferred arrangements (including tax-sheltered 403(b) annuity contracts, simplified employee pensions or other 401(k) plans) in which you may be participating. Generally, if an annual dollar limit is exceeded, then the excess must be returned to you in order to avoid adverse tax consequences. For this reason, it is desirable to request in writing that any such excess salary deferral amounts and "catch-up contributions" be returned to you.

If you are in more than one plan, you must decide which plan or arrangement you would like to return the excess. If you decide that the excess should be distributed from this Plan, you must communicate this in writing to the Administrator not later than the March 1st following the close of the calendar year in which such excess deferrals were made. However, if the entire dollar limit is exceeded in this Plan or any other plan your Employer maintains, then you will be deemed to have notified the Administrator of the excess. The Administrator will then return the excess deferrals and any earnings to you by April 15th.

Allocation of deferrals. The Administrator will allocate the amount you elect to defer to an account maintained on your behalf. You will always be 100% vested in this account (see the Article in this SPD entitled "Vesting"). This means that you will always be entitled to all amounts that you defer. This money will, however, be affected by any investment gains or losses. If there is an investment gain, then the balance in your account will increase. If there is an investment loss, then the balance in your account will decrease.

Distribution of deferrals. The rules regarding distributions of amounts attributable to your salary deferrals are explained later in this SPD. However, if you are a highly compensated employee (generally more than 5% owners and certain family members (regardless of how much they earn), or individuals receiving wages in excess of certain amounts established by law), a distribution of amounts attributable to your salary deferrals or certain excess contributions may be required to comply with the law. The Administrator will notify you when a distribution is required.

What are "rollover" contributions?

Rollover contributions. At the discretion of the Administrator, if you are a Participant who is currently employed or an Eligible Employee, you may be permitted to deposit into the Plan distributions you have received from other retirement plans and certain IRAs. Such a deposit is called a "rollover" contribution and may result in tax savings to you. You may ask the Administrator or Trustee of the other plan or IRA to directly transfer (a "direct rollover") to this Plan all or a portion of any amount that you are entitled to receive as a distribution from such plan. Alternatively, you may elect to deposit any amount eligible to be rolled over within 60 days of your receipt of the distribution. You should consult qualified counsel to determine if a rollover is in your best interest.

Rollover account. Your "rollover" contribution will be accounted for in a "rollover account." You will always be 100% vested in your "rollover account" (see the Article in this SPD entitled "Vesting"). This means that you will always be entitled to all amounts in your "rollover account." Rollover contributions will be affected by any investment gains or losses.

Withdrawal of "rollover" contributions. You may withdraw the amounts in your "rollover account" at any time.

What are In-Plan Roth Rollover Contributions?

In-Plan Roth Rollover Contributions. Effective April 1, 2011, if you are eligible for a distribution from an account and you are currently an employee, you may elect to roll over the distribution to a designated Roth contribution account in the Plan (referred to as an In-Plan Roth Rollover Contribution). You may only roll over the distribution directly.

Taxation and irrevocable election. You do not pay taxes on the contributions or earnings of your pre-tax accounts (including accounts attributable to Employer contributions) until you receive an actual distribution. In other words, the taxes on the contributions and earnings in your pre-tax accounts are deferred until a distribution is made. Roth accounts, however, are the opposite. With a Roth account you pay current taxes on the amounts contributed. When a distribution is made to you from the Roth account, you do not pay taxes on the amounts you had contributed. In addition, if you have a "qualified distribution" (explained below), you do not pay taxes on the earnings that are attributable to the contributions.

If you elect an In-Plan Roth Rollover Contribution, then the contribution will be included in your income for the year. Once you make an election, it cannot be changed. It's important that you understand the tax effects of making the election and ensure you have adequate resources outside of the Plan to pay the additional taxes. The In-Plan Roth Rollover Contribution does not affect the timing of when a distribution may be made to you under the Plan; the contribution only changes the tax character of your account. You should consult with your tax advisor prior to making such a rollover.

Qualified distribution. As explained above, a distribution of the earnings on your Roth account will not be subject to tax if the distribution is a "qualified distribution." A "qualified distribution" is one that is made after you have attained age 59 1/2 or is made on account of your death or disability. In addition, in order to be a "qualified distribution," the distribution cannot be made prior to the expiration of a 5-year participation period. The 5-year participation period is the 5-year period beginning on the calendar year in which you first make the Roth rollover and ending on the last day of the calendar year that is 5-years later. See "What are my tax consequences when I receive a distribution from the Plan?" later in this SPD.

The law restricts any in-service distributions from certain accounts which are maintained for you under the Plan before you reach age 59 1/2. These accounts are the ones set up to receive your salary deferral contributions and other Employer contributions which are used to satisfy special rules for 401(k) plans. Ask the Administrator if you need more details.

ARTICLE III EMPLOYER CONTRIBUTIONS

In addition to any deferrals you elect to make, your Employer may make additional contributions to the Plan. This Article describes Employer contributions that may be made to the Plan and how your share of the contribution is determined.

What is the Employer matching contribution and how is it allocated?

Matching contribution. Your Employer may make a discretionary matching contribution equal to a uniform percentage of your salary deferrals. Each year, your Employer will determine the amount of the discretionary percentage. However, any salary deferrals that are "catch-up contributions" will not be matched.

Limit on matching contribution. Your Employer has the option to apply the matching contribution by disregarding (i.e., not matching) salary deferrals that exceed a certain dollar amount or a certain percentage of your compensation for such period. The Administrator will inform you of this limit.

Allocation conditions. You will always share in the matching contribution regardless of the amount of service you complete during the Plan Year.

What is the Employer profit sharing contribution and how is it allocated?

Profit sharing contribution. Each year, your Employer may make a discretionary profit sharing contribution to the Plan. Your share of any contribution is determined below.

Allocation conditions. In order to share in the profit sharing contribution for a Plan Year, you must satisfy the following conditions:

- If you are employed on the last day of the Plan Year, you will share if you completed a Year of Service during the Plan Year.
- If you terminate employment (not employed on the last day of the Plan Year), you will not share regardless of the amount of service you completed during the Plan Year.
- You will share in the profit sharing contribution for the year regardless of the amount of service you completed during the Plan Year in the year of your death, disability or termination of employment after Normal Retirement Age. This waiver of allocation conditions will only apply once during your employment history with the Employer (e.g., if you retire, are rehired and then retire again, the waiver only applies to your initial retirement).

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 Amendment to the Oneida Tribe of Indians of WI - Governmental 401(k) Plan with Transamerica

3. Supporting Materials

Report Resolution Contract

Other:

1. Annual Participant Notice

3. PPA Restatement Package revised

2. PPA Restatement Signature Pages

4. Replacement pages

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Larry Barton, Chief Financial Officer

Primary Requestor: Terry Cornelius, CFA /Finance
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Denise Vigue, Executive Assistant/Finace
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

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

BC approval needed before any plan changes can occur and before representative signs documents.

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 Governmental 401(k) Plan ("Plan")
IMPORTANT NOTICE TO PARTICIPANTS FOR THE 2016 PLAN YEAR

PURPOSE OF THIS NOTICE: Oneida Tribe of Indians of Wisconsin (Employer) is helping to make saving for retirement under our Plan easier by offering automatic plan enrollment.

In addition to this notice, you can also find out much more about the Plan provisions in another document, the Plan's Summary Plan Description (SPD) including any supplements to the SPD.

Your Right to Make Salary Deferrals into the Plan: Saving with your 401(k) Plan has many advantages. Automatic payroll deductions make savings convenient, and you may enjoy immediate and future federal income tax savings. That means your savings can grow substantially over time. Your 401(k) Plan also offers you the option of saving on an after-tax basis if you so elect. The current limit on elective contributions is \$18,000 (as indexed annually). You may change your elective contribution rate as of each payroll period. Please see your SPD for the information about the Plan's eligibility requirements.

You can enroll in the Plan, change your pre-tax and/or after-tax Roth elective contribution level and/or investment choice(s) by going online at www.TA-Retirement.com or by calling (800) 401-TRAN (8726). Your enrollment selections will generally be effective as of the elective contribution change dates reflected above.

Does the Plan's automatic enrollment feature apply to me?

Yes, as of April 1, 2011 and thereafter, if you are a new hire who satisfies the Plan's eligibility requirements, you will automatically be enrolled in the Plan if you do not enroll online at www.TA-Retirement.com. Each pay period following the date you first become eligible, 3% will be deducted from your paycheck and invested in the Vanguard Target Retirement - Investor Target Maturity series. You may change your automatic enrollment contribution percentage and/or make a different investment choice, or opt out of the Plan entirely, by enrolling online at www.TA-Retirement.com. You may also elect to make Roth elective contributions to the Plan.

The pre-tax elective contributions taken out of your pay are not subject to federal income tax at the time of payroll deduction. Instead, they are contributed to your Plan account and can grow over time with earnings. Your account will be subject to federal income tax only when withdrawn. This helpful tax rule is a good reason to save for retirement through pre-tax elective contributions.

The Automatic Contribution Percentage under the Plan: Pre-tax elective contributions will be taken out of your pay if you do nothing but you are always in charge of the amount that you contribute. If you decide to do nothing and you do not go online or submit a completed enrollment form, you will become automatically enrolled and 3% of your eligible pay for each pay period will be contributed to the Plan.

Your Right to Stop the Automatic Contributions or to Choose a Different Contribution Rate: Alternatively, you may go online or submit a completed enrollment form and elect to contribute an amount that better meets your needs. You can change your pre-tax elective contributions by going online or turning in a new enrollment form to the Plan Administrator at the address listed at the end of this notice. If you want to contribute more to your Plan account than would be provided automatically, there are limits on the maximum amount. To learn more about these limits and about the Plan's definition of eligible pay, please see your SPD.

Additional Information About Employer Contributions: You can learn more about any additional Employer Contributions that may be made to the Plan by referring to the section of your SPD regarding Employer Contributions. In addition, please refer to the definition of Compensation in your SPD for further information regarding the types of eligible pay which may be used to determine Contribution amounts and any limits on Compensation that may apply.

If I do not make an investment election, how will my contributions be invested?

Qualified Default Investment Alternative (QDIA): The Plan Fiduciary has decided to include a Qualified Default Investment Alternative (QDIA) under the Plan. This decision will not change any investment elections you have already made. This notice will explain more about what this may mean to you.

Your Right to Direct Investments: Your Plan allows you to direct the investment of some or all of the contributions made on your behalf in a number of investment choices. If you fail to provide investment direction, your Plan's Fiduciary will invest Plan contributions in a QDIA established under the Plan. The Plan Fiduciary has chosen the Vanguard Target Retirement - Investor Target Maturity series issued by Vanguard as the QDIA for contributions made to your Plan account(s). Contributions invested in the QDIA are subject to gains or losses like other investment choices available under your Plan including losses near and following retirement, and there is no guarantee that the investment will provide adequate retirement income.

Your Right to Transfer Out of the Default Alternative Without Penalty: Subject to your Plan's distribution rules, you may withdraw defaulted contributions invested on your behalf by your Plan's Fiduciary in the QDIA. You may also make transfers from the QDIA to any other investment

choice offered under the Plan on any business day without any penalties or fees, such as redemption or liquidation fees. However, the QDIA will be assessed an investment management fee and Contract Asset Charges, if applicable, and the Expense Ratio will be as noted below. In addition, Plan service fees may be charged on any withdrawal or distribution of your account balance from the QDIA.

Consequences of Your Failure to Make an Investment Election: When you fail to give investment direction after having been provided the opportunity to do so and the Plan's Fiduciary invests contributions on your behalf in the QDIA, you are considered to have exercised control over the investment of assets in your account(s). Neither the Trustees of your Plan nor your Employer or the Plan's Fiduciary will be liable to you for any loss that is the result of such investments.

Description of the Default Alternative: The Vanguard Target Retirement - Investor Target Maturity series allow participants to invest for retirement in one single step, into a fund that automatically adjusts to a more conservative allocation as retirement grows near. Default allocations are based on a projected retirement age of 65. If you have already turned 65, your contributions will be allocated to the most conservative fund available. A detailed description of the allocations by year of birth is listed next to each investment choice below:

If you were born:	Your applicable Vanguard Target Retirement - Investor Fund is:
On or before 1942	Vanguard Target Retirement Income Fund
01/01/1943 - 12/31/1947	Vanguard Target Retirement 2010 Fund
01/01/1948 - 12/31/1952	Vanguard Target Retirement 2015 Fund
01/01/1953 - 12/31/1957	Vanguard Target Retirement 2020 Fund
01/01/1958 - 12/31/1962	Vanguard Target Retirement 2025 Fund
01/01/1963 - 12/31/1967	Vanguard Target Retirement 2030 Fund
01/01/1968 - 12/31/1972	Vanguard Target Retirement 2035 Fund
01/01/1973 - 12/31/1977	Vanguard Target Retirement 2040 Fund
01/01/1978 - 12/31/1982	Vanguard Target Retirement 2045 Fund
01/01/1983 - 12/31/1987	Vanguard Target Retirement 2050 Fund
01/01/1988 - 12/31/1992	Vanguard Target Retirement 2055 Fund
1993 and later	Vanguard Target Retirement 2060 Fund

For example, if you were born in 1958 and you fail to give investment direction, your Plan's Fiduciary will invest contributions made on your behalf in the Vanguard Target Retirement 2025 Fund.

Risk and Return Characteristics:

The investment choice(s) listed invest in a combination of domestic and foreign stocks, bonds, U.S. treasuries and money market securities.

Investment Risk:

The values of stock change in response to general market and economic conditions and the circumstances of individual issuers. The values of bonds change in response to changes in economic conditions, interest rates and the creditworthiness of individual issues.

Name of Fund:	Investment Strategy:	Expense Ratio:
Vanguard Target Retirement Income Fund	The investment seeks to provide current income and some capital appreciation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors currently in retirement. Its indirect bond holdings are a diversified mix of short-, intermediate-, and long-term U.S. government, U.S. agency, and investment-grade U.S. corporate bonds; inflation-protected public obligations issued by the U.S. Treasury; mortgage-backed and asset-backed securities; and government, agency, corporate, and securitized investment-grade foreign bonds issued in currencies other than the U.S. dollar.	0.16
Vanguard Target Retirement 2010 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2010 (the target year). Its asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.16
Vanguard Target Retirement 2015 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2015 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.16
Vanguard Target Retirement 2020 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2020 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.16
Vanguard Target Retirement 2025 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2025 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.17
Vanguard Target Retirement 2030 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2030 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.17

Vanguard Target Retirement 2035 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2035 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2040 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2040 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2045 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2045 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2050 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2050 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2055 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2055 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18
Vanguard Target Retirement 2060 Fund	The investment seeks to provide capital appreciation and current income consistent with its current asset allocation. The fund invests in other Vanguard mutual funds according to an asset allocation strategy designed for investors planning to retire and leave the workforce in or within a few years of 2060 (the target year). The fund's asset allocation will become more conservative over time, meaning that the percentage of assets allocated to stocks will decrease while the percentage of assets allocated to bonds and other fixed income investments will increase.	0.18

How to Make an Affirmative Investment Election: The investment fact sheet will provide you more information about the investment objectives, risk and return characteristics, and fees and expenses of the QDIA and the other investment choices available to you. To view the investment fact sheet, to make your own investment choices, or to move funds previously invested on your behalf, you may go online at www.TA-Retirement.com, or call (800) 401-TRAN (8726).

When will my Plan account be vested?

To be vested in Plan contributions means that the contributions made on your behalf (together with any investment gain or loss) will belong to you, and you will not lose them when you leave your job. You will always be 100% vested in your elective contributions made to the Plan.

Employer matching contributions will vest under a 6-year graded (1-0%, 2-20%, 3-40%, 4-60%, 5-80%, 6-100%) vesting schedule.

Employer non-matching contributions will vest under a 6-year graded (1-0%, 2-20%, 3-40%, 4-60%, 5-80%, 6-100%) vesting schedule.

Please see your SPD for more details.

Withdrawal Information:

Even if you are vested in your Plan account, there are limitations on when you may withdraw your funds from the Plan. These limitations may be important to you in deciding how much to contribute to the Plan. Generally, you may only withdraw your pre-tax and/or Roth elective contributions after you leave your job, incur a financial hardship, or become disabled. There is generally an additional 10% tax on distributions taken before age 59½. Also, your beneficiary may be entitled to receive any vested amount remaining in your Plan account(s) when you die. See your SPD for more details.

You can learn more about the Plan's withdrawal rules in the SPD. You can also learn more about the additional 10% tax in IRS Publication 575, Pension and Annuity Income.

HOW TO OBTAIN ADDITIONAL INFORMATION:

If you need a copy of the SPD or have any additional questions, please contact Terry Cornelius who may be reached at (920) 869-4410, N7210 Seminary Road P.O. Box 365, Oneida, WI 54155

Plan recordkeeping and administration services are provided by Transamerica Retirement Solutions Corporation ("Transamerica" or "Transamerica Retirement Solutions"), which is headquartered in Los Angeles, CA. The investment choices are available through a contract issued by Transamerica Financial Life Insurance Company ("TFLIC"), TA-AP-2001-CONT, or Transamerica Life Insurance Company ("TLIC"), TGP-439-194, TGP-416-192/194, TGP-430-192/194, CNT-TALIAC 05-02, or CNT-TLIC 10-05. Transamerica is an affiliate of TFLIC and TLIC. TFLIC is not authorized and does not do business in the following jurisdictions: Guam, Puerto Rico, and the U.S. Virgin Islands. TLIC is not authorized in New York and does not do business in New York. Contract form and number may vary, and these investment choices may not be available in all jurisdictions. Fees and charges may apply. Certain limitations on the number of investment choices for your plan will still apply. For complete information, contact your Transamerica representative.

The adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under Code §401 only to the extent provided in Rev. Proc. 2011-49 or subsequent guidance.

The Employer may not rely on the advisory letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the advisory letter issued with respect to the Plan and in Rev. Proc. 2011-49 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, application for a determination letter must be made to Employee Plans Determinations of the Internal Revenue Service.

This Adoption Agreement may be used only in conjunction with the Volume Submitter basic Plan document #07. This Adoption Agreement and the basic Plan document will together be known as Transamerica Retirement Solutions Corporation Volume Submitter 401(k) Profit Sharing Plan #07-003.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

Transamerica Retirement Solutions Corporation will notify the Employer of any amendments made to the Plan or of the discontinuance or abandonment of the Plan. Furthermore, in order to be eligible to receive such notification, the Employer agrees to notify Transamerica Retirement Solutions Corporation of any change in address. In addition, this Plan is provided to the Employer either in connection with investment in a product or pursuant to a contract or other arrangement for products and/or services. Upon cessation of such investment in a product or cessation of such contract or arrangement, as applicable, the Employer is no longer considered to be an adopter of this Plan and Transamerica Retirement Solutions Corporation no longer has any obligations to the Employer that relate to the adoption of this Plan.

With regard to any questions regarding the provisions of the Plan, adoption of the Plan, or the effect of an advisory letter from the IRS, call or write (this information must be completed by the sponsor of this Plan or its designated representative):

Name: Transamerica Retirement Solutions Corporation

Address: 8488 Shepherd Farm Drive

West Chester Ohio 45069

Telephone: (800) 371-5086

The Employer and Trustee (or Insurer), by executing below, hereby adopt this Plan:

EMPLOYER: Oneida Tribe of Indians of Wisconsin

By: _____

_____ **DATE SIGNED**

TRUSTEE (OR INSURER):

[X] The signature of the Trustee or Insurer appears on a separate agreement or Contract,

OR (add additional Trustee signature lines as necessary)

TRUSTEE OR INSURER

DATE SIGNED

ADOPTING RESOLUTION

The undersigned authorized representative of Oneida Tribe of Indians of Wisconsin (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on the date specified below, and that such resolutions have not been modified or rescinded as of the signature date below:

RESOLVED, that the form of amended 401(k) Profit Sharing Plan and Trust effective January 1, 2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto are true copies of Oneida Tribe of Indians of Wisconsin Governmental 401(k) Plan as amended and restated, the Summary Plan Description and the Funding Policy and Method which are hereby approved and adopted.

Date: _____

By: _____

[print name/title]

This Agreement shall be effective on the date last executed by a party to this Agreement unless such date is set forth on the Trust Specifications Schedule.

IN WITNESS WHEREOF, the Employer and the Trustee have caused this Agreement to be signed by their duly authorized officers or representatives as of the day first written above.

EMPLOYER

Oneida Tribe of Indians of Wisconsin

By: _____

Title: _____

Date: _____

TRUSTEE

RELIANCE TRUST COMPANY



By:

Title: Vice President

Date: January 1, 2016



Oneida Tribe of Indians of Wisconsin Governmental 401(k) Plan

In both the March and November 2014 issues of Sponsor E-News, we informed you of the upcoming required restatement of “pre-approved” defined contribution plan documents (e.g. 401(k), Profit Sharing or Money Purchase plans). In case you missed those articles, every six years the Internal Revenue Service (IRS) requires that “pre-approved” defined contribution plan documents be restated in their entirety to include language for changes in applicable laws or regulations. This restatement process also provides an excellent opportunity to incorporate any discretionary amendments you’ve made to your plan during the past six years into your new plan document and/or mirror your plan’s actual operation.

Transamerica has prepared your restated plan documents **and we have also included your amendment request to change the automatic deferral percentage from 1% to 3%, and to allow employer match on Roth deferrals.**

Included for your review are the following:

- Adoption Agreement and Appendices
- Resolution
- IRS Advisory Letter
- Passive Trust Agreement
- Summary Plan Description
- Base Plan and Trust document
- PPA Restatement Signature Pages
- 2016 Annual Participant Notice (Automatic Enrollment Notice)

To ensure compliance with IRS regulations, timing is very important. Please review these documents to confirm that they accurately reflect the provisions of your plan. If these documents meet your approval, please have the appropriate party sign and date where indicated on each of the **PPA Restatement Signature Pages**. **Please return only the signed signature pages to me within 30 days of receipt of these documents. You may return these to me by email at jon.masica@transamerica.com** or by hard copy mail at:

Transamerica Retirement Solutions
8488 Shepherd Farm Drive
West Chester, OH 45069

Please note that the document restatement fee of \$1,000 will be included on your next quarterly invoice from Transamerica.

Please note that Transamerica will not be automatically submitting your plan to the IRS to receive a determination letter regarding the customized language in your document. Your plan has received IRS approval in the past, but should you wish to submit the plan to the IRS for an individual determination letter, more information detailing the procedure and associated costs can be provided upon request. The preceding is not meant to represent legal advice or guidance.

Please contact me at (800) 371-5086 ext. 3304 or jon.masica@transamerica.com should you wish to make any changes, if you believe there is a discrepancy, or if you have any questions regarding these plan documents.

Thank you,

Jon Masica
Compliance Analyst
Document & Consulting Services

AND, if k., l., or m. above is selected, a Participant whose Affirmative Election has expired will be automatically re-enrolled unless the Participant makes another Affirmative Election, including an election not to participate (0%). Existing Affirmative Elections at or above the Automatic Deferral amount will not expire, and a Participant will continue to defer at such rate unless and until the Participant makes some other Affirmative Election.

- D. **Automatic Deferral amount.** Unless a Participant makes an Affirmative Election, the Employer will withhold the following Automatic Deferral amount (only select one):
- n. 3% of Compensation for each payroll period (if a QACA, must not be more than 10% and may not be less than 3% if escalation provisions used in r. below or 6% if no escalation provisions are selected)
- o. \$_____ for each payroll period (may not be selected if a QACA or EACA)
- p. **QACA statutory minimum schedule** (may select even if Plan is not a QACA). Unless a modified QACA statutory schedule is selected below, the Employer will withhold from a Participant's Compensation each payroll period the percentage of Compensation set forth in the following, which is based on the Plan Year of application to a Participant: 1-2 years-3%; 3 years-4%; 4 years-5%; 5 or more-6%. (if selected, skip E.)

1. The following modified QACA statutory schedule will apply:

<u>Plan Year of application to a Participant</u>	<u>Automatic Deferral Percentage</u>
1 - 2	_____% (not less than 3)
3	_____% (not less than 4)
4	_____% (not less than 5)
5	_____% (not less than 6 and not more than 10)
6 and thereafter	_____% (not less than 6 and not more than 10)

NOTE: If Plan only applies escalation provisions to Participants with Affirmative Elections then select n. above and enter the percentage at which escalation applies (e.g., if escalation only applies to Participants who have an Affirmative Election of 3% or greater, then enter 3%).

- E. **Escalation of Automatic Deferral amount** (may not be selected with 26.p.)
- q. No escalation
- r. **Scheduled increases.** The initial Automatic Deferral amount will increase as selected below (may not be selected with p. above):
1. by _____% of Compensation up to a maximum of _____% of Compensation (may not be selected if a QACA)
2. by \$_____ up to a maximum of \$_____ (may not be selected if a QACA or EACA)
3. other: _____ (in order to satisfy the QACA requirements (if applicable), an alternative Automatic Deferral amount schedule (i) must be uniform based on the number of years, or portions of years, since the beginning of the initial period for a Participant, (ii) must satisfy the minimum percentage requirement in p. above throughout the Plan Year, and (iii) must not exceed 10% of Compensation)

Timing of escalation

4. N/A (entry at r.3. includes timing provision)
5. The escalation provision above will apply as of:
- a. each anniversary of the Participant's date of hire
- b. each anniversary of the Participant's Entry Date
- c. the first day of each Plan Year
- d. the first day of each calendar year
- e. other: _____ (must be a specified date that occurs at least annually after the Plan Year in which the Participant is first subject to the Automatic Contribution Arrangement).

First period of application. Unless selected below, the escalation provision above will apply as of the second period specified above that begins after the period in which the Participant first has contributions made pursuant to a default election.

- f. The escalation provision will apply as of the first period after the Participant first has contributions made pursuant to a default election (or the date of Affirmative Election if 6. or 7. below is selected).

Application to Participants with Affirmative Elections

Unless selected below, the escalation provisions will not apply to Participants with an Affirmative Election.

6. The escalation provisions apply to Participants with an Affirmative Election of at least _____% of Compensation.
7. The escalation provisions apply to Participants with an Affirmative Election in accordance with the following rules: _____ (must be definitely determinable in accordance with Regulation §1.401-1(b)(1)(ii) and if an EACA, must be uniform).

GOVERNING LAW/JURISDICTION

All of the provisions of this Plan shall be construed and enforced according to the Tribal laws of the Oneida Tribe of Indians of Wisconsin and shall be administered according to the laws of such Tribe, except as otherwise required by the Code or other applicable federal law. The position of the Tribe and Employer is that the Act does not apply to this Plan in particular or to the Tribe or its enterprises in general. Nothing in this Plan or its Trust Agreement shall be construed to make applicable any laws or regulations which the Tribe and/or the Employer is entitled to exemption from in accordance with its sovereign status.

Military service. If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. If you may be affected by this law, ask the Administrator for further details.

What happens if I'm a Participant, terminate employment and then I'm rehired?

If you are no longer a Participant because you terminated employment, and you are rehired, then you will be able to participate in the Plan on your date of rehire provided your prior service had not been disregarded under the Break in Service rules and you are otherwise eligible to participate in the Plan.

**ARTICLE II
EMPLOYEE CONTRIBUTIONS**

What are salary deferrals and how do I contribute them to the Plan?

Salary deferrals. As a Participant under the Plan, you may elect to reduce your compensation by a specific percentage or dollar amount and have that amount contributed to the Plan as a salary deferral. There are two types of salary deferrals: Pre-Tax 401(k) deferrals and Roth 401(k) deferrals. For purposes of this SPD, "salary deferrals" generally means both Pre-Tax 401(k) deferrals and Roth 401(k) deferrals. Regardless of the type of deferral you make, the amount you defer is counted as compensation for purposes of Social Security taxes.

Pre-Tax 401(k) deferrals. If you elect to make Pre-Tax 401(k) deferrals, then your taxable income is reduced by the deferral contributions so you pay less in federal income taxes. Later, when the Plan distributes the deferrals and earnings, you will pay the taxes on those deferrals and the earnings. Therefore, with a Pre-Tax 401(k) deferral, federal income taxes on the deferral contributions and on the earnings are only postponed. Eventually, you will have to pay taxes on these amounts.

Roth 401(k) deferrals. If you elect to make Roth 401(k) deferrals, the deferrals are subject to federal income taxes in the year of deferral. However, the deferrals and, in most cases, the earnings on the deferrals are not subject to federal income taxes when distributed to you. In order for the earnings to be tax free, you must meet certain conditions. See "What are my tax consequences when I receive a distribution from the Plan?" below.

Deferral procedure. The amount you elect to defer will be deducted from your pay in accordance with a procedure established by the Administrator. You may elect to defer a portion of your salary as of your Entry Date. Such election will become effective as soon as administratively feasible after it is received by the Administrator.

Deferral modifications. You are permitted to revoke your salary deferral election at any time during the Plan Year. You may make any other modification as of each payroll period or in accordance with any other procedure that your Employer provides. Any modification will become effective as soon as administratively feasible after it is received by the Administrator.

Deferral Limit. As a Participant, you may elect to defer a percentage of your compensation each year instead of receiving that amount in cash. Such election will also apply to irregular pay (e.g., bonuses). Your total deferrals in any taxable year may not exceed a dollar limit which is set by law. The limit for 2015 is \$18,000. After 2015, the dollar limit may increase for cost-of-living adjustments. See the paragraph below on Annual dollar limit. The Administrator will notify you of the maximum percentage you may defer.

Catch-up contributions. If you are at least age 50 or will attain age 50 before the end of a calendar year, then you may elect to defer additional amounts (called "catch-up contributions") to the Plan as of the January 1st of that year. The additional amounts may be deferred regardless of any other limitations on the amount that you may defer to the Plan. The maximum "catch-up contribution" that you can make in 2015 is \$6,000. After 2015, the maximum may increase for cost-of-living adjustments. Any "catch-up contributions" that you make will not be taken into account in determining any Employer matching contribution made to the Plan.

Automatic Deferral. Effective April 1, 2011, the Plan includes an automatic salary deferral feature. Your Employer will automatically withhold a portion of your compensation from your pay each payroll period and contribute that amount to the Plan as a Pre-Tax 401(k) deferral. The Automatic Deferral provisions apply to all new Participants who were hired after the effective date of the Automatic Deferral provisions.

Automatic Deferral provisions. The following provisions apply to these Automatic Deferrals:

- You may complete a salary deferral agreement to elect an alternative deferral amount or to elect not to defer under the Plan in accordance with the deferral procedures of the Plan. Your election will remain in effect until you modify or terminate it.
- The amount to be automatically withheld from your pay each payroll period will be equal to 3% of your compensation.
- If your salary deferrals are automatically suspended under the terms of the Plan (e.g., to qualify for a hardship distribution), then your deferral agreement that was in place prior to the suspension will continue in effect after the suspension.

Contact the Administrator if you have any questions concerning the application of this Automatic Deferral provision.

The law restricts any in-service distributions from certain accounts which are maintained for you under the Plan before you reach age 59 1/2. These accounts are the ones set up to receive your salary deferral contributions and other Employer contributions which are used to satisfy special rules for 401(k) plans. Ask the Administrator if you need more details.

ARTICLE III EMPLOYER CONTRIBUTIONS

In addition to any deferrals you elect to make, your Employer may make additional contributions to the Plan. This Article describes Employer contributions that may be made to the Plan and how your share of the contribution is determined.

What is the Employer matching contribution and how is it allocated?

Matching contribution. Your Employer may make a discretionary matching contribution equal to a uniform percentage of your salary deferrals. Each year, your Employer will determine the amount of the discretionary percentage. However, any salary deferrals that are "catch-up contributions" will not be matched.

Limit on matching contribution. Your Employer has the option to apply the matching contribution by disregarding (i.e., not matching) salary deferrals that exceed a certain dollar amount or a certain percentage of your compensation for such period. The Administrator will inform you of this limit.

Allocation conditions. You will always share in the matching contribution regardless of the amount of service you complete during the Plan Year.

What is the Employer profit sharing contribution and how is it allocated?

Profit sharing contribution. Each year, your Employer may make a discretionary profit sharing contribution to the Plan. Your share of any contribution is determined below.

Allocation conditions. In order to share in the profit sharing contribution for a Plan Year, you must satisfy the following conditions:

- If you are employed on the last day of the Plan Year, you will share if you completed a Year of Service during the Plan Year.
- If you terminate employment (not employed on the last day of the Plan Year), you will not share regardless of the amount of service you completed during the Plan Year.
- You will share in the profit sharing contribution for the year regardless of the amount of service you completed during the Plan Year in the year of your death, disability or termination of employment after Normal Retirement Age. This waiver of allocation conditions will only apply once during your employment history with the Employer (e.g., if you retire, are rehired and then retire again, the waiver only applies to your initial retirement).

Your share of the contribution. The profit sharing contribution will be "allocated" or divided among Participants eligible to share in the contribution for the Plan Year.

Your share of the profit sharing contribution is determined by the following fraction:

$$\text{Profit Sharing Contribution} \quad \times \quad \frac{\text{Your Compensation}}{\text{Total Compensation of All Participants Eligible to Share}}$$

For example: Suppose the profit sharing contribution for the Plan Year is \$20,000. Employee A's compensation for the Plan Year is \$25,000. The total compensation of all Participants eligible to share, including Employee A, is \$250,000. Employee A's share will be:

$$\$20,000 \quad \times \quad \frac{\$25,000}{\$250,000} \quad \text{or} \quad \$2,000$$

How is my service determined for allocation purposes?

Year of Service. You will have completed a Year of Service for a Plan Year if you have completed at least 1,000 Hours of Service during the Plan Year.

Hour of Service. You will be credited with your actual Hours of Service for:

- (a) each hour for which you are directly or indirectly compensated by the Employer for the performance of duties during the Plan Year;

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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:

Request Internal Security Department to provide parameters/guidelines for GTC meeting

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/Submitter:

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: 12 / 09 / 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 travel 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/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Additional Requestor:

BUSINESS COMMITTEE TRAVEL REPORT



Traveler Name: Cristina Danforth
 Enter name(s) of other Travelers OR [SPACE BAR] to delete

Travel Event: WI Discretionary Transfer Rule Hearing

Travel Location: Madison, WI

Departure Date: 11/09/2015 **Return Date:** 11/10/2015

Projected Cost: \$247.39 **Actual Cost:** \$182.39

Date Travel was Approved by OBC: 09/09/2015

Narrative/Background:

Traveled to Madison, WI for US Supreme Court Hearing for the Wisconsin Discretionary Transfer Rule. The hearings were for the following court cases;

07-11C In the Matter of The Review of the Discretionary Transfer of Cases to Tribal Court.

14-02 In the Matter of the Petition to Amend/Dissolve Wisconsin Statue 801.54 Discretionary Transfer of Civil Actions to Tribal Court.

Item(s) Requiring Attention:

BC approval of travel report

Requested Action:

None

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 15

2. General Information:

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

[Empty text box]

Agenda Header: Travel Report

Accept as Information only

Action - please describe:

Accept Travel Report and Close out Travel for Councilman Stevens Travel: NIGA Mid-Year Conference 2015

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: Brandon Stevens, Council Member

Primary Requestor/Submitter: Rhiannon Metoxen, Executive Assistant/Office of Councilman Brandon Stevens
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Traveler Name: Brandon Stevens
 Enter name(s) of other Travelers OR [SPACE BAR] to delete

Travel Event: NIGA Mid-Year Conference

Travel Location: Hollywood, FL

Departure Date: 11/01/2015 **Return Date:** 11/04/2015

Projected Cost: N/A **Actual Cost:** N/A

Date Travel was Approved by OBC: 10/28/2015

Narrative/Background:

This travel was canceled

Item(s) Requiring Attention:

No action required

Requested Action:

Accept Travel Report and Close out travel

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 Travel Report and Close out Travel for Councilman Stevens Travel: Bemidji Area Awards Ceremony

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/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



BUSINESS COMMITTEE TRAVEL REPORT

Traveler Name: Brandon Stevens
 Enter name(s) of other Travelers OR [SPACE BAR] to delete

Travel Event: Bemidji Area Awards Ceremony

Travel Location: Bemidji, MN

Departure Date: 10/22/2015 **Return Date:** 10/24/2015

Projected Cost: \$400 **Actual Cost:** \$1033.29

Date Travel was Approved by OBC: 10/19/2015

Narrative/Background:

An Epoll was conducted and approved on October 19th, 2015 the results from that Epoll were approved at a regular BC meeting on October 28th, 2015. Councilman Stevens agreed to attend the 2015 Bemidji Area Annual Awards Ceremony on behalf of the Oneida Business Committee. Dr. Ravinder Vir and Debra Danforth were the recipients of the Health Service Bemidji Area 2015 Outstanding Tribal Health Administrators. Both were recognized to the continuous improvement on Oneida's health services.

Item(s) Requiring Attention:

FYI: The funding for this travel was pulled from Vice-Chair Melinda J. Danforth's budget per Vice-Chairs recommendation and approval.

Requested Action:

Accept Travel Report and close out travel

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 12 / 09 / 15 e-poll requested

2. General Information:

Event Name: AFOA CANADA NATIONAL CONFERENCE

Event Location: Montreal, Quebec Attendee(s): Cristina Danforth

Departure Date: Feb 16, 2016 Attendee(s):

Return Date: Feb 19, 2016 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
 Unbudgeted
 Grant Funded or Reimbursed

Cost Estimate: \$400.00

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Principles Creating a Positive Organizational Culture
 Committing to Building a Responsible Nation Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

This conference provides an excellent opportunity for those interested in learning more about tribal finances and economics. It is a Leadership and Governance Conference. As the Chairwoman it is necessary to ensure I am current on all fiscal issues facing our Tribe. My air and hotel are paid for by NAFOA I am requesting per diem and taxi expenses.

****Backup Materials include:**

1. Letter
2. Conference Program (text only)
3. Conference Program (from event website)

5. Submission

Sponsor: Cristina Danforth, Tribal Chairwoman

- 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



October 9, 2015

Cristina S. Danforth
Chairwoman
Oneida Nation of Wisconsin

By email: tdanfort@oneidanation.org

Dear Ms. Danforth:

Re: Invitation to speak at AFOA Canada National Conference – February 16 – 18, 2016

AFOA Canada is holding its 16th National Conference in Montréal, Québec on February 16 – 18, 2016. We would like to invite you to participate in the Opening Plenary Panel Discussion on Governance on February 17, 2016 from 9:00 – 10:30 am. We are also inviting Chief Darcy Bear, Whitecap Dakota First Nation, SK; Blaine Favel, Executive Chairman, One Earth Oil & Gas Inc.; and Gwen Phillips, Director of Corporate Services and Governance Transition, Ktunaxa Nation Council, BC at this time to participate on this panel discussion.

This National Conference theme is **Leadership and Governance – Transformational Change through Education and Capacity Building.**

There are a number of change drivers that exist today for Aboriginal Peoples in Canada. These include, but are not limited to; a growing and young Aboriginal population; a higher number of Aboriginal students in Colleges and Universities across Canada than ever before; increased resource development on traditional territories; and favorable Supreme Court decisions. For Aboriginal Communities to close the gap between Aboriginal peoples and Canadians and amongst our various Nations across the country, education and capacity building can take communities to the next level in their chosen journey. This conference will focus on the importance of strong leadership and governance. The workshops will be on key areas that must be considered to successfully implement a community's vision.

AFOA Canada is a non-profit, non-political organization founded in 1999 to help Aboriginals better manage and govern their communities. The organization was founded as a direct result of the Federal Government's response to the Royal Commission on Aboriginal Peoples in its report *Gathering Strength Canada's Aboriginal Action Plan*, where capacity development in financial management and accountability was identified as a critical pre-condition to self-government.

AFOA Canada's premise is that sound financial and management practices are key building blocks of social and economic prosperity for Aboriginal communities, and essential elements of successful Aboriginal governance. With over 1,500 members, AFOA Canada's activities are geared towards building an effective "Aboriginal public service."

To build the needed capacity, AFOA Canada conducts research and develops capacity development programs, products and services for Aboriginal managers and elected leaders. We provide professional development training and certify Aboriginal Financial Managers (CAFM) and First Nation Administrators and Executive Directors through the new Certified Aboriginal Professional Administrators (CAPA) program. We

Certified Aboriginal Financial Manager (CAFM) • Certified Aboriginal Professional Administrator (CAPA)

1066 Somerset St. West, Suite 301 Ottawa, Ontario K1Y 4T3 Tel: 613-722-5543, Toll free: 1-866-722-2362, Fax: 613-722-3467

www.foa.ca

promote best practices and provide advice and counsel. We also encourage Aboriginal youth to enter into financial and management professions. We provide a forum to share knowledge, experience and best practices and we support Aboriginal accountability and self-government efforts.

The National Conference is the cornerstone of our efforts. It is the only Canadian forum dedicated to helping Aboriginals provide sound financial leadership and effective management. The program is an ambitious one that focuses on the challenges and opportunities Aboriginal managers and decision-makers face as they strive to provide effective management and governance. The Conference is one of the most successful of its kind attracting over 1,000 senior First Nation, Inuit and Métis managers and leaders from across the country.

We believe that your experience and observations on this topic would be most valuable and appreciated by conference participants.

We look forward to your response. I can be reached at 613.722.5543 or by email at tgoodtrack@foa.ca.

Yours truly,

Terry Goodtrack, MPA, B. Admin, CPA, CGA, CAFM, CAPA
President & Chief Executive Officer
AFOA Canada

Certified Aboriginal Financial Manager (CAFM) • Certified Aboriginal Professional Administrator (CAPA)

1066 Somerset St. West, Suite 301 Ottawa, Ontario K1Y 4T3 Tel: 613-722-5543, Toll free: 1-866-722-2362, Fax: 613-722-3467

Conference Program

The Conference Program is evolving, so check back often for updates and more detailed information.

Tuesday, February 16, 2016

3:00 pm - 8:00 pm
Registration

6:00 pm - 9:00 pm
Opening Reception with Exhibitors

Entertainment

Wednesday, February 17, 2016

7:30 am - 4:00 pm
Registration

7:30 am - 8:00 am
Sunrise Ceremony

7:30 am - 8:30 am
Networking Continental Breakfast / Visit the Exhibitors and the Xerox Technology Café

8:30 am - 9:00 am
Prayer / Welcome / Greetings / Opening Plenary

Welcome: Rodney Nelson, PhD (ABD), CAPA, Chairman of the Board, AFOA Canada, Terry Goodtrack, MPA, B.Admin, CPA, CGA, CAFM, CAPA, President and CEO, AFOA Canada

Welcome by Conference Co-Chairs:

Marjolaine Sioui, Executive Director, First Nations of Quebec and Labrador Health and Social Services Commission, Troy Jerome, Executive Director, Mi'gmawei Mawiommi Secretariat

Speaker: Keith Martell, CPA, CA, CAFM, Chairman and Chief Executive Officer, First Nations Bank of Canada

9:00 am - 10:30 am
Opening Plenary - Leadership and Governance

Plenary Keynote Part A: Blaine Favel, B.ED., LL.B., MBA, Executive Chairman, One Earth Oil & Gas Inc.

Plenary Part B Panel

Panelists: Chief Darcy Bear, Whitecap Dakota First Nation, SK Blaine Favel, B.ED., LL.B., MBA

Executive Chairman, One Earth Oil & Gas Inc., Gwen Phillips, Director of Corporate Services and Governance Transition, Ktunaxa Nation Council, BC Cristina S. Danforth, Chairwoman, Oneida Nation of Wisconsin

10:30am - 11:00 am

Refreshment Break / Visit the Exhibitors and the Xerox Technology Café

11:00am - 12:15 pm

Concurrent Workshops and Information Sessions

Workshop A

Leadership - Good Governance at Norway House Cree Nation

Speaker(s): Gilbert Fredette, Vice Chief and Councillor, Norway House Cree Nation, Dan Rochon, CA, Controller, ATCO Sustainable Communities Inc.

Workshop B

Financial Management - The Future of Accounting

Speaker(s): MNP LLP (Speakers TBC)

Workshop C

Financial Management - Fiscal Planning in Preparation for Self-Government

Speaker(s): Alex Ker, Consultant and Researcher

Workshop D

Business Development - Renewable Energy

Speaker(s): Dwayne Nashkawa, Executive Director, Nipissing First Nation, ON (invited)
Tamara Saulis, CAFM, Chief Financial Officer, Nipissing First Nation, ON
(invited) Cherie L. Brant, Partner, Dickinson Wright LLP (invited)

Workshop E

Leadership - Building Trust in Your Community

Speaker(s): TBC

Information-Session 1

An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products!

Information-Session 2

An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products!

12:30 pm - 2:30 pm

Luncheon and Presentation of the PotashCorp Aboriginal Youth Financial Management Awards: A Focus on our Aboriginal Youth

Presenter: Leanne Bellegarde, LLB, Director, Aboriginal Strategy, PotashCorp
Sponsored by: PotashCorp

Workshop F

Leadership - Aboriginal Trusts

Speaker(s): Lisa Ethans, Partner, Deloitte LLP, Guillaume Vadeboncoeur, Partner, Deloitte LLP, Patty Francis, Trust Chair, Mohawks of Akwesasne Community Settlement Trust

Workshop G

Community Administration - (Title TBC)

Moderator: Deborah Taylor, Executive Director, First Nations Market Housing Fund

Speaker(s): TBC

Workshop H

Financial Management

Moderator TBC

Speaker(s): TBC

Workshop I

Business Development - TBC

Speaker(s): TBC

Workshop J

Healthy Workplace (Human Resources) - Going from Conflict to Playing Nice Together

Speaker(s): Monique Caissie, (Speaker, Educator, Facilitator, Consultant & Mentor), Strategies for Recovering Doormats

Information-Session 3

Certified Aboriginal Financial Manager (CAFM) Program

Speakers: Randy Mayes, CAFM, Manager, Education & Membership

Training Session on How to Market

(Title TBC) Speaker(s): McGill University

(TBC)

4:30 pm - 5:45 pm

AFOA Canada Annual General Meeting

Thursday, February 18, 2016

7:30 am - 4:00 pm
Registration

7:30 am - 8:00 am
Sunrise Ceremony

7:30 am - 8:30 am
Networking Continental Breakfast / Visit the Exhibitors and the Xerox Technology Café

8:30 am - 10:00 am
Prayer

Information-Session 4

Former National Chiefs' Panel Discussion: Building on Experiences and Taking Our Capacity to the Next Level

Moderator: The Right Honourable Paul Martin, PC CC

Panelists: Ovide Mercredi, Former National Chief, Phil Fontaine, Former National Chief, Shawn A-in-chut Atleo, Former National Chief Georges Erasmus, Former National Chief Matthew Coon Come, Former National Chief

10:00 am - 10:30 am
Networking Break / Visit the Exhibitors and the Xerox Technology Cafe

10:30 am - 12:00 pm
Concurrent Workshops and Information Sessions

Workshop K

Leadership - How Government Works

Speaker(s): Frances Abele, Carleton University (invited)

Workshop L

Community Administration - How a Document Management System Changed Our Daily Work Practices

Speaker(s): Marc-Andre Beaudoin, Director of Finance, Cree Nation of Mistissini, QC Tom Maracle, National Manager, Xerox Canada Ltd. (invited)

Workshop M

Financial Management - Multi-user Budgeting, Forecasting and Variance Analysis (Corporate Performance Management) for First Nations

Speaker(s): Rick Morano, CMA, CAFM, Chief Financial Officer, Chippewas of Rama First Nation, ON Lori St. Germain, CAFM, Finance Manager, Chippewas of Rama First Nation, ON Gary MacFarlane, President, Dynac

Workshop N

Financial Management – Fraud (TITLE TBC)

Workshop O

Healthy Workplace (Human Resources) - Eight Characteristics of a Healthy Workplace

Speaker(s): Konwatsitsa:wi (M) Meloche, V.I.S.T.A. Seminars

Information-Session 5

An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products!

Information-Session 6

An opportunity for those companies who want more than just exposure! This is your chance to deliver a

75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products!

Refreshment Break / Visit the Exhibitors and the Xerox Technology Cafe

12:30 - 2:30 pm

Luncheon and Remarks by Conference Co-Chairs, AFOA Canada Chair of the Board and AFOA Canada President and CEO

Speaker:Co-Chairs: Marjolaine Sioui, Executive Director, First Nations of Quebec and Labrador Health and Social Services Commission, Troy Jerome, Executive Director, Mi'gmawei Mawiomí Secretariat

Closing Remarks: Rodney Nelson, PhD (ABD), CAPA, Chairman of the Board, AFOA Canada
Terry Goodtrack, MPA, B.Admin, CPA, CGA, CAFM, CAPA, President and CEO, AFOA Canada

2:45 pm - 4:15 pm

Concurrent Workshops and Information Sessions

Workshop P

Wealth Solutions Inc. Gary Kissack, Partner at Fogler Rubinoff LLP

Walter Manitowabi, Managing Partner of Three Fires Solutions

Workshop Q

Community Administration - Trust & Investments: Business Perspectives through the Onihcikiskowapowin Business Trust and Enoch Cree Nation Settlement Trust

Speaker(s): Georgina Villeneuve, MBA, MTI VP – Trust Services, Peace Hills Trust, Leith Cardinal, Trust Manager, Onihcikiskowapowin Business Trust

Workshop R

Financial Management – Title TBC

Speaker(s): Serge Beaudoin, Director General, Sector Operations Branch, Aboriginal Affairs & Northern Development Canada

Workshop S

Business Development - First Nations Registered Education Plan: How Business Revenue Can Supplement The First Nations Education Funding Gap Nations advisor to Guswhenta Holdings, Steve Charest, Metis owner of Guswhenta Holdings & President of First Nations Construction Services & Principle and President of Guswhenta Holdings

Workshop T

Healthy Workplace (Human Resources) - Building Women's Wealth Matters

Speaker(s): Lynn Travers, CPA, Founder, My Financial Wisdom

Information- Session 7

Certified Aboriginal Professional Administrator (CAPA) Program Awaits Your Participation Speaker: Dr. Paulette Tremblay, Ph.D., M.A., B.Ed., B.A., ICD.D, CAPA, Vice President, Education & Training, AFOA Canada

Information-Session 8

Title TBC

Speaker: Marion Crowe, CAFM, Executive Director, First Nations Health Managers Association

5:30 pm - 6:30 pm

President's Reception

6:30 pm - 11:00 pm

Dinner, Presentation of the Xerox Canada - AFOA Excellence in Aboriginal Leadership Awards, CAFM/CAPA Convocation and Entertainment

Pre-dinner cultural entertainment



AFOA CANADA
Building a Community of Professionals

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2016 AFOA CANADA
NATIONAL CONFERENCE
FEBRUARY 16 - 18 | MONTRÉAL, QC
LEADERSHIP AND GOVERNANCE
Transformational Change through Education and Capacity Building

- Welcome
- Registration
- Pre-Conference Workshops
- Program
- Exhibitors
- Sponsorship
- Accommodations
- Travel

Conference Program

The Conference Program is evolving, so check back often for updates and more detailed information.

Tuesday, February 16, 2016

3:00 pm - 8:00 pm Registration

6:00 pm - 9:00 pm Opening Reception with Exhibitors

Sponsored by:



Entertainment:

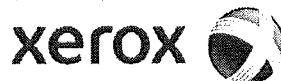
Wednesday, February 17, 2016

7:30 am - 4:00 pm Registration

7:30 am - 8:00 am Sunrise Ceremony:

7:30 am - 8:30 am Networking Continental Breakfast / Visit the Exhibitors and the Xerox Technology Café

Sponsored by:



8:30 am - 9:00 am Prayer / Welcome / Greetings / Opening Plenary

Prayer:

O' Canada Performed by:

Greetings:

Welcome: Rodney Nelson, PhD (ABD), CAPA, Chairman of the Board, AFOA Canada

Terry Goodtrack, MPA, B.Admin, CPA, CGA, CAFM, CAPA, President and CEO, AFOA Canada

Welcome by Conference Co-Chairs:

Chief Executive Officer, Provincial Affairs
 Deputy Chief Executive Officer, Provincial Affairs
 Owen Phillips, Director of Corporate Services and Governance, Manitoba, Manitoba Aboriginal Council, Inc.
 Gretina S. Danforth, Chairwoman, Ojibwa Nation of Wisconsin

10:30am - 11:00 am Refreshment Break (Visit the Exhibitors and the Xerox Technology Café)

11:00am - 12:15 pm Concurrent Workshops and Information Sessions

Workshop A	Leadership - Good Governance at Norway House Cree Nation Moderator: Speaker(s): Gilbert Fredette, Vice Chief and Counsellor, Norway House Cree Nation Dan Rochon, CA, Controller, ATCO Sustainable Communities Inc.
Workshop B	Financial Management - The Future of Accounting Moderator: Speaker(s): MNP LLP (Speakers TBC)
Workshop C	Financial Management - Fiscal Planning in Preparation for Self-Government Moderator: Speaker(s): Alex Ker, Consultant and Researcher
Workshop D	Business Development - Renewable Energy Moderator: Speaker(s): Dwayne Nashkawa, Executive Director, Nipissing First Nation, ON (invited) Tamara Saulis, CAFM, Chief Financial Officer, Nipissing First Nation, ON (invited) Cherie L. Brant, Partner, Dickinson Wright LLP (invited)
Workshop E	Leadership - Building Trust in Your Community Moderator: Speaker(s): TBC
Information Session 1	An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products! (Session 1 of 2)

Sponsored by:



Information Session 2 An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products! (Session 1 of 2)

Sponsored by:



DIXON MITCHELL
 INVESTMENT COUNSEL

12:30 pm - 2:30 pm Luncheon and Presentation of the PotashCorp Aboriginal Youth Financial Management Awards: A Focus on our Aboriginal Youth
 Presenter: Leanne Bellegarde, LLB, Director, Aboriginal Strategy, PotashCorp



Workshop H Financial Management - TBC

Moderator:

Speaker(s): TBC

Workshop I Business Development - TBC

Moderator:

Speaker(s): TBC

Workshop J Healthy Workplace (Human Resources) - Going from Conflict to Playing Nice Together

Moderator:

Speaker(s): Monique Caisle, (Speaker, Educator, Facilitator, Consultant & Mentor), Strategies for Recovering Doormats

Information Session 3 Certified Aboriginal Financial Manager (CAFM) Program

Speakers: Randy Mayes, CAFM, Manager, Education & Membership

Information Session 4 Training Session on How to Market (Title TBC)

Speaker(s): McGill University (TBC)

4:30 pm - 5:45 pm AFOA Canada Annual General Meeting

Thursday, February 18, 2016

7:30 am - 4:00 pm Registration

7:30 am - 8:00 am Sunrise Ceremony;

7:30 am - 8:30 am Networking Continental Breakfast / Visit the Exhibitors and the Xerox Technology Café

8:30 am - 10:00 am Prayer:

Plenary – Leadership and Governance

Former National Chiefs' Panel Discussion: Building on Experiences and Taking Our Capacity to the Next Level

Moderator: The Right Honourable Paul Martin, PC CC

Panelists:

Ovide Mercredi, Former National Chief

Phil Fontaine, Former National Chief

Shawn A-in-chut Atleo, Former National Chief

Georges Erasmus, Former National Chief

Matthew Coon Come, Former National Chief

10:00 am - 10:30 am Networking Break / Visit the Exhibitors and the Xerox Technology Café

am

10:30 am - 12:00 pm **Concurrent Workshops and Information Sessions**

pm

Workshop K Leadership - How Government Works

Moderator:

Workshop N	Financial Management - Fraud (11/16/16) Moderator: Speaker(s): Shannon Walker, President, WhiteTower Security
Workshop O	Healthy Workplace (Human Resources) - Eight Characteristics of a Healthy Workplace Moderator: Speaker(s): Konwatawaawi (M) Majoche, V.I.S.T.A. Seminars
Information Session 6	An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products! (Session 2 of 2)

Sponsored by:



Information Session 6	An opportunity for those companies who want more than just exposure! This is your chance to deliver a 75 minute presentation on both days of the Conference; a presentation that focus on your organization's services or products! (Session 2 of 2)
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Sponsored by:



12:00 - 12:30 pm	Refreshment Break / Visit the Exhibitors and the Xerox Technology Cafe
12:30 - 2:30 pm	Luncheon and Remarks by Conference Co-Chairs, AFOA Canada Chair of the Board and AFOA Canada President and CEO Speaker: Co-Chairs: Marjolaine Sioul, Executive Director, First Nations of Quebec and Labrador Health and Social Services Commission Troy Jerome, Executive Director, Mi'gma'wei Mawlo'ni Secretariat Closing Remarks: Rodney Nelson, PhD (ABD), CAPA, Chairman of the Board, AFOA Canada Terry Goodtrack, MPA, B.Admin, CPA, CGA, CAFM, CAPA, President and CEO, AFOA Canada

Exhibitor Passport Draw:

Luncheon sponsored by:



2:45 pm - 4:15 pm Concurrent Workshops and Information Sessions

Workshop P	Leadership - The EDIP Platform – Supporting First Nations Sovereignty and Financial Independence
---------------	--

Workshop 8	<p>Business Development - First Nations Controlled Education Plan: How Business Can Help to Supplement the First Nations Education Funding Gap</p> <p>Moderator:</p> <p>Speaker(s): Christopher Ashkwa, General Manager, First Nations Construction Services and First Nations advisor in Quawhenta Holdings</p> <p>Steve Charost, Metis owner of Quawhenta Holdings & President of First Nations Construction Services & Principle and President of Quawhenta Holdings</p>
Workshop T	<p>Healthy Workplace (Human Resources) - Building Women's Wealth Matters</p> <p>Moderator:</p> <p>Speaker(s): Lynn Travers, CPA, Founder, My Financial Wisdom</p>
Information Session 7	<p>Certified Aboriginal Professional Administrator (CAPA) Program Awaits Your Participation</p> <p>Speaker: Dr. Paullette Trambly, Ph.D., M.A., B.Ed., B.A., ICD.D, CAPA, Vice President, Education & Training, AFOA Canada</p>
Information Session 8	<p>Title TBC</p> <p>Speaker: Marlon Crowe, CAFM, Executive Director, First Nations Health Managers Association</p>

5:30 pm - 6:30 pm **President's Reception**

Sponsored by:

6:30 pm - 11:00 pm **Dinner, Presentation of the Xerox Canada - AFOA Excellence in Aboriginal Leadership Awards, CAFM/CAPA Convocation and Entertainment**

Pre-dinner cultural entertainment:

Sponsored by:



Remarks:

Dinner sponsored by:



Presentation of the Xerox Canada AFOA Excellence in Aboriginal Leadership Awards

Presenter: Steve Connor, Vice President, Channel Partner Operations, Xerox Canada

Sponsored by:



CAFM/CAPA Convocation sponsored by:

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 Self-Governance FY '15 4th 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/Submitter:

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

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.

Tribal Self-Governance Quarterly Report to the Oneida Business Committee

Submitted By:
Christopher Johns, SG Coordinator

December 9, 2015

BUDGET

Restore FY 2012 sequestration cuts and exempt Tribal funding from future sequestrations.

Tribes experienced heavy budgetary cuts as a result of the 2012 sequester. The cuts affected direct services to Tribal citizens. Among the services affected were public safety, social welfare, and health care services. As Congressional members debate the FY 2016 appropriations, Self-Governance Tribes must continue to urge Congress to restore these funds to at least their pre-sequestration levels. We also must continue to insist that the Federal Government uphold their trust responsibility and amend the Budget Control Act of 2011 to exempt Tribal funding from future sequestrations.

Under the September 30, 2015 Continuing Resolution, all IHS Self-Governance Tribes received 19.67% of the 2015 enacted level with a .2018% reduction. IHS has also submitted its FY 2017 budget request to Health and Human Services (HHS) for inclusion in the President's budget request, expected in February 2016. The IHS began the FY 2018 budget formulation process with Area-level meetings in October and the BIA's Regional Meeting is scheduled for December 10-11, 2015 in St. Paul, MN. The National IHS Budget Formulation meeting is expected to be hosted in Washington, DC on February 17-18, 2016.

Also under the Continuing Resolution, all BIA Self-Governance Tribes received 19.67% of the 2015 enacted level with a .2018% reduction. Payments to Tribes were made by November 1, 2015.

At the end of October, 2015, Congress and the Administration reached a budget and debt-ceiling deal. The two-year agreement raises domestic and defense spending by \$80 billion and lifts the national borrowing limit until March 2017. The new spending would be offset by sales from the strategic petroleum oil reserve, use of public airwaves for telecommunications companies and changes to the crop insurance program, spreads out increases in Medicare

premiums over time so beneficiaries do not feel them acutely, extends the 2% cuts scheduled for Medicare to extend an additional year, overhauls the Social Security disability trust fund in an attempt to prevent a 20% reduction in cuts to benefits, includes more money for the Pentagon's overseas contingency account and repeals a provision in Obamacare forcing workers to automatically enroll in employer-sponsored health care.

Authorize mandatory funding and fully fund Contract Support Costs and expedite payments to Tribes.

Self-Governance Tribes support the President's current budget proposal to fully fund Contract Support Costs (CSC) in FY 2016 and to shift CSC from discretionary funding to mandatory funding. Self-Governance Tribes expressly support the shift in funding to remedy the need for Administrators to make fiscal decisions without consultation from Congressional members and Tribal leaders. Additionally, mandatory funding protects appropriations that are allocated for direct services in Tribal communities.

Under the October 1, 2015 Ramah Navajo Class Settlement Tribes could see payments as early as spring 2016 if there were no objections to the Settlement. [The Tribe could be reimbursed approximately \$723,675 in Contract Support Costs but I would caution against considering either the Settlement or the Tribe's estimated share to be final.]

Preserve authority to include one-time or short-term resources in Self-Governance Funding Agreements.

Self-Governance Tribes have noticed a troubling trend that DOI is moving one-time funding to grants that cannot be included in Self-Governance Funding Agreements and are restrictive in nature – undermining core Self-Governance tenets. This trend allows DOI to heavily regulate and restrict the inclusion of indirect costs to administer Tribal programs; and hinders Tribal governments' ability to re-design programs to better meet the needs at the local level.

Enact Advanced Appropriations for the Indian Health Service.

Since FY 1998, there has been only one year (FY 2006) when the Interior, Environment and Related Agencies budget, which contains the funding for IHS, has been enacted by the beginning of the fiscal year. Late funding creates significant challenges to Tribes and IHS provider budgeting, recruitment, retention, provision of services, facility maintenance and construction efforts. Providing sufficient, timely, and predictable funding is needed to ensure the federal government meets its obligation to provide health care for American Indian and Alaska Native people. Enacting advanced appropriations will provide more stable funding and sustainable planning for the entire Indian Health Care system by appropriating funding two years in advance.

White Papers

Policy priorities and goals do not often change, but strategy to implement the priorities change as external decisions are made, new data is reported, or progress is reported. The White Papers below provide the most up-to-date administrative and legislative actions as well as new strategy ideas.

- Analysis of DOI Budget Equity for Self-Governance Tribes
- Advanced Appropriations
- Sequestration

POLICIES

Administrative policies often directly affect Self-Governance Tribes and the programs they choose to manage. Many of the policy priorities identified in the National Tribal Self-Governance 2015-2017 Strategic Plan & Priorities are critical to efficiently manage programs and leverage external opportunities to improve Tribal programs.

There are many competing policy goals for Self-Governance Tribes, however those listed below have momentum or support outside of Self-Governance Tribes. To see the full list of policy priorities, download the full version of the National Tribal Self-Governance 2015-2017 Strategic Plan & Priorities.

Revise and streamline each agency's Contract Support Costs Policy.

After years of advocacy, CSC funding has changed monumentally in the last twelve months. As a result of full funding and Presidential support for mandatory funding, each agency must identify, assess, and implement modifications to each agency's CSC policy that reflects recent legislative and funding changes. Each agency has a Tribal-Federal Workgroup that made several recommendations to update the CSC policy. Self-Governance Tribes urge each agency to review those recommendations begin updating the policy as quickly as possible.

Expand Tribal consultation on allocation and formula distribution of Bureau of Indian Affairs.

In 2012, Self-Governance Tribes published the Program Formulas Matrix Report, which identifies areas where the formulas and methodologies currently used by the Bureau of Indian Affairs (BIA) for distribution can be improved and provide recommendations for eleven programs. Action on these recommendations has stalled in the last several years. However, as DOI seeks to move funding to one-time grants, the Formula Matrix Report recommendations are increasingly important. Continued consultation and discussion with BIA officials and Tribes is needed to implement changes recommended in the report.

The BIA released the 2015 Welfare Assistance Funding Distribution Methodology after consultation with Tribe. The report provides vital information that is used by the BIA to justify funding levels, make program and policy decisions, and educate important entities such as Congress, Office of Management and Budget (OMB), and the public. The 2015 FASSR must be submitted to the appropriate office by December 4, 2015 for Fiscal Year Tribes or February 1, 2016 for Calendar Year Tribes.

Foster greater transparency announcing new DOI funding opportunities.

Access to program and initiative funding is critical as Tribes work to meet the needs of their citizens locally. As such, Self-Governance Tribes encourage DOI agencies to streamline their grant and funding announcements so that all Tribes have equal opportunity for one-time funding and support.

DOI hopes to institute a new policy where all funding opportunities are posted to www.grants.gov. Using Grants.gov will not limit how Tribes receive funding and ascribe whether Contract Support Costs can be collected. There's no current timeline for implementation of the policy, but the intent of the policy is to create greater transparency in communicating funding opportunities.

Include Purchase and Referred Care in all VA-IHS reimbursement agreements.

When the IHS and the Veterans Administration (VA) negotiated the first national agreement, required under the Indian Health Care Improvement Act (IHCIA), the agencies only included reimbursement for direct care provided by IHS facilities. This agreement has become the model for Tribal programs in negotiating with local VA facilities. However, it does not adequately address the specialty care Tribal systems provide eligible veterans. After two years of implementation and changes to the Veterans Administration health care delivery, Self-Governance Tribes believe the time is right to revisit the reimbursement agreement and include specialty and referred care.

VA released a plan proposing improvements for health care delivery to Veterans. The plan focuses on how VA can enhance partnerships between VA and community providers and deliver care in the community more seamlessly. VA's goal is to provide Veterans the best care anywhere. The plan outlines a long-term strategy, dependent upon congressional approval and funding, and will be used as a starting point for discussions with stakeholders and Veterans. The plan consolidates existing community care programs and enhances VA's partnerships with other federal health care providers, academic affiliates, and community providers. The plan will not immediately impact the health care benefits Veterans currently receive from VA. Rather, it is VA's long-term vision for the future state of delivering timely, high-quality care in the community. The plan consists of five (5) general areas to be improved: 1) Veterans We Serve (Eligibility); 2) Access to Community Care (Referral and Authorization); 3) High Performing Network of Care; 4) Care Coordination; and 5) Provider Payment.

Institute a Tribal Advisory Committee for Office of Management and Budget.

Given the role the Office of Management and Budget (OMB) plays in the Tribal funding – from guiding the President's annual budget request to distributing appropriations to all federal agencies – a Tribal Advisory Committee could prioritize Tribal needs and requests. Other advisory committees have assisted in educating and building momentum within agencies and departments to further Tribal sovereignty and priorities.

Update the IHS Facilities Construction Policy to include broad Tribal input.

The IHS Health Care Facilities Design and Construction Policy does not currently reflect new authorities available under IHCIA, nor does it accurately reflect the tenants of Self-Governance. Additionally, the Facilities Appropriations Advisory Board (FAAB) recently decided to review and possibly update the Policy to reflect new authorities and make recommendations to the prioritization system. Self-Governance Tribal leadership believes the time is ripe to make changes that have broad Tribal support and allow for greater flexibility in construction projects.

Evaluate the Indian-specific provisions of the Patient Protection and Affordable Care Act (ACA) and continue consultation to implement outstanding provisions.

After nearly five years of implementation, an assessment is needed to ensure that Indian-specific provisions of the ACA are working effectively and efficiently. Additionally, some provisions continue to require Tribal consultation and technical fixes that may be successful through negotiated rulemaking process.

Supporting White Papers

Policy priorities and goals do not often change, but strategy to implement the priorities change as administrative and legislative changes occur. The White Papers below provide the most up-to-date administrative and legislative actions as well as new strategy ideas.

- Implementation of the Patient Protection and Affordable Care Act (ACA) P.L. 111-148
- Implementation of the Violence Against Women’s Act
- Self-Governance Concept for the Environment Protection Agency
- Self-Governance in Tribal Transportation
- Streamline and Expedite Grants authorized by Special Diabetes Program for Indians (SDPI)
- Implementation of the Tribal Law and Order Act
- Wildland Fire

LEGISLATION

Legislation is critical to expanding Self-Governance and reaffirming its tenants throughout the Federal government. Self-Governance Tribes seek to further the self-determination across the spectrum of Tribal programs, while building local capacity to meet local needs. Self-Governance Tribes are interested in a vast number of legislative ideas, but identified the items below as their key priorities for the 114th Congress.

Amend Title IV of the Indian Self-Determination and Education Assistance Act.

Amending Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA) has been a top legislative priority for Self-Governance Tribes for over a decade. Over the past 35 years, the ISDEAA has been one of the most successful mechanisms allowing Tribes to develop the capacity for government-building activities. Self-Governance Tribes must continue to advance the vision of the ISDEAA by working to amend Title IV of the ISDEAA to create consistency between Title IV Self-Governance in the DOI and Title V Self-Governance in the Department of Health and Human Services (HHS) to create administrative efficiencies for Self-Governance Tribes.

Reauthorize the Native American Housing Assistance and Self-Determination Act.

Current authorization of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) expired on September 30, 2013. NAHASDA is the main authorization of Tribal housing programs. Tribal programs under NAHASDA have been successful in allowing Tribes the self-determination necessary to provide effective programs for Tribal citizens. Tribes are now exercising their right to self-determination by designing and implementation their own housing and other community development infrastructure programs. Reauthorization of NAHASDA is critical to continue to support Tribal housing authorities that build keystone housing and community infrastructure in Tribal communities.

Enact legislation that strengthens and reaffirms the original tenants of Public Law 102-477.

The 477 Program provides Tribal governments with the flexibility to design employment, training, and economic development plans that utilize funding from several federal programs to best meet the needs of their local communities. While PL 102-477 is still technically a “demonstration project,” the 477 Program has existed for over two decades and currently over

250 Tribes and Tribal organizations consolidate multiple programs into a single 477 Plan. Despite nearly two decades of success, the viability of the 477 Program was jeopardized by two Federal agency actions. Legislation is necessary to make the 477 Program permanent and remove administrative burdens for Self-Governance Tribes.

Expand Self-Governance to the Department of Transportation.

Congress has sought to address transportation infrastructure deficiencies in Indian Country by increasing funding available to Tribes, broadening eligibility for direct Tribal participation in Federal transportation programs and by extending the ISDEAA to several of those programs. With increased funding and expanded authority, Tribes have demonstrated that they are best positioned to ensure the effective and efficient use of federal transportation infrastructure funds. Despite these results, the Departments of Transportation (DOT) and Interior have been unwilling to extend the ISDEAA framework into new program areas, such as transit and highway safety. However, reauthorization of transportation legislation expires in May 2015 and Tribal advocates are urging Congressional members to expand Self-Governance tenants to the DOT.

The House Transportation and Infrastructure (T&I) Committee's reauthorization of transportation programs includes the establishment of a Tribal Self-Governance Program within the Department of Transportation (DOT).

Permanently reauthorize and provide full funding for the Special Diabetes Program for Indians.

Congress established the Special Diabetes Program for Indians (SDPI) in 1997 as part of the Balanced Budget Act to address the growing epidemic of diabetes in American Indians and Alaska Natives communities. SDPI programs have become the nation's most strategic and comprehensive effort to combat diabetes. Self-Governance Tribes believe the success of these programs require the permanent reauthorization and supporting funding for SDPI.

Enact Medicare-Like Rates for IHS outpatient services for IHS, Tribal and Urban facilities.

IHS, Tribes and Tribal organizations currently cap the rates they will pay for hospital services to what the Medicare program would pay for the same service (the "Medicare-Like Rate" or "MLR"). Currently, this MLR cap applies only to hospital services, which represent only a fraction of the services provided through the Purchase and Referred Care system. Proposed legislative fixes would amend Section 1866 of the Social Security Act to expand application of the MLR Cap. It would direct the Secretary to issue new regulations to establish a payment rate cap applicable to medical and other health services in addition to the current law's cap on services provided by hospitals. It would make the MLR cap apply to all Medicare-participating providers and suppliers. Self-Governance Tribes support this legislative fix to leverage the limited resources provided to IHS, Tribal and Urban health programs.

Advance legislation to expand Self-Governance to other Health and Human Services agencies and programs.

Title VI of the ISDEAA required the Secretary of HHS to conduct a study to determine the feasibility of a Tribal Self-Governance demonstration project for appropriate HHS PSFA in agencies other than IHS. HHS submitted the required report to Congress in March of 2003. The report concluded that the demonstration project was feasible. Although Congress has considered legislation to authorize a Self-Governance demonstration project, legislation has not been enacted into law to date. HHS has since convened a Self-Governance Tribal Federal Workgroup (SGTFW) and issued a final report in September 2014. After repeated attempts to

reconstitute the SGTFW to continue working on the report recommendations, Self-Governance Tribes will seek out legislative proposals to implement recommendations outlined in the report.

Supporting White Papers

Legislative priorities and goals do not often change, but strategy to move legislation forward changes based on external opportunities and information available. The White Papers below provide the most up-to-date administrative and legislative actions as well as strategy changes.

- Contract Support Costs
- Amending Title IV of ISDEAA
- P.L. 102-477, Indian Employment and Training Act
- Education

Additional Resources

In addition to the White Papers identified above, the following documents are available upon request.

- 2015 – 2017 National Strategic Plan
- Self-Governance Acronyms
- Self-Governance Definitions
- Self-Governance Major Statutes
- HIS - OTSG Funding Agreement Components
- DOI/OSG Financial Operations
- DOI - Federal Financial Systems
- SGAC Protocols
- TSGAC Protocols
- White Paper – Budget Equity
- White Paper – HIS Advance Appropriations
- White Paper – Sequestration
- White Paper – Contract Support Costs
- White Paper – Amending Title IV
- White Paper – 477 Program
- White Paper – Streamline SDPI Process
- White Paper - TLOA
- ACA Implementation
- VAWA Update
- Tribal Transportation Update
- Expanding SG to EPA

2016 Self-Governance Meetings

Jan. 26-28, 2016	1st Quarter SG Advisory Committees Meeting	Washington D.C.
Mar. 29-31, 2016	2nd Quarter SG Advisory Committees Meeting	Washington D.C.
April 24-28, 2016	SG Annual Consultation Conference	Orlando FL
July 19-21, 2016	3rd Quarter SG Advisory Committees Meeting	Washington D.C.
Sept. 7-8, 2016	SG Tribal Strategic Planning Conference	TBD
Oct. 25-27, 2016	4th Quarter SG Advisory Committees Meeting	Washington D.C.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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:

Defer the Emergency Management 4th Quarter report to the December 23rd meeting, request was previously approved by the Tribal Secretary

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:

Lisa Summers, Tribal Secretary

Primary Requestor/Submitter:

Kaylynn Gresham, Director Emergency Management

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:

I am scheduled to be in HRD training that is the second half to a training taken over the summer. I have submitted the report, would appreciate the opportunity to present at the Dec. 23rd meeting.

- 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: 12 / 09 / 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

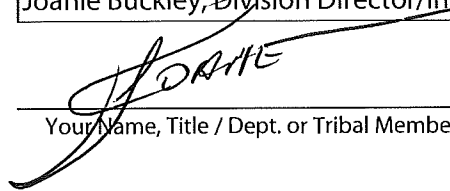
Budgeted - Grant Funded

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:

Attached is the 4th quarter (August & September) divisional report for the Internal Services area that addresses the accomplishments of the 4th quarter for each ISD area along with the goals and strategies for each 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

INTERNAL SERVICES DIVISION

4th QUARTERLY REPORT

August, September, year end FY15



This quarter build presents the last quarter months of August and September, and the accomplishments for FY15. Additionally, the goals for FY16 are developed, and presented at the end of the report. These goals are aligned with the 4 Directions, as outlined by the BC.

This quarter not only closes out the FY15, but has considerable activity relating to the outdoors. The Farmers' Market provided another outlet for healthy foods, and an opportunity for entrepreneurs to engage. The Farmers Dollars allowed several community entities such as the elders, Oneida School, etc., to promote and to attend the market.

Tourism had an incredible last two months of work – from planning to implementation of another successful Apple Fest. This has become a flagship for the greater community to have a fun family event that is free and where everyone can participate.

The Agricultural Showcase, was a collaboration of many entities to support the initiative by a couple of BC staff members; and it allowed for community members to weigh in on present and future plans relating to healthy food systems.

These efforts, along with the various efforts of the departments from MIS to the Print & Mail Center, provided an array of work and accomplishments in closing out FY15.



SELECTED ACCOMPLISHMENTS FY 15

- MIS was quite busy with system upgrades from Bally's at the Casino to the Retail Point-of-Sale (POS). They continue to stretch their resources to meet the tribes ever-growing need for systems upgrades and for new system implementation.
- GRANTS - They enhanced tribal services and resources by securing external funding and met their overall goal of \$7.3 Million in external funding. Their report showcases some of the grants secured. They worked with the programs to provide training, including logic model training, in order to facilitate efforts for grants. And they began efforts on the DonorPerfect software for the non-profit development on Youth Leadership. These efforts will continue through FY16.

Additionally grants were secured for food related work from USDA, including the a) Farm to School to build aquaponics system and grow greens for the school; b) Local Farm Promotions for training classes for tribal entrepreneurs on food production & branding products; c) Office of Outreach for the Food Sovereignty Summit to attract various tribes from across the country.

- TSYUNHEHKWA – collaboration with school for product, white corn and greens; and with the community on preservation at the cannery.
They received a USDA grant Value Added for the development of White Corn Products. It was designed to review Product Development and establishment of Plans and review the process side of the White Corn. The grant provided a collaboration of the University of Wisconsin Extension office of Brown County. Their compensation was through the granting funds and resulted in the development of Feasibility Plan, Feasibility Study, Marketing Plan and new product of White Corn Pancake Mix.
- OCIFS – In working through the goal to educate the Oneida Community about food, agricultural opportunities, nutrition and health risks, OCIFS managed an USDA LFPP grant, and cooperated with various department (Tsyunhehkwa & Cannery, Environmental, Oneida Orchard, Tourism, ISD, and Print Center) to provide technical assistance in food handling, preservation, branding, and marketing strategies to local producers. And outcome was a local food entrepreneur introducing their product into the Oneida Market.

The Farmers' Market was another outstanding success! OCIFS worked with Live54218 to get a free EBT machine for the Farmers' Market which will assist low income community members to purchase healthy local foods. Additionally, we invested \$3,060 into the community through the Market Dollars program to encourage healthy eating and to support the entrepreneurs at the Farmers' Market. The Dollars went to elderly services, early head start, food distribution program, Oneida library summer reading program, Oneida schools, Oneida parenting program – among others. All good investment into the community.

The Division is diverse, and each area develops their own strategies and aligns them to the direction of the Business Committee:

MANAGEMENT INFORMATION SYSTEMS (MIS)

Strategy #1 Deliver Business Technology Solutions

Retail – Replacement of entire Retail Point of Sale (POS) environment The new system not only provides new features and functions but also brings the Retail Division into compliance with industry credit card processing requirements.

Gaming - Completed the Scientific Games SDS (slot data system) upgrade. This project began in April and concluded on July 28th. The project was completed on time and within budget. Continued the work



associated with the Scientific Games CMP (casino market place) upgrade. This significant upgrade is scheduled for go-live on September 9th.

Strategy #2 Promote Information Sharing & Collaboration

Extended the use of the Tribe's digital management solution (OnBase) into the new Judicial environment. This supports the use of electronic record storage and retrieval while providing Judicial with a secure record management solution.

The Web Steering Team selected a new CMS (content management solution), Stellar Blue Technologies (SBT). SBT will be tasked with the responsibility of navigation, look & feel of the Tribe's web presence.

Grants Office Quarterly Report

- **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.**
 - ❖ Met our overall goals with a final total of \$7.3 million in external funding, for projects such as:
 - Deployment of Clean Energy & Energy Efficiency grant from the Department of Energy - \$999,972.00 (new grant)
 - Section 5311 additional discretionary grant - \$608,609
 - Brownfield 128(a) Grant 2016 - \$118,843.00
- **Strategy 2: Collaborate resources for a common goal.**
 - ❖ Provided training for all program requests to enhance their ability to obtain external funding.
 - ❖ Planning a DonorPerfect follow-up training session at the Skenandoah in November. This is an all-encompassing donor fundraising software the will eventually enable us to take donations into the Tribe for the 7871 Youth Fund.
 - ❖ Maintaining tribe-to-tribe, grantor-to-grantee, as well as other relationships in order to help increase our grant funding.
- **Strategy 3: Become a one-stop resource for grant funding, tribal data, and services.**
 - ❖ Maintaining a database that includes all funded, denied, and pending grants



Grant Funding - Brownfield Project



Built with HUD grant dollars

- ❖ Maintaining an on-going database of all information that relates to grant data including statistical data.
- ❖ Developed a database of all grant opportunities sent out and responses from programs.

TSYUNHEHKWA

Strategy #1 Increase Local Food Production

- Creating a Positive Organizational Culture – Oneida Strategic Plan
Local Food Production by Program and Community by increasing our White Corn production to 10,000 lbs. We are keeping our traditional foods alive.

Our Services and Products for the Community is being reviewed for Fiscal Year 2016. We work to do a constant evaluation on current process for improvements and revisions to ensure we are getting the most from our products and services at reduced expenses.



Aerial View of Tsyunhehkwa

Strategy #2 Improve Food Security:

- Advancing On^yote?a.ka Principles – Oneida Strategic Plan
We engage the community toward a mindset of healthy foods by inviting more than 500 (five Hundred) local Youth participating in our Education Days of the Annual Harvest & Husking Bee.

We engage the community and provide educational forums with our 3 Sisters Garden Model and Traditional Tobacco Garden. Our work provided community members ideas on how they can provide for themselves, family and friends. We shared our Program Plans through Ag Tourism, Presentations, Articles, Videos, Award Submissions, and Events.



Corn husk doll class

Strategy #3 Increase Interaction with Community

- Committing to Build a Responsible Nation – Oneida Strategic Plan
Products for Community include some of newest ones Apple Bites (Dehydrated Apples), Youth Trail Mix & Dehydrated Strawberries by Cannery. We continue to review options of Salad Greens, Jerky, Berries, Coffee, Herbs/Teas, #6 and the Aquaponics Project
- Continued review of White Corn Services and Products for improvements by; cover crops, collaboration with Organic Consultants, and pursuit of Agronomist. We also develop field plans, review with Integrated Pest Management Working Group for issues of Pest, Harvesting, and to improve and increase production per acre.

We continued the development of partnerships with higher education for outreach & collaboration, by Networking and educational opportunities to provide a hands-on experience and sharing of resources.



Cannery - Community

ONEIDA COMMUNITY INTEGRATED FOOD SYSTEM (OCIFS)

* **Farmers' Market** was a success! There were 44 vendors consistently, with an average of 325 customers. Over a dozen tribal members are vendors selling their products.

We did an initial assessment and recap on the Farmers' Market, and we began exploring the needs for next year's site, including layout, signage, and enhancing the location – *unless a better site opens up.*

* **Farm to School Smart Goals** - worked with Jesse Padron and Ashley Ponschok from LIVE54218 to create draft Smart Goals to include working with youth in the school to make the gardens and lunch room easier for them to participate in while trying to increase their knowledge of healthy foods and healthy eating.

* **Promote education through Agri-Tourism efforts** - set up and managed the Oneida Farmers Market located at the Big Apple Fest event on Saturday, Sept. 19 where we had 54 vendors and 6,000-8,000 customers.

* **Share through educational forums** - attended the 'Community Ag Summit' workshop on September 30 put on at the Radisson to get community input into the 5 agricultural strategies that were created for Oneida.

* **Increase access to healthy foods for WIC participants** - were able to offer the 'Double Your Bucks' program at the Oneida Farmers Market which provided \$591 WIC tokens to the low income community at the Farmers Market in 2015.



View of the July 16 Oneida Farmers Market Bash from the Environmental drone



Compost Bin workshop on May 2

EMPLOYEE ADVOCACY

The Employee Advocacy Department (EAD) continues its efforts to create a positive organizational culture through increased communication. Rather than formal litigations, EAD strives to mediate/settle cases, many of which are based on misunderstanding between the parties.

The efforts have reduced the formal litigation of cases over 50% compared to FY 14.

There continues to be requests for assistance in civil matters, to which EAD continue to provide referrals and general forms from on-line resources.



KALIHWISAKS

- Printed four issues – August 6, August 20, September 3 & September 17
- Covered news and events such as the constitutional appeal, Diabetes Dinner, Youth Lacrosse championship winners, Relay for Life, Fourth Annual Oneida Gathering and General Tribal Council meetings. (Advancing Oneyote? a.ka Principles)
- Printed Oneida Business Committee meeting minutes, board postings, public hearing notices, and legal notices. (Implementing Good Governance Process)
- Worked with other departments such as SEOTS, OCIFS, Adventures, Culture and OFF to create monthly pages to share their news and events. (Advancing Oneyote? a.ka Principles)
- Worked with Elder Services to give them two pages once a month to print their Drums publication. (Committing to Building a Responsible Nation)
- Worked with Communications to produce weekly “This Week in Oneida” video. (Advancing Oneyote? a.ka Principles)



Youth Lacrosse champions



Community Planning during Agricultural Showcase Sept 2015



Tourism

Strategy #1 Develop Cultural Tourism

Long House - Conservation slowly working at site

Amphitheater – Benches were made by elders who live on the Menominee Reservation. Tourism supported the College of Menominee/Oneida Arts play writers’ theater.



Visitor Center – received initial drawing and floor plans received by Whole Trees. Final schematics of building due in October 2015.

Strategy #2 Build Partnerships

- Tourism continues to work with Radisson/CVB for upcoming Boomers in Groups conference
- Met with tribes from around Lake Michigan to further develop a Lake Michigan Bus Tour itinerary.
- Aug 8th – Oneida and Wild Life Sanctuary teamed up for the 4th year to have one of the most popular Packer Family Night booths



Strategy #3 Generate Foot Traffic with in the Reservation Boundaries

- Provided event assistance for Ag Summit planning
- Kirby Reservation Tours Continue

2015	2899 people (YTD)
2014	1259 people
2013	920 people
- Big Apple Fest a Big Success! Attendance was up from 2014. More security/OPD assistance was utilized for better traffic control. Apple Orchard Sales increased from \$11,700 FY14 to over \$15,000.

Strategy #4 Maximize Media

- New Maddog & Merrill Cooking Show tapes featuring Oneida Market & Farm Products
- New Company Magazine featured a story about the Cultural Heritage developments & Tourism
- Continue to assist in the promotion of the Oneida Market and Oneida Orchard



Oneida Tourism continues to create and develop Tourism initiatives. Conservation completed the infrastructure of the long house floor and has dedicated 2 staff persons to work on finishing the ribs of the structure this fall. This project should be completed in Spring 2016. Additional plans for an amphitheater and bathrooms are the next projects on the list to help further develop this site for learning and visitors.

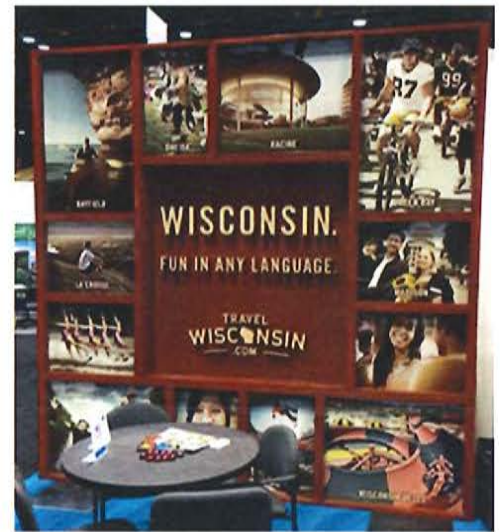


Tourism staff was very hard at work with tours, supporting the Farmers' Market, and a big win for the Apple Fest which was managed on 2 distinct locations, for over 5,000 people.



Another factor to consider is the Market Analysis where the State of Wisconsin reported \$17.5 Billion for total traveler spending in the state.

We continue to follow the trending of tourism and economic impact within the NE region of \$1.4 Billion, some of which comes from traffic for the Green Bay Packer games. Therefore, our partnership continues to tie us to potential tourism revenues and foot traffic.



PRINT AND MAIL CENTER

The Print & Mail Center has been hard at work with the GTC mailers, the rush of printed projects for year end, and the printing for the Agricultural Showcase and the Food Sovereignty Summit.

They are learning the new machines – a Xerox 1000 which replaces their older color copier, and the high speed black and white machines – which were reduced down from 3 machines to 2 machines to cut costs. This has slightly changed their timing for GTC printing, and the staff has been incredible in adjusting their hours, including late hours, in order to get the mailings out.

The staff has been working on focusing on various aspects of the operation – from financial to operational process improvements. They will continue to undergo changes as they adapt some of their systems to take on more work.

As FY16 begins, goals were developed with strategic approaches, each initiative has the tactics and approaches. The following list represents the overarching goal and the strategic direction established by the Oneida Business Committee that aligns with the goals.

FY 16 GOALS

GOAL	DESCRIPTION	STRATEGIC DIRECTION
MANAGEMENT INFORMATION SYSTEMS (MIS)		
# 1	Expansion of the Archibus solution: The project involves leveraging previous investments and extending the Nation's facilities management system. The expected outcomes include improved administration of the Nation's facilities, maintenance processes and efficiencies.	Committing to Build a Responsible Nation & Accountable & Effective Governmental Design.
#2	Advance Oneida language preservation initiatives. The activities include the development of mobile language app's and digitizing historic and rare Oneida books	Advancing On^yote?a.ka Principles and Long Term Sustainability Plans
#3	Improve system performance and availability. Continued work associated with network upgrades, data center upgrades and expanded data security solutions.	Implementing "Good Governance" Processes and Accountable & Effective Governmental Design.
GRANTS		
# 1	Enhance Tribal Services with External Funding (Both new and continuation monies)	Advance On^yote?a.ka Principles & Commit to Build a Responsible Nation, and Implement "Good Governance" Processes
#2	Collaborate Resources for a One-stop Shop for Funding/Grant Data and Services	Advance On^yote?a.ka Principles & Commit to Build a Responsible Nation, and Implement "Good Governance" Processes
#3	Develop and Launch the 7871 Oneida Fund	Advance On^yote?a.ka Principles & Commit to Build a Responsible Nation, and Implement "Good Governance"

		Processes
TSYUNHEHKWA		
#1	Increase Local Food Production	Advance On^yote?a.ka Principles & Commit to Build a Responsible Nation
#2	Improve Food Security	Advance On^yote?a.ka Principles
#3	Increase Interaction with Community	Committing to Build a Responsible Nation
OCIFS		
#1	Educate the Oneida community about food, agricultural opportunities, nutrition and health risks, news articles, and educational forums.	Advancing On^yote?a.ka Principals
#2	Integrate Oneida and locally produced foods into the Oneida community and institutions; Build on Farm to School and other initiatives for youth in agriculture.	Committing to Building a Responsible Nation
#3	Develop initiatives for Agri-Tourism that integrate the Community and showcase Oneida	Committing to Building a Responsible Nation
EMPLOYEE ADVOCACY		
#1	Transform the work environment from a litigious environment to a positive organization culture	Creating a Positive Organizational Culture
#2	Decrease the number of employment disciplinary cases progressing to formal litigation; identify disciplinary trends	Creating a Positive Organizational Culture
KALIHWSAKS		
#1	Community Engagement to reflect good work from community members by adding a <i>Volunteer</i> section that will highlight area volunteers and volunteer opportunities	Advancing Oneyote?a.ka Principles, Committing to Building a Responsible
#2	Community Picture page featuring submitted photos from Oneida citizens	Advancing Oneyote?a.ka Principles
#3	Collaboration with Tourism and Print Center with move to join multi-media network; collaborate on equipment, staff, and marketing ideas	Creating a Positive Organizational Culture
TOURISM		
#1	Develop Cultural Assets	Advance On^yote?a.ka Principles
#2	Build State, Regional, Local and Internal Partnerships	Committing to Build a Responsible Nation
#3	Generate Foot Traffic to the Reservation for Cultural Learning & Revenue Generation	Committing to Build a Responsible Nation
#4	Maximize Media	Committing to Build a Responsible Nation
PRINT AND MAIL CENTER		

The overall Division goals for FY16 will be:

1) *Advancing the On^yote?a.ka Principles & an engaged community*

Developing the Oneida Brand – by seeking new avenues to visibly expand the Oneida story within our reservation boundaries, and promoting the brand throughout the region, state, and nationally. Some of the tactics include the development of the longhouse, amphitheater, and cultural heritage site; the multimedia and events management team; media and collateral design; tours; cultural and agri-tourism events to engage and promote our community.

2) *Committing to Build a Responsible Nation & Create Economic Systems*

Promote Agriculture and Healthy Foods: by continuing to develop the 5 interrelated agricultural strategies of a) build a community mindset for healthy foods, b) increase local agricultural and food production, c) build local food economies; d) integrate local foods into community outlets; e) ensure sustainable development and practices.

3) *Implementing “Good Governance” Processes & Long Term Sustainability Plans*

Technology Advancements to strengthen an efficient operation through technology by maintaining present systems, incorporating future systems, and advancing technological uses for ease of business and engagement. Technology has many applications; and this tribal environment is multi-faceted and complex.



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 9 / 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 Bay Bank FY '15 4th 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/Submitter:

Jeff Bowman, President & CEO

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Bay Bank
QUARTERLY REPORT

Quarter ended September 30, 2015

A. **BAY BANK**

Submitted by: Jeff Bowman, Board Member
Directors: Lance Broberg, Fern Orié, Bob Jossie
Jeff Bowman, Pete King, Elaine Skenandore-Cornelius

Oneida Business Committee Contact: Tina Danforth

B. **MINUTES**

None Submitted

ACTION TAKEN

No Tribal Policy change.

D. **FINANCIAL**

Note that various financial reports

December 31, 2015 is Bay Bank's fiscal year end.

E. **SPECIAL EVENTS AND TRAVEL**

None

F. **PERSONAL COMMENTS**

Bay Bank account numbers as of September 30, 2015:

1,028	Checking Accounts
331	Business Checking Accounts
69	Money Market Accounts

1,595	Savings Accounts
477	Certificates of Deposit
101	Commercial Real Estate Loans
701	Residential Real Estate Loans
146	Business Loans
576	Consumer Loans
44	Oneida Small Business 2000 Loan Program Loans

The Oneida Small Business Loan Program 2000 that is administered by Bay Bank started on May 1, 2002. As of this date over \$ 11.4 million in new loans have been made to over 122 new or growing Oneida tribal member owned businesses.

The Section 184 mortgage loans serviced under FHLB MPF program totaled \$49.2 million at September 30, 2015. There are 402 loans in the program currently.

G. GOALS AND OBJECTIVES

2015 GOALS:

GOAL A: Bay Bank will strive to attain a minimum 0.50% Return on Assets for the year ending December 31, 2015. Return on Assets (ROA) is a common measurement of a bank's profitability. This ratio informs you how well the bank is managing and investing the bank's assets.

2015 ROA Goal	2015 YTD ROA Actual	2015 Peer Group Average
0.50 %	0.74%	0.76%

GOAL B: Bay Bank will strive to attain a minimum 6.00 % Return on Equity for the year ending December 31, 2015. Return on Equity (ROE) is the measurement of how well the bank is performing for its stockholder.

2015 ROE Goal	2015 YTD ROE Actual	2015 Peer Group Average
6.00 %	5.46 %	6.53 %

Bay Bank had budgeted total loans for the quarter ended September 30, 2015 in the amount of \$ 52.6 million. Actual total loans as of September 30, 2015 were \$ 50.3 million or \$ 2.3 million less than projected. Loans increased \$ 2.0 million over the 12 month period ended September 30, 2015.

Bay Bank had budgeted total deposits for the quarter ended September 30, 2015 in the amount of \$ 64.3 million. Actual total deposits as of September 30, 2015 were \$ 65.9 million or \$ 1.6 million more than projected balances. We continue to allow various non-core deposits to mature. Deposits decreased \$ 945,000 for the past twelve months as various non-core deposits matured and were not replaced.

H. MEETINGS

Monthly meeting on the third Thursday of each month. Well attended.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 Seven Generations Corporation

Narrative Report:

Explanation of the core of the Corporation's business practices:

The purpose of Oneida Seven Generations Corporation (OSGC) is to engage in activities related to commercial leasing. OSGC manages commercial developments such as the Bellin facility on Commanche Avenue, the Schneider facility on Glory Road, the Badger Sheet Metal Works facility on Partnership Drive, and the West Mason and Packerland malls. As of September 30 2015, we have three properties with lease space available; they are half of the former Tower Foods facility, the restaurant space at the Travel Center, and an office facility on Flightway Drive. We have spoken to a number of potential tenants. There are fifteen properties under OSGC's management; with over thirty leasable areas.

The Wisconsin Supreme Court ruled in favor of OSGC on our lawsuit against the City of Green Bay for the waste-to-energy plant.

Explanation of the Corporation's market information:

Property Management: OSGC employs one part-time tribal elderly member who assists in managing approximately 30 tenant leases. In addition to monitoring the leases, the leasing person assists in making sure the corporation buildings are insured and that tenants insure their occupancy, implementing property management procedures, and compiling data information.

Identification of the primary goals and targets of the Corporation and progress made towards accomplishment of the same:

The vision for OSGC is to increase the profitability of the company's income real estate base. This will occur by leasing all available spaces and continuing to reduce expenses.

We are also marketing our properties through Facebook and other social media outlets. We have seen an increase in properties being marketed through the internet which is less costly and has the ability to reach more businesses looking for space. In order to remain competitive we are moving into this market area.



Oneida Seven Generations Corporation

Identification of medium (two to five year) and long (greater than five year) prospects and sustainability of the Corporation given present status, strategies and risks:

Our medium to long range goals includes the following:

- To dissolve OSGC, pet the GTC motion, once it's economically feasible due to the current lawsuits.

Summary of the assets of the Corporation, including but not limited to its financial, physical, employee, customer, brand or intellectual property, and supply assets:

Financial / Physical: Checking accounts; Buildings; Other Business Ventures

Employees: OSGC has two employees; one full-time and one part-time.

Main Customers: Bellin Health Systems; Schneider National; Badger Sheet Metal Works; United States Postal Services and Oneida Tribe of Indians of Wisconsin

Summary and status update of any pending legal action to which the Corporation is a party and any relevant government regulation to which the Corporation may be subject:

OSGC has won in the appeal process with the City of Green Bay regarding our rescinded permit. OSGC is pursuing all business and legal options recoup its investment due to the company as a result of illegal revocation of CUP by the City of Green Bay.

OSGC has been dismissed from ACF litigation in Illinois, on grounds of sovereign immunity.

OSGC is in the preliminary stages of arbitration with a former tenant.

OSGC is also in the preliminary stages of arbitration with a former vendor.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 15

2. General Information:

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

[Empty text box]

Agenda Header: Reports

Accept as Information only

Action - please describe:

Motion to accept the OGE d/b/a Thornberry Creek at Oneida FY15 4th Quarter Report.

3. Supporting Materials

Report Resolution Contract

Other:

1. OGE 4th Quarter Financial Report

3. [Empty text box]

2. OGE 4th Quarter Financials

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Trish King, Tribal Treasurer

Primary Requestor: Janice Skenandore Hirth - President
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Jeanne Nault, Executive Assistant
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Golf Enterprise Corporation

Fiscal year-To-Date Reporting for period Ending:

September 30, 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, practice range, golf shop and sports pub & grill.
- TCO is considered a leader in charitable golf event hosting and a leading choice for future brides.
- TCO hosted 127 special events in the fourth 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. **Competitive analysis was completed in August of 2015 and the course conditions left a lot to be desired. Paired with non-existent service, Brown County has little to no perceived value and should not be considered a threat.**

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 feature 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* efforts continue as we've had approximately 4 raters visit the facility
- The All In Package is proving to be a success as we've had 31 take advantage of the program
- The new pricing initiative has also been a success with shoulder rounds up 300% over 2014
- Our personalized special events continue to be a big hit as we saw record numbers for our Red, White and Blue along with our Staff Am Scram
- Our introduction of Winedown Wednesdays and Sunday Breakfast Buffet has been well received within the community
- Our brand image continues to be elevated as we're seen and heard across all the major networks: FOX, CBS, NBC and WIXX
- One of our team members, Jessica Kidd, was diagnosed with a serious form of breast cancer. We willingly held a fundraising event for her and had an exceptional turnout allowing us to give back to her in generous form
- We continue to lead the charge in weddings holding a 5 star rating on both the Wedding Wire and The Knot
- Cigar Nights continue to be a hit amongst attendees
- Golf rounds were down in the 4th quarter but round revenue was up 18%
- The newly remodeled Golf Shop has assisted in an increase of sales by 9% over 2015
- The Fringe Benefit Card was responsible for over 600 rounds
- Tobacco sales continue to grow as sales are up 71% over 2014
- Our new private label water has been a success as we're seeing higher profit margins due to the negotiated pricing
- TCO has been working with the LPGA in potentially bringing an event to the area in 2017
- TCO continues to donate rounds of golf to various charities in the area and is becoming a leader in giving
- Our online presence continues to grow and we're receiving the best reviews we've ever had

Material Changes or Developments in Market/Business:

- CIP for the parking lot has been completed with the addition of branded signage, flag poles and attractive landscaping
- The selling of old appliances and furniture continues to grow and assists in our own necessary R&M
- Service training has been applied in both Golf and F&B; this continues to be an area that struggles
- Retaining the good team members is proving difficult as the area is experiencing an all-time low concerning unemployment
- We successfully hosted Current Young Professionals regarding The Importance of Business and Golf
- We had a sellout crowd on hand for the event and many new faces experience what TCO has to offer
- Banquet business is continuing to head in the opposite direction; this will be a major focus in the offseason
- We were seen and heard at the PGA Championship with an ad in the official program and the official sponsor of coverage on CBS
- 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 72% since May of 2014 and up 6% in the fourth 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
- Weddings continue to sellout early however the overall attendance in weddings are down from previous years
- Early morning rounds and late afternoon rounds have grown substantially; over 300%
- On course sales continue to grow: 30% over 2014 and cigar sales also continue to grow at 71% over 2014
- Josh Doxtator spoke at a private event for the Hilton Inn Garden Suites pertaining to conducting business on the golf course
- Josh Doxtator hosted and spoke at an event for Current Young Professionals regarding business and golf
- TCO continues to elevate their brand through campaigns in both social and market media

Pending Legal Action:

- No litigation pending.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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 4th 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:

Submitted by: Jeanne Nault, Executive Assistant
Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Airport Hotel Corporation
Radisson Hotel & Conference Center
Quarterly Report
For the quarter ended: September 30, 2015

Narrative Section

Business practice, market overview, place within market:

- STR report shows for the Quarter that we are up in Occupancy YOY 5.8% index, down in ADR YOY -.3% index with a result of 5.5% index YOY for RevPar; group rooms had great pick up for July and September; July due to new group piece of business that will be returning yearly; September due to 3 Packers games in 2015 compared to 1 in 2014.
- Sales team attended Radisson Sales training in July and continued to represent Radisson at events including Chamber Networking breakfasts monthly; BNI meetings weekly; Current luncheons/events monthly; Management Women events monthly; WSAE event quarterly; WBTA event quarterly – to gain leverage for the Radisson in the Green Bay market. Sales team blitzed the Madison Association market with Wisconsin Aimbridge properties making over 100 sales calls.

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 Q4 and other need months
- Working with Radisson Corporate in all Sales markets to gain leverage and recognition
- Working with Aimbridge Regional properties 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

Material changes or developments in market/business:

- KI Convention Center Expansion opened September 2015, adding 23,000 square ft meeting space will have total of 80,000 when complete, due to complete September 1, 2015
- Appleton will be adding a Convention Center on land near the Radisson Appleton

Market growth:

- Northland Hotel due to start construction on 147 room hotel downtown to compliment the KI Convention Center expansion, due to open July 2016

- Formerly Clarion Hotel downtown is completing construction to become a Hampton Inn opened September 2015
- Residence Inn 100 room property set to build and open 2017 in Green Bay, near Aloft
- 77 room Staybridge Suites will be under construction and attached to Brett Favre's Steakhouse
- 4 Star property due to be built on Packer property near the stadium with 200 rooms – Lodge Kohler due to open 2017
- Home 2 Suites to be built on Holmgren Way across from Grainger
- TBD property inline to be built downtown on Broadway near The Cannery

Pending legal action:

- Nothing at the moment

Oneida Airport Hotel Corporation
Three Clans Airport, LLC
Quarterly Report
For the quarter ended: September 30, 2015

Business practice, market overview, place within market:

- Ranking for the 4th quarter from the STR Report the Wingate is 4 out of 5 based on REVPAR and 3 out of 5 based on Occupancy. Wingate is continuing to maintain fair market share within the competitive set.
- For the 3rd quarter the Wingate focused on growing ADR over occupancy and was able to grow rate by \$5.34 year over year.
- The Wingate averaged 83.4% occupancy for the 3rd quarter; this occupancy remained the same year over year.

Competitive analysis:

- The competitors ran a REVPAR of \$105.18 to Wingate's \$71.59 for the quarter.
- The competitive set had occupancy of 83.4% to the Wingate's 85.8%.

Strategies for improved value:

- The Wingate's strategy is to continually grow rate and to yield 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 Expeida 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 Hampton Inn downtown opened during the 4th quarter, but the Wingate has not seen a decrease in business from this.
- The Wingate saw an increase in the corporate business traveler in the 4th quarter. During the 4th quarter there were many new companies that stayed that have not previous stayed before. From these stays the Wingate was able to reach out and obtain new leads for new negotiated rates.
- The Wingate continued to provide overflow accommodations for many of the groups and conventions that were held at the Radisson.

Market growth:

- For the 4th Quarter, the Wingate ended with 68.1% REVPAR Index.
- Revenues for the fourth quarter were \$506,443.00 which was up by \$36246 year over year...
- 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: 12 / 09 / 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:

Business Committee approval of 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 Rentmeester, OTIE Board Chairman

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Submitted by: Heather Cotey, Corporate Administrator

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida Total Integrated Enterprises

PRELIMINARY **4th Quarter Report 2015** **November 17, 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 01-20151117

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 provide 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 roster 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.

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.

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. We pride ourselves in offering "no drama" project performance, and continued requests for OTIE project leadership occurs.

We face substantial competition in each of our business profiles as markets crowd and customers become more price-sensitive. Within Small Business circles, OTIE remains a sturdy, medium-sized competitor. Some competitors are large firms with vast 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.

Looking at the 8(a) market, OTIE is distinguished from others by our size and longevity as a company. Now in our third decade of business operations, we are a mature, tested and proven SB with infrastructure that rivals many large businesses. 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 requirements by adding new engineering disciplines and licensed staff. OTIE fortified our mechanical, electrical and structural engineering capabilities and we now self-perform challenging engineering projects that would have previously been subcontracted to team partners.
- ***Environmental Response*** – OTIE won the re-compete of EPA Region 4's Small Business START contract. This win represents long-term revenue opportunity and promotes employee retention where, without this contract, employees would have been furloughed or relocated.
- ***Environmental Compliance*** – OTIE won a contract for site investigations in 22 locations for an emerging groundwater contaminant known as perfluorinated compounds (PFCs). This project offers follow-on potential if executed to the client's expectations.

The company's position in the marketplace remains healthful and configured for future success. Our financial and project performance are coequal metrics that are tracking along gradual improvement vectors, and are indicative of steady growth instead of punctuated spikes that are harder to sustain.

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 identify opportunities with government and other customers where funding is reliable and alignment with our core competencies is commensal. Examples include engineering services, Munitions Response Services (MRS), and design/construction contract management. We also target areas that we believe are attractive for building professional development for our staff. With enhanced capabilities we form effective and efficient teams that deliver on successful projects, such as Military Family Housing design (Title I) and construction phase services (Title II). Evidence of our improved value in the marketplace includes OTIE's AE services in Asia, and engineering studies and assessments for improvements in energy efficiency, and facility upgrades.

Specifically, the following elements drive 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, but our goal remains prime contracts instead of team-sub positions.

2) Leveraging of our services. OTIE has diverse services to offer to a growing customer base. We leverage OTIE capabilities and remain vigilant for 8(a) set-asides for OTIE. 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 such as state and municipal government.

3) Expanding our international footprint. OTIE is one of AFCEC's select, "go-to" AE firms for Title I and Title II services. Our forward operating Guam presence has strengthened OTIE's position in Asia/Pacific, and based on superior performance in theater, PACAF has contacted OTIE to ensure that we are configured and ready to propose for an upcoming Environmental Services Contract.

4) INVESTING IN OUR PEOPLE. We are committed to building on our employee's accomplishments while expanding our reach through new hires. Continued profitable growth is projected to occur through our carefully executed hiring strategies. OTIE attracts and hires staff that enhance our relationship-building and improve our competitive position in the marketplace.

5) Geographic and client expansion through acquisition. We will direct an active acquisition strategy focused on expanding our ability to offer our technical services in new geographic areas and with new clients (e.g., NAVFAC and USACE) through the acquisition of complementary businesses. While we continue to invest in our people, we must continue to pursue strategically and financially sound acquisitions. Being disciplined in valuing and structuring the transactions, OTIE avoids acquisitions merely for the sake of revenue.

Overall, OTIE's strength in the market is built on relationships with key customers, and our ability to discover new opportunities early in the acquisition cycle and respond with discipline and direction. 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). Each of these business concerns is treated in a category of SBs that may be awarded prime contracts without competition. OTIE also competes against other 8(a) firms for set-aside acquisitions, including SBs that are categorized as Woman-Owned, 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; Insight; Stell Environmental and others) plus 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, ERRG, HydroGeoLogic, Nobis, Terranear PMC, Tidewater and others). These SBs are now mature businesses developing past performance and earning customers that keep them "entrenched" in specific situations.

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 that acts like a large business.

Regarding task order proposals, OTIE has struggled against other Small Business competitors to win work under Multiple Award Task Order contracts (MATOC). 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 ideally suited to deliver AE Services in Asia/Pacific under the recently AFCEC AE13 DCS contract awarded to the Joint Venture of OTIE-RS&H. The Defense Department's force posture in Asia aligns with OTIE's planned growth: We are pre-positioned 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 diverse federal contracts, and our performance on 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 FY15 we witnessed the continued, government-wide preference to procure MATOCs as the default contract type and 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. Under the new Remedial Action Framework (RAF) a Design and Engineering Services (DES) contract is being acquired across three large "zones" and with up to seven firms per zone. OTIE will pursue a prime contract award for EPA Regions 8, 9 and 10; we will be in a sub-contractor role for EPA Regions 4, 5, 6 and 7; and we will forego pursuit in EPA Regions 1, 2 and 3. Future Small Business contracts under the RAF will include an Environmental Services and Operations (ESO) and Remediation Environmental Services (RES). For the ESO and RES pursuits OTIE will team with our SBA Mentor Protégé Program partner, CH2M.

As a 25+ year experienced 8(a) firm, OTIE counterbalances the impact of a bias toward MATOCs through an ID/IQ contract portfolio blending MATOC and single-award 8(a) contracts (where competition is not required for task order assignment). Going forward an acknowledged risk post-2017 is the loss of an 8(a) contracting option for OTIE, and a probable continuation of MATOC acquisitions.

Perhaps the most significant development in NAICS 562910 (Environmental Remediation) is the proposed Rule Change by SBA to increase the Small Business size standard (i.e. definition) 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. The timetable and outcome is uncertain, and SBA's next action is to publish a formal determination on the proposed rule change and possibly a phase-in deadline if a change is required.

To counteract the potential increase in OTIE's Small Business Size Standard, it becomes critical that the Oneida Tribe continue to support OESC's new 8(a) subsidiary companies. The invested capital can help our "sister" companies become stronger, and better positioned to build a performance history to compete for more direct awards. With strengthened financials each company becomes a competitive entity offering contracting options with our federal customers. Promoting diversified primary NAICS codes, the Tribe enjoys breadth of competitive, SB possibilities.

An emerging development in our industry has the potential to adversely affect many of the small business Munitions Response Services providers like OTIE. The DoD anticipates ratifying a costly certification protocol for Advanced Geophysical Classification of subsurface anomalies. Firms seeking certification would be required to dispatch their geophysics staff, equipment, and other support personnel to a test scenario/examination location in Maryland. We expect an unintended stratification in the munitions response market: Certified providers of Advanced Geophysical Classification may be afforded more contract opportunities, and collateral damage may result, including reduced MRS opportunities for Small Business concerns.

OTIE owns none of the equipment required to deliver Advanced Geophysical Classification, and we presently subcontract geophysics requirements on MRS task orders. Our plan is to remain actively engaged with DoD on this potential certification protocol and position ourselves to minimize any competitive harm to the company.

In spite of changes in our industry, our ability to adapt to the evolving needs of the marketplace has enabled us 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.

With less than two years before 8(a) graduation, a primary goal for OTIE focuses on growth through competitive contract wins and 8(a) direct awards. These 8(a) contracts afford growth opportunity via hiring top talent and expanding our geographic presence. In FY15 we continued the drive for this primary goal and we exceeded expectations by winning long-term 8(a) and unrestricted contracts. Key 8(a) and full-and-open contract wins include:

- AFCEC AE13DCS – AE Services at Worldwide USAF installations with up to 18 potential contracts in unrestricted competition
- Oneida Housing/Green Valley Elder Housing neighborhood - construction services competitive award by the Oneida Tribe
- USACE Tulsa District – environmental site investigations for PFCs in groundwater through an 8(a) direct award
- USACE Huntington District – 8(a) direct awards for Remedial Construction at Former Plum Brook Ordnance Works site
- US Army Environmental Center – Red River Army Depot, Long Term Monitoring 8(a) direct award contract
- US Fish & Wildlife Service – Remedial Action 8(a) direct award at the former Leavenworth shooting range in Chelan, WA

Impressive growth in OTIE's engineering capabilities occurred in FY15, with new licensed professionals hired in engineering disciplines such as mechanical, electrical and structural. Under OTIE's USAF contracts we are now performing engineering studies, evaluations and reports with engineering recommendations on water, wastewater and asset management services. OTIE brought in the following Task Order wins in engineering:

- US Air Force – Task Order A-E Services for Utility Meter Study and Design for Installation of Fiber Optic Cable, Yokota AB, Japan
- US Air Force - Task Order for Title II Construction Quality Assurance Evaluations on a two-year duration at Misawa AB, Japan
- US Air Force – Stormwater Modeling and Engineering Study at Eielson AFB, AK; Osan and Kunsan ABs, Korea; and Misawa AB, Japan.

A significant development for OTIE's Environmental Services performance in FY15 is the task order award under our EPA Region 9 site-specific remedial action contract (RAC).

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 is crucial 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 or locations for expansion by OTIE include:

- Facility/infrastructure engineering and asset management
- Diversified environmental services
- Munitions Response Services (MRS)
- Expansion of USEPA services, contracts and Regions
- Growth in the Asia/Pacific region

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. *On the new AE13DCS contract, OTIE-RS&H JV has been awarded a multi-disciplined services supporting PACAF requirements.*

Diversified environmental services – OTIE holds prime contracts in USACE Districts that are serving the US Air Force's needs for base-wide environmental services. We are under contract for fence-to-fence (F2F) environmental services and we anticipate proposing on similar opportunities in FY16. We are positioning for a forthcoming USAF Pacific Air Forces (PACAF) Environmental Services Contract (ESC). *The Tulsa District chose OTIE for an 8(a) Direct Award for PFC Site Investigations.*

Munitions Response Services (MRS) – OTIE is 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. Contract spending by DoD has been slow, and existing contract capacities are virtually spent. This means new opportunity for ID/IQ contracts in FY16 and beyond. We see Advanced Classification (AC) Treatability Studies (TS) as a ‘coming of age’ Business Development opportunity as DoD hustles to leverage new technologies for detection and removal of ordnance. Approximately 500 sites need AC TS and OTIE is leveraging our AC

experience in combination with our 8(a) status to USACE, USAF and NAVFAC by targeting AC TS and other requirements. *OTIE won a contract for munitions response services addressing advanced classification treatability studies at Mt. Owen.*

Expansion of services/contracts with USEPA – OTIE was awarded a significant work assignment at the AMCO site in Northern California under the USEPA Region 9 8(a) site-specific RAC. In addition, we won the START in EPA Region 4, and we are positioned for new contracts in late 2016. *Long-term, high dollar contracts are targeted by OTIE, and in FY16 we will compete for Design and Engineering Services (DES) in several EPA Regions under the revised Remedial Action Framework.*

Growth in the Asia/Pacific region – Over the last ten years we have systematically expanded the service offerings and the level of self-performance by OTIE instead of team subcontractors on contracts that we have with the Air Force and USACE. *AFCEC awaits award of the second of two, worldwide AE Services contracts. OTIE was the only small business to win both contracts. Our newest project location with AFCEC is on Maui in Hawaii, where we anticipate a one-year follow-on project for Title II services*

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 gradually grown OTIE into 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-level staff to continue to grow the business. We are committed to sustaining internal efforts, such as investment in our people, such that "seller-doers" have the necessary training and tools to identify and win new work.

Our service lanes are sturdy and rich in potential. However, risks in business are a constant, and lasting companies endure risks with careful plotting for avoidance, and calculated mitigation once the risks are encountered. Acknowledged risks for OTIE include:

- We operate in highly competitive industries and contracting is often erratic and unpredictable; a reduction or delay in pending awards by government agencies could adversely affect us
- Our inability to win or renew government contracts could adversely affect us
- We are exposed to risks associated with operating internationally
- Our failure to properly manage projects may result in additional costs or claims
- An economic downturn may adversely affect our business
- In order to succeed we need to keep up with a variety of rapidly changing technologies
- We are highly dependent on key personnel
- Future acquisitions may not go as expected and may have unexpected costs and consequences
- The government may adopt new contract laws or regulations at any time.

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 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 growth strategy that is based on OTIE's existing customers. This strategy involves creating High Impact Value Propositions for new customer sub-segments. What we sell is a service wrapped in value, and the foundational strategy relies on 1) customers viewing OTIE through alternative lenses, opening windows of opportunity for business performance across other OITE disciplines, and 2) 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 competitors. Under several MESA and POCA contracts, Sacramento District reached OTIE for Advanced Classification / Treatability Studies, essentially bridging to OTIE's MRS service line.
- A customer-focused strategy that penetrates agencies with strong strategic links to OTIE's core – creating adjacent business lanes. OTIE's USAF customers are relying on us for delivering AE requirements to support their

space launch missions, with economic and environmental benefits. In the remaining years on the contract, we will emphasize and activate a clear link to OESC companies, pre-positioning us for follow-on work under the Range AE Inspection Services (RAEIS) program and 8(a) competition.

- Customer and contract-focused strategies are key for new ID/IQ contracts. Despite having won an abundance of prime 8(a) contracts, two challenges face us: 1) we have suffered losses on competitive task order proposals awarded under prime contract tools, losing on both cost and technical approach; and 2) backfilling 8(a) contracts so that we continue to be 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. Mindful of where we can improve, we mitigate potential performance or business risks, and this behavior begins at the proposal and Work Plan phases on all projects.

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 an expanding SB enterprise, OTIE successfully strengthens our market position based on our systematic business development and responsive value-added proposals. We generate revenue and profit after successfully winning work under our hard-fought proposals. 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.

OTIE Educational and Other Outreach Programs

OTIE continues 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 assistance 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. Our backlog has grown and our utilization is very high — an indicator that being diversified as a company serves to safeguarded The Oneida Tribe's investment.

We have successfully groomed long-term business relationships with key DoD agencies for services delivered in the Continental US and around the world, and we are poised to benefit from an anticipated recovery and continued “rebalancing” to the Asia/Pacific theater. With a solidified agreement by the US Congress on federal budget initiatives, 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 FY16. 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

Maintaining quality service to existing clients is a top priority for OTIE. Common business vernacular repeats the mantra that our best business development is with the customers we already serve. 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 continued to reinforce key growth areas for DoD customers. Examples include: Munitions Response Services and traditional engineering services; and 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. Real property 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 geophysicists. 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 tactical value.

“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. In FY15 we merged the skills offered to one customer into new client groups and geographic areas, including the housing neighborhood design project for the Oneida Tribe. We featured OTIE's multi-year performance with design and construction quality assurance for DoD, where we have been prime on over 2,000 Military Family Housing unit designs or construction QA. In the two- to five-year term we will follow and build upon this initial success.

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.

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.

During FY15 OTIE will collaborate with a Joint Venture partner, RS&H to chase AE projects in geographic areas like Europe where OTIE has only limited work experience. We will also market to NASA, USF&WS, and Army Environmental Center customers to identify opportunities for additional penetration and competitive traction.

In geographic regions like the US Southeast, OTIE is better positioned to find business growth by hiring key personnel.

These and other new customers and locations present outstanding opportunities for service growth and diversification. In FY16 OTIE will continue the drive to target customers and new markets for additional projects.

Long-term prospects

In spite of considerable budget constraints in FY14 and FY15, OTIE envisions steady growth with our DoD and USEPA customers over the long term. 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.

Continued reliance on low-price awards is a known risk, and we continue to adjust OTIE's pricing structure to ensure that we remain competitive across all business segments, while remaining conscious of the need to deliver profitable performance. Similarly, we are concentrating our marketing efforts on maximizing our return on investment through expanding support for existing customers, developing tasks under existing contracts, and collaborating with firms that need either SB participation or our specialized expertise.

We believe that the five year period from 2016 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. As a small business of substantial size, OTIE differentiates ourselves from the emerging 8(a) firms that lack the infrastructure, experience, and resources 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.)**

Growth in FY15 was primarily organic or internal for OTIE. Organic growth presents sales and BD potential only if we hire top-caliber employees with connections, knowledge and experience in the market.

In FY16 OTIE will add staff to meet the increased workload under contracts such as the AFCEC AE13ES and AE13DCS contracts. We have already identified new hires to support Title II contract performance in Japan. Such 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. Having one highly sought-after contract in FY15, 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 311 Employees
 89 Engineers
 72 Scientists
 18 Construction Professionals
 27 Technicians
 8 Skilled Trades
 46 Administrative
 4 Land Surveyors
 7 Marketing
 40 MMRP/UXO Specialists

Customers

77% 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
 5% Commercial –WE Energies, Raytheon
 10% State and Municipal – WI Department of Transportation, California National Guard, Ventura County, City of San Marcos, Division of State Facilities
 8% 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.

OTIE is named as a defendant in a lawsuit filed by the artist of a mural. The case is Kammeyer v. USACE.

In 1976, Kammeyer painted a mural on a dam in California after winning a contest. The mural was painted as part of the bicentennial celebration. Over time, the paint began to flake off, thereby contaminating the environment around the dam. The USACE Los Angeles District recently determined that the paint used to create the mural was lead-based. OTIE was hired by USACE to remove a mural to stop the

lead-based paint contamination. Several months after the contract was awarded, Kammeyer filed a lawsuit against USACE and OTIE to prevent the destruction of the mural. Shortly after filing the lawsuit, Kammeyer filed a temporary restraining order against USACE and OTIE in June, which was granted by a judge one day before OTIE was to begin removing the mural. OTIE demobilized from the site at USACE's direction.

OTIE has hired local counsel to represent OTIE's interests in the lawsuit. OTIE requested plaintiff's counsel to remove OTIE from the lawsuit by not including OTIE as a defendant in plaintiff's second amended complaint. Plaintiff's counsel refused. On August 24, the court granted the plaintiff's motion for a preliminary injunction. The court found in favor of the plaintiff on nearly every issue, but did not address any of the claims against OTIE. It is expected that the project will not move forward for some time, if at all. OTIE's next step is to decide whether to file a motion to dismiss.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 09 / 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:

Business Committee approval of 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 Chairwoman of the Board

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Submitted by: Heather Cotey, Corporate Administrator

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

Oneida ESC Group, LLC

4th Quarter Report – FY 2015

November 18, 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, Delaware and Illinois. MS2's current projects include sustainment, restoration, and modernization (SRM) projects for general facilities, asset/energy management and safety consulting. Additional projects will be pursued in civil construction, utilities, energy management, and general facilities engineering requirements. More competencies will be added as opportunities are sought.

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. SRS established an office in Chicago, Illinois for pursuit of a US EPA Region V 8(a) START contract proposal and we expect to hear on the award in 1st Quarter FY16.

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 sustained 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 been awarded the following contracts, with the most recent Joint Munitions Command being awarded in the 4th quarter. These contracts were awarded in part due to OTIE's support and using OTIE's resources. Additionally, we continue to receive task orders under these contracts.

- 1) Great Lakes Naval Station Construction Project – design/build facility construction project.
- 2) Great Lakes Naval Station – project to replace facility gates in Green Bay, WI
- 3) Joint Munitions Command, IA – facility electrical services contract that we anticipate ongoing work for the next one to two years.
- 4) Naval Air Station, Pensacola, FL – construction contract that includes renovation of HVAC and lighting.
- 5) 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.
- 6) Naval Base Ventura County – Job Operations Contract (JOC) – received three task orders for facility renovation work including utilities, civil and site development.
- 7) Joint Munitions Command – contract to provide three full-time explosive safety personnel (4th quarter award)

SRS completed its first prime contract with the Federal government for an above ground storage tank removal in Green Bay by Naval Station Great Lakes.

SRS was also awarded the Hazardous Material Storage Locker Refurbishment contract from Naval Station Great Lakes. More than 70 storage lockers will be transported to a facility in Mequon, WI to be cleaned, refurbished, painted and then shipped back to their point of origin.

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 -17 employees

SRS - 5 employees

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: 11 / 25 / 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/Submitter: Amelia Cornelius, LCC Chair
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Jennifer M. Stevens, LCC Executive Assistant
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

**ONEIDA LAND CLAIMS COMMISSION
QUARTERLY REPORT**

4th Quarter: July 1, 2015 to September 31, 2015

Submitted by Jennifer M. Stevens, LCC Executive Assistant I 490-3955

LAND CLAIMS COMMISSIONERS:

Chair-Amelia Cornelius, Vice-Chair-Loretta V. Metoxen, Secretary/Treasurer- (Interim) Dakota Webster. Commissioners: Donald McLester and Jay Rasmussen.

Brandon Stevens (1st) and Jenny Webster (2nd), BC: LCC Liaisons.

(Note: Need to do Internal Elections when we have a full board-waiting for 2 BC appointments to be completed.)

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 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.

Oneida Land Claims Commission By-Laws: Purpose

Article II: Officers 2-6 Duties

c: “The Oneida Land Claims Commission will review proposed settlement terms and advise the Oneida Business Committee regarding the best settlement terms that may be acceptable to the General Tribal Council.

d: “At least one member of the Oneida Land Claims Commission will participate, in an advisory capacity, at all meetings and events regarding Oneida Land Claims issues.”

e: “The Oneida Land Claims Commission shall advise and assist the Oneida Land Claims Business Committee in the development of communication and Public Relation services about the settlement efforts.”

General Tribal Council and BC Directives:

Resolution 3-21-77A, March 21, 1977: Oneida Litigation Committee was established. This is now known as the Oneida Land Claims Commission.

GTC Directive July 6, 1998: GTC directive; “Motion that the LCC become part of the Negotiating Committee and work to increase the communication and education of the NY Land Claims Area with a status report quarterly to the GTC and the By-Laws to be approved by the GTC and brought forward at the FY99 Budget Meeting.” Motioned by Celene Elm and seconded by Noreen Smith-Motion carried.

Resolution 9-4-02B Amendment to 9-11-96A. September 4, 2002: Land Claims Negotiation Team reformatted. Identified the Chief Negotiators as the Business Committee Chairperson, Vice-Chairperson, One Council Member, General Manager, and one Land Claims Commissioner.

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 Kalihwisaks-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.



PERSONAL COMMENTS: The Land Claims Commission met with the Business Committee August 31, 2015 and were not able to cover all their agenda items-A meeting was scheduled for October 21, 2015 and was cancelled; currently the meeting is being rescheduled. The LCC was not able to cover the history of the Land Claims Commission and would like to reschedule a meeting with Brandon Stevens and Jenny Webster. The LCC would like to update them on the history of the Land Claims Commission-since they are the Liaisons it would be valuable information for them to be better informed.

The LCC is currently looking at the office options; these details will be discussed in the near future with the Land Claims Commission and Business Committee.

The Oneida Land Claims Commission give thanks to Jennifer M. Stevens, LCC Executive Assistant for her 14 years and 5 months employment and due diligence for over the years.

ACTIVITIES:

July: The Land Claims Commission developed their agenda for their August 31, 2015 LCC and BC Joint Meeting.

August: The Land Claims Commission had a LCC and BC Joint Meeting with the Business Committee on August 31, 2015. The agenda items were not all discussed and another meeting was requested and scheduled for October 21, 2015 and was cancelled by the Business Committee due to no quorum. This meeting is currently being rescheduled for a future date. The LCC BC Quarterly Report was submitted for the August 26, 2015 BC Meeting.

September: The Land Claims Commission met on September 17, 2015 and currently working on review of the July 7, 2014 GTC Meeting Minutes regarding the last formal New

York Land Claims BC and Arlinda Locklear update, and Jennifer Stevens and Loretta V. Metoxen developed a Louise Cobell vs. Oneida Land Claims Case Comparisons. The land Claims Commission is currently revising our By-laws. September 28, 2015 the LCC participated in the New York Homeland Summit Meeting to discuss what the next step is to do with the 4 properties the tribe owns; to develop it or Sell it? There is continued discussion on what the tribe will decide with the New York properties.

MEETINGS:

Land Claims Commission has been meeting once a month on a regular basis as scheduled, the third Thursday of every month at 5PM. The LCC Meetings were held on July 20, August 20, 31, and September 17, 2015. Minutes and Stipends are up to date for October 30, 2015.

FOLLOW UP:

LCC & BC Joint Meeting: Need to Reschedule

Land Claims Commission and BC Joint Meeting Re: New York Land Claims

Agenda as follows:

- I. CALL TO ORDER**
- II. AGENDA**
- III. LAND CLAIMS COMMISSION**
 - a. Historical Overview**
 - b. By-Laws**
 - c. Cobell Case**
 - d. Education Plan**
 - e. LCC Office**
- IV. BUSINESS COMMITTEE**
 - a. New York Land Claims Strategy**
 - i. Present & Review: 4 Options**
 - b. Letter to Haudenosaunee Leaders:**
 - i. Present & Review: Letter**
- V. Adjournment**

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 11 / 25 / 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/Submitter: Amelia Cornelius, Land Commission Chair

Your Name, Title / Dept. or Tribal Member

Additional Requestor:

Submitted by: Lori Elm, Office Manager/Land Administration

Name, Title / Dept.

Additional Requestor:

Name, Title / Dept.

LAND COMMISSION—(JULY-OCT, 2015) 4TH QUARTER REPORT

FOURTH QUARTER IMPRESSION: Land Commission is currently evaluating their policies and procedures. This will allow the Division of Land Management to create more efficient services to the Oneida Nation and its tribal members.

The moratorium continues. All acquisitions and requests must be presented as procedural exceptions to the Oneida Business Committee. Land Commission will continue to move forward in acquiring land for the benefit of the Oneida Nation and its tribal members.

The Land Commission says good-bye to board member Bart Cornelius and welcomes to the board Racquel Hill and Jay Rasmussen.

Oneida Land Commission Members

Officers:

Amelia Cornelius, Chair *
Rae Skenandore, Vice—Chair
Jay Rasmussen Secretary

Members:

Donald McLester
Sherrole Benton
Racquel Hill
Lloyd Powless, Jr.

MISSION

“THE LAND COMMISSION IS AN ELECTED BODY OF POLICY MAKERS FOR THE DIVISION OF LAND MANAGEMENT, OVERSEEING LAND ACQUISITION, LEASES, LOAN APPROVALS, LAND USE, PROBATES AND ALL OTHER TRIBAL LAND ISSUES.”

BC Liaison:

Ron “Tehassi” Hill, Jr. , OBC

Alternate:

Jennifer Webster, OBC

LAND ACQUIRED

- ◆ 9 DREAM homes during the year
- ◆ Over 254 acres of vacant land
- ◆ 1 OHA home
- ◆ Currently own 39% or 25,337.9 acres of the original reservations 65,400 acres

Meetings:

Regular meetings are held the 2nd Monday of each month; Acquisition Meetings are held the 4th Monday of each month.

6 Meetings were held:

- 3 Regular
- 3 Acquisition
- 2 Hearings— 1 Probate &

BC Collaborations

- Rescheduled the Land Commission/Business Committee joint meeting from September 24, 2015 to November 2, 2015. To be held at Land Management.

POINTS OF INTEREST

- ◆ HELD THE ANNUAL LAND COMMISSION MEETING
- ◆ APPROVED PRE- ACQUISITION CRITERIA GUIDELINES INCLUDING A POINT SYSTEM
- ◆ DEVELOPED AND PRESENTED THE HBO PROCESS TO GENERAL TRIBAL COUNCIL , WHICH WAS ALSO APPROVED BY GENERAL TRIBAL COUNCIL
- ◆ WORKING ON COMMERCIAL LEASES, INCLUDING USAGE, AND RE-EVALUATING PROCESS
- ◆ APPROVED REMOVING THE REPURCHASING OF HOMES AFTER 1 YEAR PROCESS FROM FUTURE MORTGAGES STARTING OCT 1, 2015
- ◆ APPROVED 3 DREAM OPEN HOUSES: 2924 SANDIA (CLOSED), 474 RIVERDALE (PRE CLOSING SCHEDULE NOVEMBER) AND 1108 ORLANDO (OPEN HOUSE SCHEDULED NOVEMBER)
- ◆ APPROVED ONEIDA POLICE DEPARTMENT'S REQUEST TO USE HOME FOR K-9 TRAINING

LAND COMMISSION OVERSIGHT

- ◆ Residential Leases
- ◆ Commercial Leases
- ◆ Agricultural Leases
- ◆ Land Use Agreements
- ◆ Easements
- ◆ Mortgage Loans
- ◆ Home Equity Loans
- ◆ Licensing Approval
- ⇒ AND all other Land issues that may arise

COMMUNICATION TO COMMUNITY

- REAL PROPERTY LAW CLASS
- DREAM FLYERS
- ARTICLES IN THE CARETAKERS CORNER (KALIWISAKS)
- POSTING ON ONEIDA DIVISION OF LAND MANAGEMENT FACEBOOK PAGE AND DOLM WEBSITE

BC ACTION NEEDED: REQUEST BC TO ACCEPT THE LAND COMMISSION 4TH QUARTER REPORT

ONEIDA TRIBE OF INDIANS OF WISCONSIN
Office of the Tribal Secretary

Location:
N7210 Seminary Road
Oneida, WI 54155


Phone: (920)869-2214



Mailing Address:
P.O. Box 365
Oneida, WI 54155-0365

Fax: (920)869-4040

Memorandum

To: Oneida Business Committee
From: Lisa Summers, Tribal Secretary 
Date: December 9, 2015
Re: Plan of Action related to Rules of Decorum

GTC Debrief Background

The Oneida Business Committee (OBC) takes time after each General Tribal Council (GTC) meeting to review logistical concerns. These work sessions are known as “GTC debrief” meetings; we worked to obtain feedback and corrective solutions to concerns raised by our staff, Security, Enrollment and Emergency Management staff, as well as Election Board members.

At the November 18, 2015, “GTC debrief” meeting, we discussed safety concerns from the November 14, 2015, GTC meeting. Additionally, the group was reminded that commitment had been made for the 2016 Annual GTC meeting: a Sergeant-at-Arms would be requested and an exit plan would be presented.

BC Meeting Background

At the November 25, 2015, Business Committee (BC) meeting, the meeting materials for the 2016 Annual General Tribal Council (GTC) Meeting. Included in the meeting materials is a request for GTC to adopt Rules of Decorum and to appoint a Sergeant-at-Arms (attachment 1). This request also references and Exit Plan (attachment 2) which is also included in the meeting materials.

Requested Action

The following request is being made in order to ensure OBC and Internal Security are working in the most cooperative manner:

- 1) Request the Internal Security Department provide a Plan of Action related to the Rules of Decorum and their enforcement and for the Plan of Action to be presented to the Business Committee on December 22, 2015, for input and feedback.



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

**Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE**



**P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040**



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.

Memorandum

To: General Tribal Council
From: Oneida Business Committee
Date: November 25, 2015
Re: Rules of Decorum; Appoint Sergeant-at-Arms and Exiting

The purpose of this memorandum is to provide you with information regarding the agenda item entitled "Rules of Decorum and Appoint Sergeant-at-Arms".

Background

Since taking office just over a year ago, the Oneida Business Committee (OBC) has taken the time to review logistical concerns after each General Tribal Council (GTC) meeting. In our work session known as "GTC debrief" meetings; we worked to obtain feedback and corrective solutions to concerns raised by our staff, Security, Enrollment and Emergency Management staff, as well as Election Board members.

This past year we have reviewed concerns during each of these debrief meetings which include, but are not limited to:

- Alcohol / illegal substance use during GTC meetings,
- Crowd management / flow,
- Pushing and shoving during exiting,
- Designated smoking area,

- Decorum in the main and overflow rooms, and most importantly
- General safety and welfare of all tribal members

We understand there may be some concerns which arise at every meeting such as room temperature and we will address these types of issues as they come up; however, the OBC has taken the time to map out ways to address the main issues. In doing so, we are seeking your support as we implement the provided solutions.

Requested action

1. Keeping in line with the Oneida principle of Kalihwi·yó¹, we are looking to General Tribal Council to adopt the following rules of decorum:
 - **General Tribal Council meeting attendees are expected to treat each other with respect. In addition, General Tribal Council meeting attendees shall not:**
 - (1) **Use profanity, interrupt others, heckle or threaten people, disrespect property or exhibit behavior that disrupts the meeting or endangers the safety of other attendees.**
 - (2) **Be under the influence of alcohol or illegal drugs.**
 - (3) **Have a weapon on their person in violation of any applicable law.**
 - (4) **Take action that violates Tribal law.**
2. In addition to the identified “Rules of Decorum,” we have presented here, we are also seeking General Tribal Council support to appointment of a Sergeant-at-Arms for each meeting. The scope of the Sergeant-at-Arms duty will be:
 - **To oversee the Security Department during General Tribal Council meetings.**
 - **To enforce the Rules of Decorum.**
 - (1) **General Tribal Council meeting attendee who violates the Rules of Decorum may be prohibited from attending a General Tribal Council meeting or may be removed from a General Tribal Council meeting by the Sergeant-at-Arms, or designee, upon discovery of a violation or at the direction of the Chairperson of the meeting.**
 - (2) **An individual removed from a General Tribal Council meeting shall not be allowed to return for the duration of the meeting.**

¹ The use of the good words about ourselves, our Nation, and our future.

- **The Sergeant-at-Arms shall be the appropriate Internal Security Department staff member assigned to work the GTC meeting**
- 3. Lastly, the OBC is asking GTC meeting participants to honor the exiting flow identified on page iii of this packet. This cooperative effort will assist security and the workers at the checkout tables.
- **We ask GTC participants to be patient during the exiting procedures and be careful not to push or shove other participants to avoid injuries and conflict.**
- **In the main room (3 Clans), we ask you exit through the door(s) according to the respective Sections (1-6) flow of arrows, out each door identified.**
- **For those seated in the overflow room (Iroquois South), we ask you exit according to the instructions provided by the lead staff person in this room.**

Suggested GTC Motion(s)

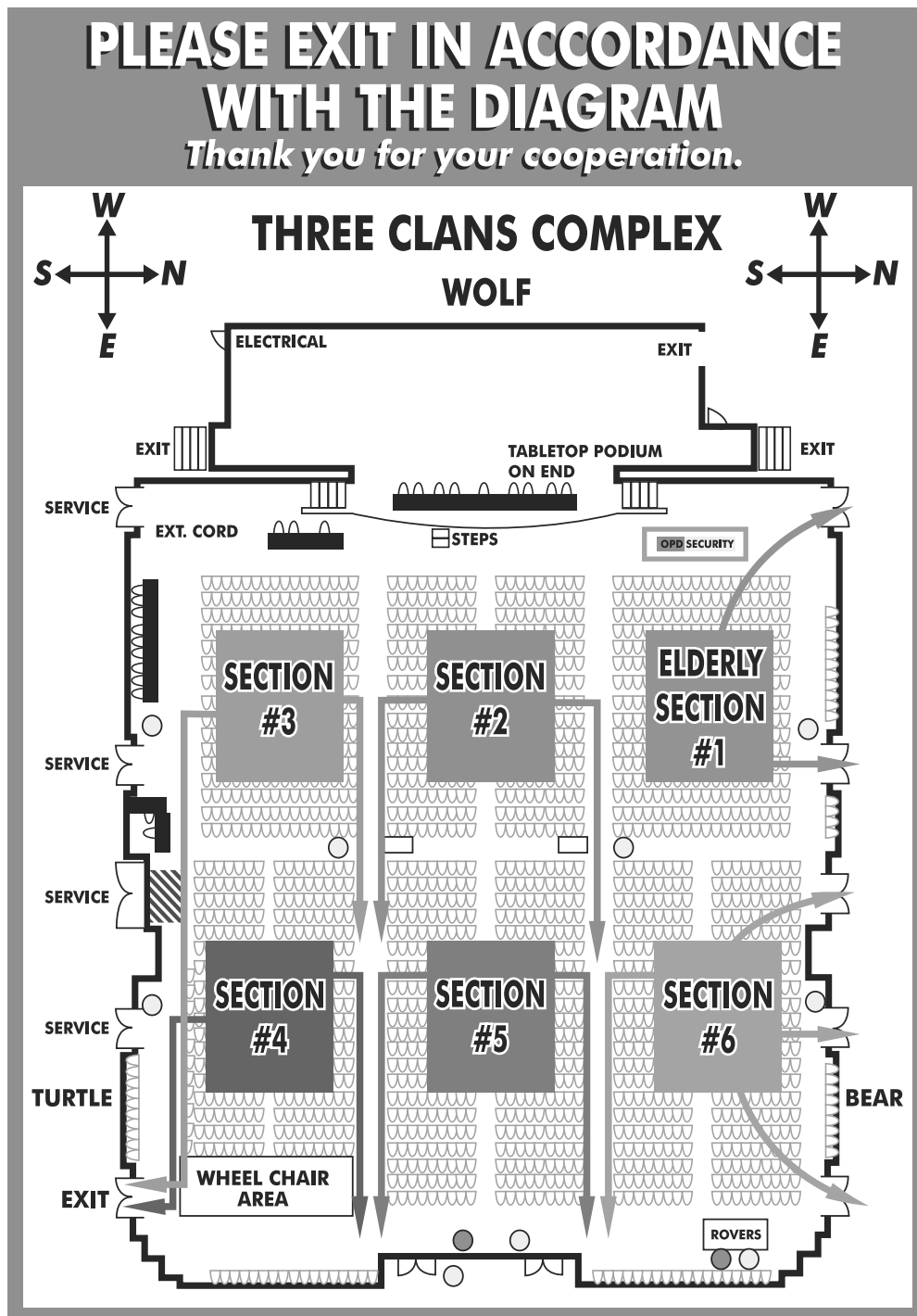
- 1) Motion to adopt the Rules of Decorum as presented,
- 2) Motion to appoint the appropriate Internal Security Department staff member as Sergeant-at-Arms, and
- 3) Motion to honor the exiting flow identified in the packet on page iii.

HANDOUT FOR ITEM - XII.E.

General Tribal Council,

The Oneida Business Committee is asking GTC meeting participants to honor the exiting flow identified below. This cooperative effort will assist Security and the workers at the checkout tables.

- We ask GTC participants to be patient during the exiting procedures and be careful not to push or shove other participants to avoid injuries and conflict.
- In the main room (3 Clans), we ask you exit through the door(s) according to the respective Sections (1-6) flow of arrows, out each door identified.
- For those seated in the overflow room (Iroquois South), we ask you exit according to the instructions provided by the lead staff person in this room.



Business Committee Meeting
9:00 a.m. Wednesday, December 9, 2015
Thank you for printing clearly

BRADLEY GRAHAM

BILL GRAHAM

Sheel Webster

Madelyn Genskow

Wes Martin

Chris Johnson

Lisa Liggins

Pat Petty

Michelle Mays

C. J. Mays

B. P. Mays

Gene Schubert

PAUL WITEK

Cheryl Skolaski

Al Mays

Jon Mays

Christina Johnson

Wes Martin

Wilbert Rentmeester

Racine Hice