

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 AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
November 18, 2015 9:00 a.m.

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. November 4, 2015 LOC Meeting Minutes
- III. Current Business**
 - 1. Administrative Procedures Act Amendments
 - 2. GTC Meetings Law
 - 3. Legislative Procedures Act Amendments
 - 4. Oneida Higher Education Scholarship
 - 5. Public Use of Tribal Land Amendments
 - 6. Severance Law
 - 7. Community Support Fund Policy Amendments
 - 8. Removal Law Amendments
- IV. New Submissions**
 - 1. Vendors Licensing Law
- V. Additions**
- VI. Administrative Updates**
 - 1. Annual Report
 - 2. Sponsor List
- VII. Executive Session**
- VIII. Recess/Adjourn**

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LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
November 4, 2015 9:00 a.m.

PRESENT: Brandon Stevens, Tehassi Hill, Fawn Billie, Jennifer Webster

EXCUSED: David P. Jordan

OTHERS PRESENT: Taniquelle Thurner, Candice Skenandore, Douglass McIntyre, Krystal John, Rae Skenandore, Danelle Wilson, Rhiannon Metoxen, Ed Delgado, Nicolas Reynolds, Lisa Kelly Skenandore, Cathy Metoxen, Layatalati Hill, Caroyl Long.

I. Call To Order and Approval of the Agenda

Brandon Stevens called the November 4, 2015 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda noting that the Memorandum to add Resolution to LOC Meeting Packets will be deleted and the LRO Director Position be added as an Executive Session item; seconded by Tehassi Hill. Motion carried unanimously.

II. Minutes to be approved

1. October 21, 2015 LOC Meeting Minutes
Motion by Jennifer Webster to approve the October 21, 2015 LOC meeting minutes; seconded by Fawn Billie. Motion carried with Tehassi Hill abstaining.

III. Current Business

1. **Furlough Policy (02:39-08:20)**
Motion by Jennifer Webster to forward the Furlough Policy to the Oneida Business Committee for consideration with the noted changes; seconded by Fawn Billie. Motion carried unanimously.
2. **Business Committee Meeting Law (08:25-09:49)**
Motion by Fawn Billie to accept the memorandum for the Business Committee Meetings Law as FYI and defer to the sponsor to bring back when ready; seconded by Tehassi Hill. Motion carried unanimously.
3. **Code of Ethics Amendments (09:51-12:38)**
Motion by Jennifer Webster to defer the Code of Ethics Amendments to the Legislative Reference Office for a legislative analysis; seconded by Fawn Billie. Motion carried unanimously.

4. **Oneida Flag Policy (12:39-15:57)**

Motion by Jennifer Webster to accept the public meeting comments regarding the Oneida Flag Policy and defer to a LOC work meeting to be held on November 6, 2015; seconded by Tehassi Hill. Motion carried unanimously.

5. **Administrative Rulemaking Law (16:02-20:43)**

Motion by Jennifer Webster to forward the Administrative Rulemaking Law to a December 3, 2015 public meeting; seconded by Tehassi Hill. Motion carried unanimously.

6. **Comprehensive Policy Governing Boards, Committees and Commissions Amendments (00:20:49: -01:01:44)**

Motion by Jennifer Webster to forward the Comprehensive Policy Governing Boards, Committees and Commissions Amendments to a December 3, 2015 public meeting with the noted changes; seconded by Tehassi Hill. Motion carried unanimously.

7. **Leasing Law (01:01:45: -01:06:23)**

Motion by Jennifer Webster to defer the Leasing Law to the Legislative Reference Office for a legislative analysis and to the Finance Department for a financial analysis and direct the Legislative Reference Office to provide a draft to the Department of the Interior; seconded by Tehassi Hill. Motion carried unanimously.

8. **Per Capita Law Amendments (01:06:27-01:09:04)**

Motion by Jennifer Webster to defer the Per Capita Law Amendments to the Legislative Reference Office for a legislative analysis and to the Finance Department for a fiscal impact statement; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

1. **Petition: Food Pantry (01:09:05-01:10:16)**

Motion by Jennifer Webster to add the Petition: Food Pantry to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor for this item.

V. Additions

1. **Marriage Law Amendments (01:10:21-01:18:30)**

Motion by Jennifer Webster to add the Marriage Law Amendments to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Note: Fawn Billie will be the sponsor for this item.

VI. Administrative Updates

~~1. **Memorandum: Request to add Resolutions to LOC Meeting Packets**~~

VII. Executive Session

1. **Legislative Reference Office Personnel (01:18:30-01:19:27)**

Motion by Tehassi Hill to go into executive session at 10:19 a.m., seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to end executive session at 10:37 a.m.; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to direct the LOC Chair work with HRD to adjust the qualifications and to repost the Legislative Reference Director position; seconded by Tehassi Hill. Motion carried unanimously.

VIII. Recess/Adjourn

Motion by Tehassi Hill to adjourn the November 4, 2015 Legislative Operating Committee meeting at 10:38 a.m.; seconded by Fawn Billie. Motion carried unanimously.



Legislative Operating Committee

November 18, 2015

Administrative Procedures Act

Submission Date: 2/12/15

Public Meeting:
Emergency Enacted:

LOC Sponsor: Brandon Stevens

Summary: *With the adoption of the Judiciary Law, the APA was set to be repealed as of March 1, 2015. If repealed at that time, it would have left various Tribal hearing bodies without any rules to govern hearings. A revised APA was adopted on an emergency basis to address that issue.*

2/18/15 LOC: Motion by Tehassi Hill to approve the resolution and forward to the Oneida Business Committee for consideration of adoption; seconded by Fawn Billie. Motion carried unanimously.

2/25/15 OBC: Motion by Tehassi Hill to adopt resolution titled Administrative Procedures Act Amendments Emergency Adoption, seconded by Trish King. Motion carried unanimously.

8/19/15 LOC: Motion by Jennifer Webster to approve the resolution extending the Administrative Procedures Act Emergency Amendments and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

8/26/15 OBC: Motion by Brandon Stevens to adopt resolution 08-26-15-C Administrative Procedures Act Amendments Emergency Adoption Extension, seconded by Jennifer Webster. Motion carried unanimously.

Next Steps:

- Defer the draft to the finance department for a fiscal impact statement and prepare for a public meeting for a public meeting date of December 24, 2015.

APA Emergency Amendments Extension

Analysis Draft 1 to Draft 3

<i>Analysis by the Legislative Reference Office</i>			
Title	Administrative Procedures Act (APA)		
Drafter	Lynn Franzmeier/Doug McIntyre	Analyst	Candice E. Skenandore
Reason for Request	Ensure that Tribal boards, committees and commissions have hearing procedures that are noticed so a person is presented with a fair opportunity to file a claim that arises under Tribal law [See 1.1-2].		
Purpose	The APA provides hearing procedures for boards, committees and commissions that do not have established hearing procedures in place [See 1.1-1].		
Authorized/ Affected Entities	Tribal boards, committees and commissions that are authorized, by Tribal law, to conduct hearings; anyone bringing or defending an action before such a Tribal hearing body; anyone identified as a respondent; witness; and the Court of Appeals [See 1.4-1, 1.1-1, 1.4-2, 1.4-3 (a), 1.5-5 (b) & 1.6-2]		
Due Process	A party can appeal a hearing body's decision to the Tribe's Court of Appeals [See 1.6-2]		
Related Legislation	The following are some Tribal laws and policies that reference the APA when describing how a hearing is conducted: All-Terrain Vehicle Law [49.6-2]; Building Code [66.24-1]; Condominium Ordinance [68.26-2]; Oneida Nation Gaming Ordinance [21.12-8 (g)]; Hunting, Fishing and Trapping Law [45.15-3]; On-Site Waste Disposal Ordinance [46.5-1 (a), (b)(2) & (c)(2)]; Protection and Management of Archeological & Historical Resources [12.5-3]; Real Property Law [67.16-3 (a) (3)]; Oneida Vendor Licensing [56.7-1]; Well-Abandonment Law [43.7-3] and Employee Protection Policy [4-7]		
Policy Mechanism	The hearing body can issue fines, orders and/or penalties so long as they comply with the Indian Civil Rights Act [See 1.6-1].		

Overview

The APA once housed the process for adopting Tribal legislation as well as the hearing procedures for Tribal boards, committees and commissions (hearing bodies) that have hearing authority, including the Oneida Appeals Commission. On January 7, 2013, the GTC 1) adopted the Legislative Procedures Act (LPA) which transferred the Tribal legislation process from the APA to the LPA and 2) adopted the Judiciary which repealed the hearing procedures for the Oneida Appeals Commission set forth in the APA effective March 1, 2015 [See *GTC Resolutions 01-07-13-A & 01-07-13-B*]. Because other Tribal laws reference the APA as a guide to be used for hearing procedures of various Tribal hearing bodies and because these Tribal hearing bodies continued to have hearing authority after the APA was set to expire, the Oneida Business Committee (OBC) adopted emergency amendments to the APA which provided a consistent process for these hearing bodies to conduct hearings. These emergency amendments became effective on March 1, 2015; were extended for six months and are set to expire on March 1, 2016.

The following amendments to the APA are currently in effect and are being considered for permanent adoption. These amendments:

- Require hearing bodies to follow the APA when conducting hearings unless another Tribal law establishes hearing procedures for the specific hearing body [See 1.4-1]. The APA will not pertain to the Oneida Personnel Commission, Oneida Police Commission or Oneida Election Board because Tribal law dictates how their hearings are conducted [See *Oneida Judiciary Rules of Civil Procedure 153.4-6*, *Oneida Nation Law Enforcement Ordinance 37.9-1* and *Oneida Election Law 2.5-6*]. In addition, the APA

APA Emergency Amendments Extension

Analysis Draft 1 to Draft 3

specifically excludes the Tribe's Judiciary and Family Court *[See 1.3-1 (f)]*.

- Allow hearing bodies to develop additional hearing body procedures so long as those procedures do not conflict with the APA and are noticed to the public *[See 1.4-1]*.
- Establishing procedural requirements for hearings, including:
 - Specifying what information must be included in the complaint as well as identify how a complaint and summons can be served and that service must be made within 30 days of filing the complaint *[See 1.4-2 & 1.4-3]*.
 - Authorizing hearing bodies to establish a regular time to hold pre-hearings and hearings as well as designate officer and alternates to serve on the hearing body *[See 1.5-1]*.
 - Restricting hearing officers and parties from engaging in ex parte communications *[See 1.5-2]*.
 - Specifying when evidence is used and how it can be obtained and presented, or objected to. *[See 1.5-3]*.
 - Require a pre-hearing to be conducted within 45 days after notice is served *[See 1.5-4]*. The pre-hearing allows the hearing body or hearing officer to determine dispositive motions; identify the need for witnesses and/or evidence; implement a scheduling order and address matters that will clarify, simplify or settle the case or facilitate a just, speedy and inexpensive disposition *[See 1.5-4]*.
 - Require a hearing, if necessary, to be conducted within 60 days after the pre-hearing or within 60 days after it is decided to not hold a pre-hearing *[See 1.5-6]*.
- Authorize the hearing bodies to issue fines, orders and/or penalties that comply with the Indian Civil Rights Act *[See 1.6-1]*.
- Allow a party to appeal the hearing body's decision to the Tribe's Court of Appeals in accordance with the Judiciary law and any applicable rules of procedure *[See 1.6-2]*.

Considerations

The LOC may want to consider the following:

- Amendments require a pre-hearing to be conducted within 45 days after the notice is served as well as require a hearing be held, if necessary, within 60 days after the pre-hearing was conducted or the decision that a pre-hearing is not needed *[See 1.5-1 and 1.5-5]*. The amendments do not address allowing hearing bodies to extend these timelines. The LOC may want to consider whether or not to allow hearing bodies to extend the 45 day pre-hearing and/or 60 day hearing timelines if all parties agree, or in specific circumstances when additional time is necessary in the interests of justice.
- Amendments will allow the hearing body to issue fines, orders or penalties for those who violate the APA but there are no enforcement provisions for hearing bodies that violate this Law.
- The APA does not state whether or not a hearing body can issue subpoenas.

Miscellaneous

A public meeting has not been held. Please refer to the fiscal impact statement for any financial impacts.

Chapter 1

Administrative Procedures Act

1.1. Purpose and Policy
1.2. Adoption, Amendment, Repeal
1.3. Definitions

1.4. Complaints and Notice
1.5. Procedures
1.6. Judgments and Appeals

1.1-1. Authority. ~~The Oneida Tribe of Indians of Wisconsin has the authority and jurisdiction to enforce this act as well as the responsibility as a government to protect the health, safety, welfare, and economy of the Oneida Reservation lands and all persons who either reside on the reservation or who are visitors and/or are conducting business within the exterior boundaries of the reservation. The Oneida Tribe shall ensure due process of law for the designated citizens through adoption of this act, pursuant to Article VI of the Oneida Tribal Constitution, as amended.~~

1.2-1. Purpose. ~~The Oneida Business Committee, various committees, entities and administrative bodies of the Oneida Tribe shall act in a responsible and consistent manner when enacting, approving, revising, reviewing, interpreting, implementing, and administering the laws, directions, rules, programs, and policies of the Oneida Tribe as adopted. The following principles shall be the framework of this Act:~~

- ~~(a) Fundamental fairness, justice, and common sense.~~
- ~~(b) Record keeping that is responsible, organized, accessible, and understandable.~~
- ~~(c) Deliberative bodies and decision makers which are familiar with the evidence and facts of the cases presented to them as well as issuing clear and concise written opinions; and~~
- ~~(d) Provisions for appeals of administrative errors and contested issues.~~

1.3-1. Adoption, Amendment, Repeal

~~(a) This law was adopted by the Oneida General Tribal Council by resolution GTC 8-19-91-A and amended by GTC 1-07-13-A.~~

~~(b) This law may be amended by the Oneida General Tribal Council.~~

~~(c) Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.~~

~~(d) Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law. Specifically, the following are repealed:~~

~~(a) BC #7-5-95-K (Amendment to the Administrative Procedures Act to address public hearing process)~~

~~(b) BC# 2-2-88-A (Public hearing process for laws and policies)~~

~~(e) This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.~~

1.4-1. Definitions. ~~(a) "AGENCY": Any tribal entity, board, commission, committee, department, or officer authorized by the Oneida Tribe to propose ordinance/rules for adoption by the Oneida Business Committee or a decision maker for the contested cases. The term "Agency" shall not include the Oneida Business Committee or a tribal appeals body.~~

~~(b) "CONFIDENTIALITY": State or quality of being confidential; treated as private and not for publication.~~

(c) ~~"CONTESTED CASES": A proceeding before an "Agency" in which an opportunity for a hearing before said "Agency" is required by law prior or subsequent to the determination of the "Agency" of the legal rights, duties, or privileges or specific parties unless otherwise provided for by tribal law. This shall include the revocation, suspension, or modification of a license or permit when a grant of such application is contested by a person directly affected by said licensing or permitting.~~

(d) ~~"DECLARATORY RULING": A written ruling made by a tribal decision-making body which removes doubts or puts an end to conflicting decisions in regard to what law is in relation to a particular matter.~~

(e) ~~"DELIBERATIVE BODY": A body that weighs, examines, and consults the reasons for and against a contemplated act or course of conduct or a choice of acts or means in order to form an opinion.~~

(f) ~~"EMERGENCY": An unexpected or unforeseen occurrence or condition; a sudden or unexpected occasion for action; pressing necessity.~~

(g) ~~"LICENSE" or "PERMIT": The approval, permission, or allowance of an individual or group to engage in an activity that is lawfully adopted by the Oneida Tribe.~~

(h) ~~"LICENSING" or "PERMITTING": The process that refers to the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license or permit.~~

(i) ~~"ONEIDA BUSINESS COMMITTEE" (OBC): The representative body of the Oneida Tribe elected by the Oneida General Tribal Council pursuant to Article III of the Oneida Tribal Constitution.~~

(j) ~~"ONEIDA GENERAL TRIBAL COUNCIL": The ultimate governing body of the Oneida Tribe composed of enrolled tribal members as described in Article III of the Oneida Tribal Constitution.~~

(k) ~~"ORDINANCE": A tribal law that applies to and governs persons, activities, and properties subject to tribal jurisdiction.~~

(l) ~~"RESERVATION": All land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.~~

(m) ~~"RESERVATION ENVIRONMENT" or "RESERVATION RESOURCES": Land, surface water, ground water, fish, animals, flora, fauna, air, wildlife, and capital improvements on or near the reservation.~~

(n) ~~"RULE/REGULATION": Any order or directive, or regulation of general applicability enacted into law and approved by the Oneida Business Committee that exhibits the following:~~

(1) ~~The violation of which may result in a fine, penalty, or other civil administrative sanction;~~

(2) ~~May establish, change, or revoke a procedure, practice, or requirement of administration hearing;~~

(3) ~~May establish, change, or revoke requirements relating to benefits or privileges conferred by law;~~

(4) ~~May establish, change, or revoke standards for assistance, suspension, or revocation of licenses;~~

(5) ~~The amendment or repeal of a prior ordinance/rule;~~

(6) ~~Does not include the following:~~

(A) ~~statements concerning internal management of an area, nor.~~

(B) ~~Declaratory rulings issued pursuant to this Act as now or hereafter amended.~~

(o) ~~"SECRETARY": Secretary of the Oneida Business Committee.~~

~~(p) "SPONSORING AGENCIES": Any tribal agency that prepares an ordinance/rule or other matter under this Act for action by the Oneida Business Committee.~~

~~**1.5-1. Inspection of Agency Orders, Decisions, and Opinions** Each agency shall keep on file for public inspection all final orders, decisions, and opinions in contested cases as well as an index to said cases, decisions, orders, or opinions except that said public inspection shall be limited by applicable federal law or tribal laws of confidentiality. In addition, said agencies shall forward all agency orders, decisions, or opinions to the "Secretary" who shall keep said records in one centralized area.~~

1.1. Purpose and Policy

1.1-1. Purpose. The purpose of this Law is to provide procedures for boards, committees and commissions that conduct hearings for disputes arising under Tribal law and have no procedures in place under other Tribal law. This Law shall not apply to hearings held before the Family Court or any court of the Tribe's Judiciary. This Law shall not be construed to create hearing rights where no hearing rights exist under Tribal law

1.1-2. Policy. It is the policy of the Tribe that the hearing procedures of boards, committees and commissions shall be noticed to ensure all individuals are presented with a fair opportunity to file any claim that may arise under Tribal law.

1.2. Adoption, Amendment, Repeal

1.2-1. This Law was adopted by the Oneida Business Committee by resolution BC _____.

1.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

1.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law shall control.

1.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Decision" shall mean the written conclusion of the hearing body concerning the facts, alleged violations of Tribal law and penalties.

(b) "Deliberations" shall mean the confidential process during which the hearing officers discuss the issues presented before the hearing body.

(c) "Dispositive motion" shall mean a request to the hearing body to entirely dispose of one (1) or more claims in favor of the party making the request without need for a further hearing.

(d) "Evidence" shall mean documentation or testimony presented to the hearing body which supports a party's claim.

(e) "Ex parte communication" shall mean oral or written, off-the-record communication made to or by the hearing officers without notice to the parties that is directed to the merits or outcome of the hearing.

(f) "Hearing body" shall mean the member or members of a board, committee or

commission that hear and decide the case or motions presented as part of a case.
“Hearing body” shall not include the Family Court or any court of the Tribe’s Judiciary.
(g) “Scheduling order” shall mean the hearing body’s order establishing the dates of the hearing and the deadlines for discovery and submitting witness lists.
(h) “Summons” shall mean an order to appear before a hearing body because a petitioner has filed a complaint.

1.4. Complaints and Notice

1.4-1. Whenever a claim arises under Tribal law, a hearing body shall hear the complaint in accordance with the procedures established under this Law, unless another Tribal law has established hearing procedures for that specific hearing body. Nothing in this Law shall be construed to prevent a hearing body from establishing additional hearing body procedures, as long as those procedures do not conflict with this Law and are noticed to the public by the hearing body.

1.4-2. A petitioner(s) may file a complaint with the hearing body, the complaint shall include:

- (a) The name and contact information of each petitioner;
- (b) The name and contact information, if known, of the respondent(s)
- (c) The alleged violation that resulted in the complaint and the Tribal law that has been violated;
- (d) The date, time, place and description of the alleged violation;
- (e) The nature of the relief requested.

1.4-3. Notice. The complaint, along with a summons, shall be served upon the respondent(s) within thirty (30) days after the complaint is filed with the hearing body.

(a) The summons shall contain the date, time and place the respondent(s) is required to appear, along with a notice that failure to appear may result in a default judgment against him or her.

(b) Anyone who is not a party to the action and is at least eighteen (18) years of age may serve the notice. Notice shall be served in the following order of progression, unless personal service is more practical than by mail:

- (1) Mail with delivery confirmation, using U.S. mail or a private carrier.
- (2) Personal service, by hand delivering a copy of the complaint and summons to the party named in the complaint.
- (3) Publication, in the Kalihwisaks and another paper located in an area where the subject was last known to have resided. The publication shall be designated as a legal notice, stating the name and last-known address of the subject being located.

1.5. Procedures

1.5-1. Designated Hearing Dates. The hearing body may establish a regular time to hold pre-hearings and hearings. The hearing body shall designate officers and may designate alternates to serve on a hearing body.

1.5-2. Ex Parte Communications. Hearing officers and parties shall not engage in ex parte communications.

1.5-3. Evidence. A party shall include evidence as part of his/her original filings or obtain the evidence through discovery. A party may attempt to present the hearing body with evidence later in the proceedings if the opposing party does not object.

- (a) Copies. If a party submits documentation as evidence, the party shall present an original for the record and copies to each of the hearing officers and the opposing party.

187 (b) Objections. The opposing party may object to any evidence submitted.

188 (c) Acceptance into the record. The hearing body makes the final determination whether
189 to accept evidence into the record. The hearing body may admit and consider evidence
190 that is commonly accepted and has a direct connection to the case.

191 1.5-4. Pre-Hearings. Pre-hearings shall be conducted within forty-five (45) days after notice
192 has been served. The purpose of a pre-hearing is for the hearing body or a hearing officer to:

193 (a) Hear and determine dispositive motions. The parties may present any dispositive
194 motions and raise any issues that may affect the conduct of the hearing, including, but not
195 limited to excluding evidence. If either party makes a dispositive motion:

196 (1) The party making the motion shall reference the applicable law and state with
197 clarity why the hearing body should grant the motion. The party making the
198 motion may present a proposed written decision for the hearing body to consider.

199 (2) The opposing party shall respond and state with clarity why the hearing body
200 should not grant the motion. The opposing party may request an adjournment to
201 prepare a written response to oral dispositive motions.

202 (3) The hearing body may ask any questions of the parties in order to clarify the
203 issues.

204 (b) Identify the need for any witnesses and/or evidence.

205 (c) Implement a scheduling order.

206 (d) Address any matters which will assist in the clarification, simplification or settlement
207 of the case or that may facilitate the just, speedy and inexpensive disposition of the
208 matter.

209 1.5-5. Hearing Procedures. Within sixty (60) days after a pre-hearing is conducted, or within
210 sixty (60) days after it has been determined that a pre-hearing will not be conducted, the hearing
211 body shall conduct a hearing, if necessary. If a hearing is conducted, it shall substantially
212 comply with the following:

213 (a) Opening Statements. Each party shall state with clarity why the hearing body should
214 decide in his/her favor based on the facts and the laws presented.

215 (b) Witnesses. Each party may call any witness to testify.

216 (1) Each party shall be responsible for ensuring his or her witness(es) appears at
217 the hearing.

218 (2) A witness(es) may rely only on evidence on record.

219 (3) A witness(es) is subject to cross examination by the opposing party.

220 (4) The hearing body may ask questions of any witness or request clarification of
221 any documents during the proceeding.

222 (c) Rebuttal. Parties may present a witness(es) or introduce evidence that has not been
223 previously presented in order to refute or rebut the opposing party's evidence or a witness
224 statement.

225 (d) Closing Statements. Each party summarizes the evidence and the testimony he or she
226 presented in order to rebut evidence or witness testimony presented by the opposing
227 party.

228 (e) Deliberations. After the hearing, the hearing body shall schedule a time for
229 deliberations. Deliberations are confidential and shall not be subject to reproduction and
230 shall not be part of the case record. During deliberations, the hearing body shall place an
231 emphasis on logic and reasoning in order to make sound decisions. The hearing body
232 may adopt a proposed written decision and issue the decision during the hearing.

233 1.5-6. Decisions. The hearing body may issue an oral decision on a matter, but the decision
234 shall not be final until the hearing body issues a written decision. The hearing body shall issue a

written decision within ten (10) business days after a pre-hearing or hearing. Should any party fail to appear at any scheduled pre-hearing or hearing or contest a complaint, the hearing body may issue a default judgment in favor of the opposing party.

(a) The decision shall include:

(1) Findings of fact and conclusions of law;

(2) Reference to specific provision of Tribal law violated;

(3) Disposition of any dispositive motions;

(4) In the case of a decision issued after a pre-hearing, a scheduling order if the hearing body does not grant a dispositive motion; and

(5) Reference to the parties' appeal rights.

(b) If the hearing body does not reach a unanimous decision, hearing officers may draft concurring and/or dissenting opinions.

(c) Notification to Parties. The hearing body shall ensure the final decision is sent to the parties via mail with delivery confirmation, using U.S. mail or a private carrier, within one (1) business day following the issuance of the decision. Time lines for an appeal are calculated based on receipt of the written decision.

1.6. Judgments and Appeals

1.6-1. *Judgments* A hearing body, subsequent to a hearing, may issue fines, orders and/or penalties that comply with the Indian Civil Rights Act and may include, but not be limited to, the following:

(a) An order directing a violator or person in non-compliance of/with a Tribal law or regulation to pay a monetary fine for the violation, and/or actual damages and/or punitive damages.

(b) In the case of damages caused by minors, an order requiring the parent, custodian, or guardian to pay for damages and/or plan designed for restitution in lieu of monetary compensation to be fulfilled by the minor.

(c) An order directing the violator or non-complying person to cease and desist from further violation or non-compliance and to cure said violation within a specified period.

(d) An order requiring appropriate exclusion and/or mandated community service and/or denial of specific Tribal benefits.

(e) Unless precluded by law, informal disposition, signed by both parties, may also be made of any contested case by stipulation, agreed settlement, consent order, or default.

(f) An order placing a lien upon property owned by a person within jurisdiction of the Tribe.

1.6-2. *Appeals* A party may appeal a decision of a hearing body to the Court of Appeals in accordance with the Judiciary law and any applicable rules of procedure.

End.



Legislative Operating Committee

November 18, 2015

General Tribal Council Meetings Law

Submission Date: 9/16/15

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Brandon Stevens

Summary: *This is a proposal for a new law to govern the structure of the Oneida Business Committee Meetings, creating a more efficient process for conducting Tribal business.*

9/17/14 LOC: Motion by Fawn Billie to add the following five items to the Active Files List: GTC Meetings Law; Petition: Directing a “Stall Mall” be Created; Petition: Publishing Names and Addresses of Petition Signers in GTC Mailouts; Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe; Petition: Responding to Questions and Comments from the Floor at GTC; seconded by Tehassi Hill. Motion carried unanimously.

Note: Fawn Billie will be the sponsor for the GTC Meetings Law, and Brandon Stevens will be the sponsor for the petitions.

4/3/15 LOC: Motion by Jennifer Webster to forward the GTC Meetings Law to the Oneida Business Committee to put on the next GTC agenda; seconded by Tehassi Hill. Motion carried unanimously.

4/22/15 OBC: Deleted from the agenda at the adoption of the agenda since this item was already included in the July 6, 2015 GTC backup.

7/6/15 GTC: Motion by Madelyn Genskow that the General Tribal Council Meetings Law be remanded back to the Legislative Operating Committee for changes, including Public Meetings for comments, and that the mailing be provided to all voting members. Seconded by Sherrole Benton. Motion carried by show of hands.

8/5/15 LOC: Motion by David P. Jordan to defer the GTC Meetings Law to a work meeting; seconded by Fawn Billie. Motion carried unanimously.

9/1/15: Work meeting held. Attendees include Brandon Stevens, Tehassi Hill, Fawn Billie, Jennifer Webster, David P. Jordan, Rhiannon Metoxen, Steve Webster, Cheryl Skolaski, Bradley Graham, Bill Graham, Krystal John, Candice Skenandore, Douglass McIntyre.

Next Steps:

- Defer the draft to the LRO for a legislative analysis and to the finance department for a fiscal impact statement

Chapter 11

General Tribal Council Meetings

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11.1. Purpose and Policy

11.1-1. *Purpose.* The purpose of this law is to create a schedule of General Tribal Council meeting dates, set a general agenda for those meetings, outline the petition process, set standards of conduct for those attending meetings and outline the duties of those preparing and assisting with the meetings.

11.1-2. *Policy.* It is the policy of the Tribe to hold consistent, organized General Tribal Council meetings to enable General Tribal Council members to participate and provide input in a respectful and meaningful way.

11.2. Adoption, Amendment, Repeal

11.2-1. This law was adopted by the General Tribal Council by resolution _____.

11.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

11.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

11.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

11.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

11.3. Definitions

11.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Administrative analysis" means an analysis prepared by the appropriate division(s), department(s) or other area(s) of the Tribe which describes the effect a petition would have on that division, department or area, the Tribe's administrative processes, and/or Tribal resources, including employees, equipment and/or finances; discusses how to implement the petition, benefits and risks of implementing the petition and alternatives to any action requested in the petition.

(b) "Chairperson" means the Chairperson of the Tribe, or in the Chairperson's absence, the Vice-Chairperson of the Tribe.

(c) "Constitution" means the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin, as amended.

(d) "Entity" means a Tribal program, division, department, board, committee, commission or similar business unit.

(e) "Fiscal analysis" means an analysis, prepared by the Tribe's Finance Department, of the total fiscal year financial effects associated with a petition, and shall include startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the petition after implementation.

(f) "Legal analysis" means an analysis prepared by the Tribe's Law Office which discusses the ability to legally take action requested in a petition, based on

parliamentarian issues, including prior ~~GTC~~General Tribal Council actions and conflicts with federal law and/or the Constitution or Tribal law.

(g) “Legislative analysis” means an analysis prepared by the Legislative Reference Office describing how a petition will affect current Tribal laws or policies or result in new legislation being developed. A legislative analysis may also include a statement of the petition’s terms and substance; intent of the petition; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the petition and policy considerations.

(h) “Petition” means a document signed by not less than fifty (50) Tribal members who are eligible voters which requests a special General Tribal Council meeting be held, in accordance with the Constitution, to address a specific item(s).

(i) “Regular Meeting” means the annual and semi-annual General Tribal Council meeting.

(j) “Special Meeting” means a meeting of the General Tribal Council other than the annual, semi-annual or budget meeting.

(k) “Statement of effect” means the analysis prepared to explain the effect adopting a resolution will have on the Tribe.

(l) “Tribe” means the Oneida Tribe of Indians of Wisconsin.

11.4. Setting General Tribal Council Meeting Dates

11.4-1. ~~Annual and Semi-Annual Meetings~~Regular Meetings. Annual and semi-annual General Tribal Council meetings shall be held in January and July, in accordance with the Constitution.

11.4-2. *Budget Meeting*. A ~~special~~ General Tribal Council meeting shall be held at least once a year and as often as required for the primary purpose of adopting the Tribal budget for the upcoming fiscal year(s).

11.4-3. *Special Meetings*. Special meetings shall be scheduled at least twice a year in order to address General Tribal Council business, including petitions. Additional special meetings may be called in accordance with the Constitution.

11.5. Petitions

11.5-1. *Petition Requests*. A Tribal member may request to place an item(s) on a General Tribal Council meeting agenda by submitting a completed petition to the Tribal Secretary’s Office. Petitions shall be on the forms approved by the Tribal Secretary’s Office.

(a) At a Tribal member’s request, the Legislative Reference Office shall assist the Tribal member with drafting a petition.

11.5-2. *Completed Petitions*. A completed petition shall contain the following:

(a) Name, address and enrollment number of the petitioner;

(b) A summary of the reason for the petition, including the action being requested and whether additional documents are attached;

(c) Any additional documents, if applicable; and

(d) At least fifty (50) original signatures from Tribal members who are qualified voters. In order for a Tribal member’s signature to count towards the minimum requirement, an individual shall:

(1) sign and print his or her name;

(2) provide his or her address; and

(3) provide his or her enrollment number or birth date.

11.5-3. *Processing a Petition*.

(a) The Tribal Secretary’s Office shall forward a completed petition to the Enrollment Department no later than one (1) business day after receiving the petition.

(b) The Enrollment Department shall verify the number of qualified voters that have signed the petition and return the petition and the verification results to the Tribal Secretary's Office no later than five (5) business days after receiving the petition.

(c) ~~After receiving the verification results~~~~If at least fifty (50) qualified voters have signed the petition,~~ the Tribal Secretary's Office shall:

(1) place the verified petition on the next available Oneida Business Committee agenda for review~~and determination of the meeting date when the petition will be considered by the General Tribal Council;~~ and

(2) forward a copy of the verified petition to the appropriate individuals who directly report to the Oneida Business Committee within one (1) business day of receiving the verification results from the Enrollment Department.

~~(A) These individuals shall prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses.~~

~~(B) The Tribal Secretary's Office shall also provide the appropriate individuals with the deadline date to submit the statement of effect and analyses to the Tribal Secretary's Office, which shall be at least ten (10) business days after the Tribal Secretary's Office forwards the petition to the appropriate individuals.~~

(3) request the petitioner attend an Oneida Business Committee meeting to discuss the issues raised by the petition

11.5-4. Oneida Business Committee. At an open meeting of the Oneida Business Committee, the Committee shall review the petition and verification results.

(a) If the verification results reveal less than fifty (50) qualified voters have signed the petition, the Oneida Business Committee shall reject the petition for lack of signatures.

(b) If the petition has discrepancies that questions the legitimacy of the petition, the Oneida Business Committee will address the issues with the petitioner. The Oneida Business Committee may reject a petition if the discrepancies are not answered.

(c) For all other petitions, the Oneida Business Committee shall request that any required statement of effect and legal, fiscal, administrative and legislative analyses be prepared by the appropriate individuals and set a deadline date for each.

11.5-54. Placing a Petition on a General Tribal Council Meeting Agenda. The Oneida Business Committee shall determine the meeting date when a petition will be considered in consultation with the petitioner.

(a) A petition submitted at least sixty (60) days before an upcoming ~~General Tribal Council~~~~Special m~~Meeting shall be placed on that meeting's agenda.

(b) A petition shall be considered by the General Tribal Council no later than six (6) months after it is submitted to the Tribal Secretary's Office.

11.5-65. Incomplete Analyses. In the event that the required analyses of the petition are not completed in time for the General Tribal Council meeting the Tribal Secretary's Office shall:

(a) notify the petitioner and place the petition, any completed analyses and the reasons for the incomplete legal, fiscal, administrative and/or legislative analyses on the General Tribal Council meeting agenda.

(b) place the petition and the required analyses on the subsequent ~~General Tribal Council~~~~Special m~~Meeting agenda.

11.5-76. Notification to the Petitioner. The Tribal Secretary's Office shall provide the petitioner with the following information as soon as it becomes available:

(a) the meeting date when the petition will be considered;

(b) the date the required analyses are due to the Tribal Secretary's Office;

(c) any analyses that are submitted to the Tribal Secretary's Office; and

(d) the deadline date for the petitioner to provide any additional information to be

included in the General Tribal Council meeting packet.

11.5-8. *Special Meeting Packet.* The petitioner shall have a right to include up to five (5) pages of his or her own information in the General Tribal Council meeting packet where his or her petition is scheduled to be heard as long as the information does not contain any of the following prohibited content:

(a) Personally identifiable information

(b) Defamatory or potentially defamatory statements,

(c) Personal attacks or personally identifiable information,

(d) Language that is threatening, harassing, abusive, derogatory, or degrading,

(e) Content that is crude, vulgar, or in poor taste by general community standards,

(f) Copyrighted and/or plagiarized material,

(g) Obscene and/or pornographic content,

(h) Content that is overly invasive of personal privacy, including information that could be used to track, contact or impersonate another individual,

(i) Incendiary language, and any other language that promotes, encourages or appears intended to instigate violence or illegal activity,

(j) Disrespectful comments regarding individuals, religion, gender, age, mental or physical ability, ethnicity, race, culture, lifestyle choices or any other personal classification,

(k) Information that is false, misleading or fraudulent,

(l) Content that promotes or advertises activities contrary to individual personal rights and freedoms,

(m) Advertising and promotional content; endorsements and complaints about consumer and commercial products and services

(n) Innuendoes and statements about unnamed persons or entities that appear to be intended to lead to speculation,

(o) Commentary generated by political or special-interest campaigns,

(p) Fundraising requests and letter-writing campaigns, and

(q) Any other content that in any way fails to meet the intended purposes of this Law, or that is otherwise not in the best interest of the Oneida Tribe.

11.5.9. *Representing a Petition.* A Petitioner or an appointed designee will have the opportunity to present his or her case before the General Tribal Council.

11.6. Special General Tribal Council Meetings Called by the Chairperson

11.6-1. If the Chairperson of the Tribe calls a special General Tribal Council meeting in accordance with the Constitution, to address an item(s) the Tribal Secretary's Office shall:

(a) place the item(s) on the next available Oneida Business Committee agenda for review and determination of the meeting date when the item(s) will be considered by the General Tribal Council; and

(b) forward a copy of the item(s) to the appropriate individuals who directly report to the Oneida Business Committee.

(1) These individuals shall prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses.

(2) The Tribal Secretary's Office shall also provide the appropriate individuals with the deadline date to submit the statement of effect and analyses to the Tribal Secretary's Office, which shall be at least ten (10) business days after the Tribal Secretary's Office forwards the item(s) to the appropriate individuals.

11.6-2. *Setting a General Tribal Council Meeting Date.* After the Chairperson calls a special General Tribal Council meeting, the Oneida Business Committee shall approve the meeting date

when the item(s) will be addressed.

11.7. Holding a General Tribal Council Meeting

11.7-1. *Notice.* Notice of a General Tribal Council meeting shall be provided in accordance with the Oneida General Tribal Council Ten Day Notice Policy.

11.7-2. *Quorum.* The quorum for a General Tribal Council meeting shall be established by the Constitution.

11.7-3. *Eligibility to Attend a General Tribal Council Meeting.*

(a) The following individuals are eligible to attend a General Tribal Council meeting:

(1) Tribal members eligible to vote per the Constitution.

(2) Other individuals who have a business-related need to attend the meeting and are approved to attend the meeting by majority vote of the General Tribal Council. When an individual received General Tribal Council approval to attend the meeting, the General Tribal Council shall approve the individual to attend either all or a certain part(s) of the meeting.

(b) Any individual who is not approved to attend the meeting in accordance with this section shall be escorted from the meeting by the ~~Sergeant of Arms~~Sergeant-at-Arms, or designee.

11.7-4. *Verifying Eligibility to Attend a General Tribal Council Meeting.* The Enrollment Department shall verify the identity of all individuals attending a General Tribal Council meeting, even those individuals who are ineligible to vote.

(a) An Oneida Tribal Identification Card or state issued identification card may be required to verify the identity of an individual attending a General Tribal Council meeting.

11.7-5. *Registration.* All individuals who attend a General Tribal Council meeting shall be required to register with the Enrollment Department.

11.7-6. *Canceled a Meeting.* When a General Tribal Council meeting is canceled, it shall be canceled at least twenty-four (24) hours in advance of the meeting start time unless, for good cause, such notice is impossible or impractical, in which case shorter notice may be given. Notice shall be provided through any practicable media outlet, including, but not limited to: newspapers, internet, mail, radio and television. The Oneida Business Committee may cancel a meeting if one (1) of the following occurs:

(a) Neither the Chairperson nor the Vice-Chairperson of the Oneida Business Committee can be present due to circumstances beyond their control.

(b) Holding the meeting would endanger those individuals who attend the meeting, due to circumstances that cannot be controlled, such as the weather or public health dangers.

(c) There are no agenda items to discuss or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. However, this shall not apply to a meeting called by the Chairperson in accordance with 11.6.

11.7-7. *Rescheduling a Meeting.* When a General Tribal Council meeting is canceled, the Oneida Business Committee shall:

(a) re-schedule the meeting as soon as practicable; or

(b) place the agenda items from the meeting on the next available General Tribal Council meeting agenda(s).

11.8. General Tribal Council Meeting Agenda

11.8-1. The Tribal Secretary's Office shall develop a process to address General Tribal Council meeting agenda development. The order of the agenda for each General Tribal Council meeting

shall be as follows, provided when there is no business in a listed category, it shall be noted on the agenda:

- (a) Opening Prayer and/or Color Guard
- (b) Call to Order
- (c) Approval of Agenda
- (d) Approval of Minutes
- (e) Unfinished Business
- (f) New Business
- (g) Reports
- (h) Other
- (i) Adjourn

11.8-2. *Announcements.* The Chairperson may allow time, prior to the opening prayer and/or color guard, for announcements to be made which do not directly relate to the agenda, provided the announcements last no more than fifteen (15) minutes and do not delay the start of the meeting.

11.8-3. *Call to Order.* The Chairperson shall call General Tribal Council meetings to order at the noticed meeting time or upon confirmation of a quorum, whichever occurs later. If a quorum has not been established within fifteen (15) minutes after the noticed meeting time, the meeting shall not be held.

11.8-4. *Approval of Agenda.* Amendments to the agenda may be made prior to the agenda being adopted.

11.8-5. *Unfinished Business and New Business.* Each item under Unfinished Business and New Business shall be presented in the following order:

- (a) Summary. Summary of the item being presented.
 - (1) Should be no longer than five (5) minutes in length.
 - (2) Shall include the purpose of the request and the action requested of the General Tribal Council.
- (b) Presentation. A presentation of the item, including, at a minimum, the legal, fiscal, administrative and legislative impacts of the item. All presentations have a maximum time limit of twenty (20) minutes.
- (c) Question and answer period. A General Tribal Council member will have up to two (2) minutes to ask questions or make a statement concerning the topic at hand. Once either the two (2) minutes expires or the General Tribal Council member yields the floor, that General Tribal Council member must wait until all other members have had an opportunity to speak before making additional comments.
- (d) *Action.* General Tribal Council action taken in accordance with the Constitution and Tribal law shall be binding on the Oneida Business Committee or other appropriate entity.

11.8-6. *Reports.* Each entity and Tribally chartered corporation shall file an Annual and Semi Annual Report with the Tribal Secretary's Office to be made available to Tribal members, either electronically or through inclusion in the meeting materials provided to Tribal members. Reports shall conform to the format and contain information as required by the Oneida Business Committee.

11.8-7. *Adjourn.* Items not completed by the adjournment of a Regular Meeting shall be forwarded-deferred to the next Regular Meeting. Items not completed by the adjournment of a Budget Meeting shall be deferred to a new Budget Meeting. Items not completed by the adjournment of a Special Meeting shall be put to the General Tribal Council on whether to defer or table the item to the next Special Meeting or dismiss it.
Oneida Business Committee for action.

11.9. Additional Responsibilities

11.9-1. ~~Sergeant-at-Arms~~~~Sergeant of Arms~~. The Oneida Business Committee shall designate an individual to serve as the ~~Sergeant-at-Arms~~ ~~Sergeant of Arms~~ at General Tribal Council meetings. The ~~Sergeant-at-Arms~~ ~~Sergeant of Arms~~ shall oversee the Security Department during General Tribal Council meetings.

11.9-2. *General Tribal Council Meeting Attendees.*

(a) Keeping in line with the Oneida principle of Kalihwi-y%,¹ General Tribal Council meeting attendees are expected to treat each other with respect and kindness. 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.

(5) Videotaping or recording any meeting of the General Tribal Council without expressed permission.

(b) Any individual who violates 11.9-2(a) 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~~ ~~Sergeant of Arms~~, or designee, upon discovery of a violation or at the direction of the Chairperson of the meeting. An individual removed from a General Tribal Council meeting shall not be allowed to return for the duration of the meeting.

11.9-3. *Tribal Secretary's Office.* The Tribal Secretary's Office shall be responsible for:

(a) Scheduling and organizing General Tribal Council meetings. The Tribal Secretary's Office shall create and approve standard operating procedures to determine specific roles and responsibilities to carry out and enforce this law, including procedures involving those entities which assist with the General Tribal Council meetings.

(b) Ensuring each General Tribal Council meeting is recorded and making any video and audio recordings available to Tribal members within five (5) business days after a General Tribal Council meeting.

(c) Creating an action report, transcript and draft minutes of the General Tribal Council meeting.

(1) The action report shall be available in accordance with the Open Records and Open Meetings law within five (5) business days after a General Tribal Council meeting and shall contain a summary of action taken by the General Tribal Council.

(2) The transcript and draft minutes shall be available in accordance with the Open Records and Open Meetings law within sixty (60) days after a General Tribal Council meeting. The draft minutes shall contain, at a minimum:

(A) The start and end time of the meeting;

(B) A quorum count from the meeting;

(C) Action taken by the General Tribal Council; and

(D) Signature of the person submitting the minutes for approval.

(d) Placing draft minutes from previous General Tribal Council meetings on the agenda for approval.

¹ The use of the good words about ourselves, our Nation, and our future.

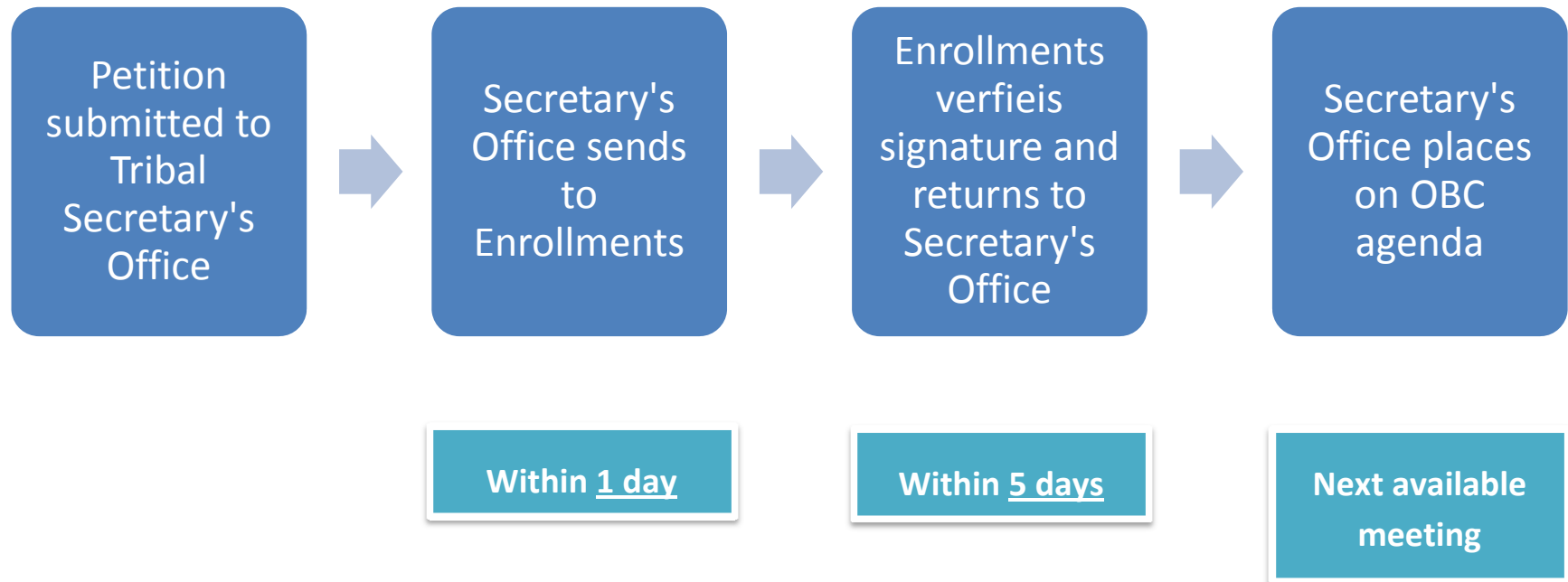
348 (e) Placing General Tribal Council actions which require follow-up before the Oneida
349 Business Committee within thirty (30) days after the General Tribal Council meeting.

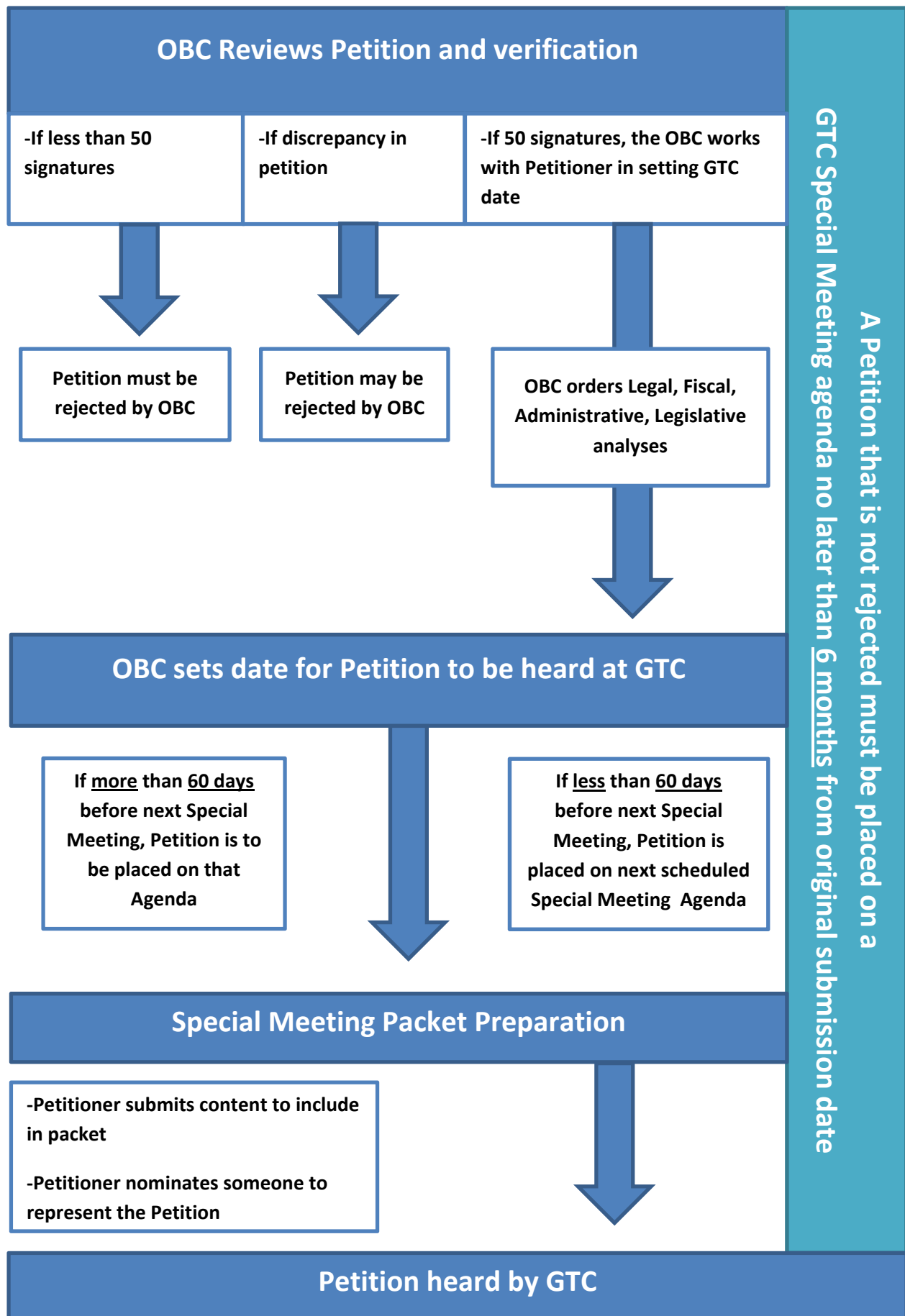
350

351 *End.*

352

Petition Processing







Legislative Operating Committee

November 18, 2015

Legislative Procedures Act Amendments

Submission Date: 9/16/15

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Brandon Stevens

Summary: *This is a proposal for a new law to govern the structure of the Oneida Business Committee Meetings, creating a more efficient process for conducting Tribal business.*

9/16/15 LOC: Motion by David P. Jordan to add the Legislative Procedures Act Amendments to the active files list with Brandon Stevens as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Accept the memorandum regarding the status of the Legislative Procedures Act Amendments as FYI and defer the item back to the sponsor until a draft is ready.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

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



Committee Members

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

Memorandum

TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson
DATE: November 18, 2015
RE: Legislative Procedures Act Amendments

On September 16, 2015, my office submitted an agenda request form for amendments to the Legislative Procedures Act to the Legislative Operating Committee (LOC). At the September 16, 2015 meeting, the LOC added the item to the active files list, with myself as the sponsor. Approximately sixty days have passed since the original submission and this memorandum serves as an update as to where the legislation is at in the LOC process.

At the LOC meeting on September 16, 2015, the LOC requested a “legal opinion from Chief Counsel regarding the impact of the new Legislative Reference Office [Standard Operating Procedure] on existing laws.” That memorandum and a copy of the Standard Operating Procedure are attached.

The Legislative Reference Office has begun the process of making changes to the Law. I am asking that you defer this item back to my office for further work and I will bring back the Law when it is ready.

Requested Action

Motion to accept the memorandum regarding the status of the Legislative Procedures Act Amendments as FYI and to defer the item back to my office until a draft is ready.

JO ANNE HOUSE, PhD
CHIEF COUNSEL
JAMES R. BITTORF
DEPUTY CHIEF COUNSEL
REBECCA M. WEBSTER, PhD
SENIOR STAFF ATTORNEY

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MEMORANDUM

TO: Brandon Yellowbird Stevens, Council Member, Chairman
Legislative Operating Committee

FROM: Jo Anne House, Chief Counsel

DATE: October 28, 2015

SUBJECT: Opinion – Legislative Procedures Act & Legislative Drafting SOP – Shall/Must

You have requested a legal opinion regarding the use of “shall” or “must” in legislative drafting under the proposed Standard Operating Procedure.

6.2. *Permissive or Mandatory Actions.* A duty or obligation is best expressed by “shall,” a requirement by “must,” and a power or privilege by “may.”

Specifically, you have asked if the Legislative Procedures Act would prohibit or otherwise restrict such drafting rules.

The Legislative Procedures Act sets forth the processes by which laws may be adopted and the format of those laws. Section 16.11-1 sets forth the format of laws and mandatory sections. There is nothing in this section which identifies specific language and/or terms.

So long as the Standard operating Procedure is consistent and applied consistently, there is no prohibition regarding the rule set forth in section 6.2 of the draft document.

If you have further questions, please contact me.

ONEIDA TRIBE OF INDIANS WISCONSIN	TITLE: Legislative Drafting SOP	SOP NO. ORIGINATION DATE: December 19, 2005
DIVISION: n/a		
AUTHOR: Legislative Reference Office	APPROVED BY THE LOC: Brandon Stevens, LOC Chairperson	DATE: 09/02/2015

1.0 PURPOSE. To govern the process for legislative drafting.

3.0 SPONSORSHIP OF PROPOSALS

- 3.1 Legislative Operating Committee (LOC) members are responsible for the proposals he or she sponsors.
 - 3.1.1 Such responsibilities include, but are not limited to, providing policy guidance; when required, approving LRO drafts before they are submitted to the LOC; and presenting on the draft when before the LOC.:
- 3.2 In addition to the LOC members' responsibilities for sponsored items, a member may direct the LRO as appropriate.
 - 3.1.2 Examples of appropriate directions include, but are not limited to, requesting revisions be made to draft before the draft is presented to the LOC, requesting feedback from the affected parties if it has not already been done by the LRO Attorneys, and directing the LRO to place an item on the LOC agenda.

4.0 DRAFTING OF LEGISLATION

- 4.1 The LRO Attorneys have the primary responsibility for drafting legislation.
 - 4.1.1 Unless expressly approved by the LOC Chairperson, the LRO attorneys are the only LRO staff members authorized to draft laws, ordinances, policies, procedures, and statements of effect on behalf of the LOC.
- 4.2 The drafting of legislative priorities assigned to the LRO takes precedence over other proposals and drafts submitted to the LRO for consideration.

5.0 INPUT AND COMMENTS

- 5.1 Unless specifically directed otherwise, the drafter may use his or her discretion in contacting individuals and entities affected by a proposed law.
- 5.2 Whenever possible, the LRO Attorney shall forward any work that interprets legislation and all statements of effect to the Chief Counsel for comments; it is understood that deadlines for emergency actions may make consultation impractical or impossible.
 - 5.2.1 Unless a longer time frame is arranged by the Chief Counsel and the LRO Attorney, the LRO attorney shall provide the Chief Counsel a two (2) week period to provide written comments back to the LRO Attorney.

- 5.2.2 If the Chief Counsel does not respond within the designated time period, the LRO Attorney may assume that the Chief Counsel has no current input to provide.
- 5.3 Proposals requiring emergency adoption may be subject to less time for outside review.
- 5.4 Draft language may be suggested by Council Members at meetings. However, actual drafting during an LOC meeting is discouraged.

6.0 GENERAL RULES FOR DRAFTING

- 6.1 *Present Tense.* A law is regarded as speaking in the present, as of the time it is read or applied.
- 6.2 *Permissive or Mandatory Actions.* A duty or obligation is best expressed by "shall," a requirement by "must" and a power or privilege by "may."
 - 6.2.1 Use the word "shall" when the subject is a personal pronoun; do not use the word "shall" when the subject is an object. For example, "Proposals shall be accompanied by an Agenda Request Form" is incorrect because an object cannot have a duty or an obligation. It would be appropriate to either replace the word "shall" with "must" or rephrase to include a personal pronoun, for example, "The requestor shall submit an Agenda Request Form with his or her proposal."
 - 6.2.2 If expressing a requirement, but not a duty or obligation, the word "must" is to be used.
 - 6.2.3 Use "may" not "can" to grant permission; "can" means "able to" and imparts no legal authority.
- 6.3 *Negations.* Use "no person may" or "a person may not" to forbid behavior. "No person shall" could be interpreted to mean "no person is required to."
- 6.4 Do not use "different than." Instead, use "different from."
- 6.5 *Directness.* If you can express a concept positively or negatively, express it positively:
 - INCORRECT: This section does not apply to a person who is under 60 years of age.
 - CORRECT: This section applies to a person only if the person is at least 60 years of age.
- 6.6 Avoid the double negative.
 - INCORRECT: A person not ineligible to be certified may...
 - CORRECT: A person eligible to be certified may...

7.0 FORMAT CHECKLIST

- 7.1 Legislative drafters shall use the following checklist to ensure consistency in drafting legislation:
 - ☐ Line numbering in left margin.
 - ☐ Compliance with Legislative Procedures Act section 16.11-2 regarding formatting.
 - ☐ Legislative Analysis at the beginning of the draft.
 - ☐ Document Formatting:

- ☐ Full Justification
- ☐ Times New Roman regular 12 point font
- ☐ Margins: 1" for top and sides. Bottom Margin = .813"
- ☐ Include the draft number and date in the header and update as necessary..
- ☐ Add footer: Insert page numbering at center bottom using Chapter number - page number. Example: for page 1 of chapter 7 use: 7-1
- ☐ Title:
 - ☐ Chapter title and Chapter number in Times New Roman Bold
 - ☐ English title: Bold. Do not use "Oneida" in title if possible because the law will be codified in the Oneida Code of Laws so it is not needed.
 - ☐ Add Oneida Language and translation when possible. Use 12 font bold for Oneida words and regular 12 font for translation (do not bold translation).
- ☐ Index/Table of Contents:
 - ☐ 8 point font Times New Roman
 - ☐ Use 2 columns and format as balanced newspaper
- ☐ Drafting:
 - ☐ Only use Chapter number and section number in the titles
Use: **16.6. Definitions**
16.3-1. This section...
 - ☐ Use the term "sections" for laws and the term "articles" for policies
 - ☐ Don't use "section 16.2-2" when making a reference within the same document.
Use: "under 16.2-2".
 - ☐ All numbers should be spelled out with Arabic numbers included in parenthesis (for example "fifty (50)").
 - ☐ Two spaces after a period. One line space after complete section. No line space between subsections.
 - ☐ Delete extra lines/insert lines as needs.
 - ☐ Ensure entire document is indented or not indented consistently.
 - ☐ End of document in 10 point font:
<space>
End.
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Adopted BC#

8.0 OPEN RECORDS

- 8.1 Any draft legislation submitted for a vote of approval or disapproval must be public information as defined in the Open Records and Open Meetings Law. Except that draft legislation which has not been approved for a public hearing is not required to be made available as an open record. The Open Records and Open Meetings Law provides as follows:

7.4-1. Limitations Upon Access and Exceptions. The following shall be exempt from inspection and copying:

- (f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated. The exemption provided in this paragraph extends to all those records of officers and agencies of the Business Committee that pertain to the preparation of legislative documents.
(Highlight added)



Legislative Operating Committee

November 18, 2015

Oneida Higher Education Scholarship

Submission Date: October 15, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *Higher Education proposed funding changes for Fall 2014-2015. The OBC requested a legislative analysis of the changes which were made to the Student Handbook. Following this action, the OBC directed the LOC to look at codifying the rules created by the Higher Education Office, which currently govern how Higher Ed disburses higher education funding in accordance with GTC directives.*

08/23/14 OBC: Motion by Vince Delarosa request the BC to direct the proposed Higher Education changes be put on hold until 1) A legal review and legislative analysis are completed and 2) A notice of the amendments and the effects of the amendments are provided to the GTC at an Annual or Semi-Annual meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by David Jordan to direct Higher Education and Governmental Division to send out a notification in the next Kalihwisaks and to include all the students that are within their database who are applying for financial assistance in that notification, saying that the new proposed changes are being put on hold, seconded by Vince Delarosa. Motion carried unanimously.

10/01/14 LOC: Motion by Fawn Billie to approve the memo and forward to the Oneida Business Committee for acceptance; seconded by Jennifer Webster. Motion carried unanimously.

10/08/14 OBC: Motion by Lisa Summers to send this issue back to LOC for a draft law or policy to come back to the Business Committee when ready, seconded by Trish King. Motion carried unanimously.

10/15/14 LOC: Motion by Jennifer Webster to add Higher Education to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Fawn Billie will be the sponsor.

12/17/14 LOC: Motion by Jennifer Webster to accept the memorandum regarding the status of the Higher Education Law as FYI; seconded by Fawn Billie. Motion carried unanimously.

5/20/15: Work meeting held, attendees include: Pat Garvey, Candice Skenandore, Mitchell Metoxen, Fawn Billie, David P. Jordan, Leyne Orosco, Fawn Cottrell.

7/17/15: Work meeting held, attendees include: Fawn Billie, David Jordan, Tehassi Hill, Jennifer Webster, Cheryl Vandenberg, Paula Ripple, Don White, Mistylee Herzog, Mitchel Metoxen, Fawn Cottrell, Krystal John, Candice Skenandore.

- 7/24/15:** Strategy meeting held, attendees include: David Jordan, Tehassi Hill, Jennifer Webster, Brandon Stevens, Krystal John, Candice Skenandore.
- 8/5/15 LOC:** Motion by David P. Jordan to direct the Legislative Reference office to makes the noted revisions and to defer the Oneida Higher Education Scholarship (Law), as revised, for a legislative analysis and a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.
- 9/16/15 LOC:** Motion by David P. Jordan to defer Oneida Higher Education Scholarship to the Legislative Reference Office to make the discussed changes and bring it back to the next LOC meeting; with a Public Meeting packet prepared for the LOC to review; seconded by Tehassi Hill. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the Oneida Higher Education Scholarship to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** Public Meeting held.

Next Steps:

- Accept the public meeting comments from the public meeting held on October 29, 2015, and defer the consideration of the said comments to a work meeting to be held on Monday, November 23rd.

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

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquelle J. Thurner, Legislative Analyst
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Memorandum

TO: Legislative Operating Committee (LOC)
FROM: Krystal L. John, Staff Attorney
DATE: November 18, 2015
RE: Oneida Higher Education Scholarship: Public Meeting Comment Review

On October 29, 2015, a public meeting was held regarding the development of the Oneida Higher Education Scholarship (Law). This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which includes awarding scholarships pursuant to this Law, developing and maintaining rules and regulations to carry out this Law and developing and maintaining a system of internal controls for the Higher Education Office [See 305.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship [See 305.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 305.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Law also notes that the Higher Education Student Handbook sets out the exception process [See 305.7-2 & 305.7-3].
- Gives the Higher Education Office the authority to enforce this Law [See 305.8-1].
- Allows a student appeal a scholarship decision only if he/she can show the Higher Education Office failed to abide by this Law and/or the Higher Education Student Handbook [See 305.9-1].

This memorandum is submitted as a review of the oral comments received during the public meeting process and written comments received within the public comment period. The public meeting draft with comments and the written comments received are attached for your review.

Comment 1. LRO Analysis – Higher Education Student Handbook

There are discrepancies with this Law and this Higher Education Student Handbook; however, the Higher Education Student Handbook is in the process of being updated.

Nancy Barton: I am referring to, let me see here now, my pages came apart I'm sorry, I'm referring to page 2 of 2 where the legal review is. Where it is says there are discrepancies with the law and the higher education student handbook. And then it says the student handbook is in the process of being updated. Well how can you do one without the other? So it seems to me they go hand-in-hand and then you can't make a law or a rule and then come back and make a handbook. So it doesn't make sense.

Response

Nancy is correct that the Law and the Higher Education Student Handbook go hand in hand, however, based on the requirements of this Law, the Higher Education Student Handbook is not required to be reviewed or approved by the LOC, but rather it goes directly to the Oneida Business Committee (OBC). That being said, in recognition of the importance of the said Handbook, the Higher Education Office has been directed to have the Handbook prepared to accompany this Law when it is presented to the OBC for adoption so that there are no gaps between this Law and the Handbook at the time of adoption.

There are no recommended changes based on this comment.

Comment 2. Scholarship v. Grant Language Discrepancy

Jessica Long – *written*: Verbiage = Scholarship vs Grant (Multiple times throughout the Law)

- a. Our office collaborated with NWTC for our Spring Financial Aid Workshop. With directive from our Manager, I listed the funds as a Scholarship. Dan Mendoza, from the Financial Aid Office at NWTC stopped me after the presentation and asked if we were a Scholarship. I let him know we were technically a Grant since we are not merit based, however, we were told to call it a Scholarship. His response was, “I was going to say...you don’t award based on scholarship requirements, you have a grant.”
- i. Changing the verbiage of the funds would not only change the meaning for the students, but also potentially create confusion in the Financial Aid world which could lead to student’s awards being delayed while clarification is sought.

Don White – *written*: I agree, the Scholarship should not be based upon “scholarship or academic standing”. I think the Scholarship should provide a basis for “opportunity”, for a Tribal Member to obtain self-sufficiency, to achieve the Tribe’s Vision Statement.

Mitchel R. Metoxen – *written*: This is **not a “scholarship.”** It has never been practiced as a scholarship.

Scholarships are merit based, competitive, typically require higher gpa’s requirements, designed for a certain gift you have, i.e.; sports, special talent or interest, etc., can be specific to minorities, first generation college, and often have first-come first-served approach, meaning limited funds so you need to apply early. Though scholarships can apply to a certain group of people, they are typically competitive within that group. Scholarships can also be mailed directly to the student.

Grants are typically given through a government (which Oneida’s Higher Education “Scholarship” is given through Oneida Tribe). Grants are more commonly need based, which is partially what we practice. Grants are mailed directly to the college, not the student. If you have a lower income household, you will get more grant monies. Holds recipient to average gpa requirement.

The change of naming/labeling these monies as a “Scholarship” came about 2 to 3 years ago. Prior to that, it has always been referred to as a Grant, both verbally and on our stationary. It was always practiced and administrated like a grant. With this label change we are attempting stricter rules to resemble a scholarship. Don’t allow this change of a scholarship mentality occur.

The proposal leaves much room for stricter policies that will be later created by a “student handbook.” Why give this power to a committee? What things are being taken away and what future possible changes can be made?

Sherry King – *oral and written*: I am presenting comments today because I am concerned about the

Oneida Higher Education Grant program. I think it provides many wonderful, the Oneida Nation provides many wonderful benefits to its members, but of all the benefits and services, I feel the Oneida Higher Education grant is the one benefit that really changes lives and has a lasting and positive effect on future generations. Just yesterday, I ran into one of the students that Oneida Higher Education funded, who with his degree was able to apply for a high level management job at his company, and he got the job. While he had some other strong personal characteristics that his employer most likely recognized, without that diploma, he did not meet the qualifications for the job. He was so happy and thrilled with his job and being able to take care of his family. But this is a student who completed his degree at an online school, he had his ups and downs while on the Oneida Higher Education program – including probations, suspension, and appeal, but he continued on and did graduate with a Bachelor's Degree that has opened doors for him. This student will likely stress education to his children and prepare them to be or prepare them to be better prepared when they are ready to enter a college or university. And I share that story only to emphasize that the Oneida Higher Education program serves students with varying needs and as changes are considered and codified, which we're proposing, I ask that you carefully considered the foundation and the spirit of the program by those who drafted the original resolution and the GTC who approved it. The reason I feel it is important to remember the spirit of the resolution is that we have somewhat recently began to referring to the program as a scholarship program while for many years in the past it was referred to as the Higher Education grant. Everything you read today also refers to it as a scholarship program. And while that might be just a word, I think we all know how important words are. Words identify, design and give shape to beliefs and actions. In other words, they have power. It brings to mind the little word "of" and our effort to change our constitution and free ourselves of the name "Oneida Nation OF Wisconsin". I looked up the definition of the words "scholarship" and "grant" and found that there is some overlap but several of the sources define scholarship as awarded on the basis of academic or other achievement". It should be noted that some organizations do use the words almost interchangeably. But in Wikipedia which is referenced on the internet refers, has written that "most scholarships are based on merit or talent, without considering economic need or ethnicity. Since the economically privileged usually have better schools and more access to other educational resources, merit-based awards/scholarships favor the economically privileged. While Caucasians account for 62% of full-time college students in America, they receive 76% of all scholarships. Vocabulary.com also defines scholarship as profound scholarly knowledge, or financial aid provided to a student on the basis of academic merit. In conclusion, I bring this to your attention today so that we maintain the spirit and purpose of this program when it is when it was established. I propose that all members continue to have access to the educational benefits and that it not become a program for a high academic achievers only. I propose we continue assisting students without establishing roadblocks such as eliminating certain types of schools, like the, such as on-line schools, that we recognize that different people have different needs and methods of achieving their educational goals. I believe it is in the best interest of our nation to promote high achievement and success but not if the expense of members who are working toward that goal in a different manner and may not have had all the benefits that some of us here today have enjoyed. Let us keep in mind the spirit of the original proposal and resolution as decisions are made that will take us into the future and care for the next generations as past generations have cared for us. Yaw^ko

See: <https://en.wikipedia.org/wiki/Scholarship>

Julie Barton: So I know it works but I don't want any more barriers to this. Saying well maybe he or she does not need it or maybe we should put income guidelines on it or maybe we should cut it because we're not making the money we're used to. So those are the things that should not be batted around and so forth when it comes to using this money and awarding the scholarships. And I agree with Sherry that let's use another words to this scholarships. And I thank the Education Department

for doing what they need to do to take this money provide that goal for all of us. Thank you.

Response

It is correct that the Oneida Higher Education Scholarship functions more as the standard definition of a grant than as a scholarship because there is no competition for funds based on need or merit. This Law does not change that function. This Law is required to comply with the General Tribal Council's (GTC) resolutions related to Higher Education and each of the GTC Resolutions (GTC Resolutions 08-12-96-A; 12-07-96-C; and 01-30-10-A) classifies the awarding of funds a "scholarship" and not a "grant."

The requirement in the Law related to requiring a student to be in academic Good Standing are directly derived from GTC Resolutions 08-12-96-A and 12-07-96-C and BC Resolutions 05-09-01-B; 10-24-01-K; and 07-24-02-A. The requirement is further supported by the most recent GTC Resolution 01-30-10-A which states "that the requirements of GTC 08-12-96-A and the subsequent amendments to that resolution shall remain in effect."

GTC Resolution 08-12-96-A states "Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship."

GTC Resolution 12-07-96-C states "Maintain 2.0 grade point average. Provide one semester/period grace period for 2.0 grade point average."

BC Emergency Resolution 05-09-01-B states "the GTC Resolution requires students enrolled in graduate programs maintain at least a 3.0 grade point average"... "[T]he Oneida Business Committee hereby amends GTC-8-12-96-A to allow the Higher Education Office to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing."

BC Emergency Resolution 10-24-01-K states "[T]he Oneida Business Committee hereby amends GTC-8-12-96-A to allow the Higher Education Office to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing."

Lastly, BC Resolution 7-24-02-A states "Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship, however, the Higher Education Office is allowed to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing."

The requirement of this Law in Section 305.5-1(b) requiring the student to be Good Standing is merely a reflection of the requirements already contained in the applicable Resolutions. This Law does not place any new or additional requirements on those applying for the Scholarship, and, specifically, does not add a merit or need basis for awarding the Scholarship.

There are no changes recommended based on these comments.

Comment 3. Purpose and Policy

305.1. Purpose and Policy

305.1-1. Purpose. The purpose of this Law is:

(a) To implement a scholarship program that is compliant with the following resolutions GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A.

(b) To specify the funding requirements and procedural controls for awarding Scholarships.

305.1-2. Policy. It is the policy of this Law to have a consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide educational opportunities to Tribal Members and award Scholarships in a consistent and fiscally responsible manner.

Don White – *written*: I am writing to provide testimony regarding the purpose and intent of the Scholarship. First, the purpose and intent of the Scholarship should be relative to the expected “outcome”, from the Scholarship. Said “outcome”, should align with the “Vision of the Tribe”. In this case, the Scholarship should lead to the development of a “Strong Family, built on Tsi ‘Niyukwalihot^, and a strong economy”.

I think the Scholarship should be expanded beyond Higher Education, to include funding for training and education that leads to employment and economic self-sufficiency for individuals and families. This includes Blue and White Collar employment/careers.

I also think the Scholarship should support fundamental human development in the area of Oneida Culture, to include Language. There is a sufficient body of knowledge that identifies the psycho-social and wellness benefits of a “healthy self-concept and self-esteem”, through a working knowledge of one’s Culture, Language, History, Ethnicity and contribution. Know who one is provides a strong foundation for resiliency, achievement and success.

In conclusion, I agree that the Oneida Scholarship should be administered and managed in keeping with the “Spirit” of the Resolution. The Scholarship should not be administered and managed with a focus on “managing money”. Instead, the administration and management of the Scholarship should be “facilitated”, in keeping with, and achieving the Vision of the Tribe, building, supporting and sustaining “strong Oneida Families, built on Oneida Ways, that lead to a strong and sustaining Oneida Economy.

Response

There are no changes recommended based on these comments.

Comment 4. Adopting Body

305.2. Adoption, Amendment, Repeal

305.2-1. This Law was adopted by the Oneida Business Committee by resolution _____.

Cathy L. Metoxen – *written*: Higher Education needs to go GTC.

Norbert Hill, Jr. – *written*: Let the professionals manage the HE scholarship, the BC oversight and the GTC to oversee to make sure the law is followed. Trust the professionals you hired to administer the job.

The federal and state laws, policies and procedures are complex and continually changing. GTC would not begin to understand the complicated issues involved. Financial aid is almost a separate language. Time to time the Student Handbook will require revision to keep up with this ever changing field.

GTC should not be the arbiter for scholarship appeals.

Privacy issues will be violated

Public disclosure in front of 1000+ attendees

Undue delays and enormously cumbersome

GTC should not be in the day to day business of Higher Education.

Nancy Barton: And I also agree that this policy it's illegal to pass this unless this goes before GTC.

Mike Debraska: Line 15 under adoption, amendment, and repeal at 305.2, I wanted to take out the, keep this law may be amended or repealed only by General Tribal Council.

Norbert Hill, Jr.: The, to have GTC be the arbiter in any appeal of any scholarship, I think you are fooling around with privacy issues as well as vetting somebody's financial concerns in front of a 1000 or 2000 people. So I think, and it would also create undue delays for a student going to school because they'd have to wait for the next GTC meeting to do this. The Higher Education Office reports to the Business Committee which are responsible for oversee and so I think that would be not a good policy to direct it to the General Tribal Council, with all due respect to the General Tribal Council. So there is an issue of the spirit but the trust and management. The other thing is that Higher Education, 4 year baccalaureate degree is really the new high school. In terms of the changes that we have made since the scholarship was initiated. And so kids out of high school are going to require post-secondary changes, the laws, the regulations, the policies of financial aid is a moving target and keeping up with those regulations now are difficult to stay with and it will be even more difficult for GTC to understand in a short period of time those changes. So you got to trust the professionals that are doing the job.

Response

In BC Resolution 7-24-02-A, which is an "Amendment to the Education Resolution #8-12-96-A," the OBC is named the responsible party to make amendments related to the Scholarship, provided that it is required to provide notice to the GTC as soon as possible. The exact language of the resolution states:

NOW THEREFORE, BE IT FINALLY RESOLVED, that the Oneida Business Committee is hereby responsible for enacting future amendments relating to the scholarships, with notification provided to the General Tribal Council, at the first opportunity, either at the Annual or Semi-Annual Meeting, whichever is sooner.

This Resolution is incorporated into GTC Resolution 01-30-10-A which states, "that the requirements of GTC 08-12-96-A, and the subsequent amendments to the resolution, shall remain in effect."

Based on this language, this Law is not required to go before the GTC prior to its adoption, but once passed, notice must be provided to the GTC at the sooner of the Annual or Semi-Annual Meeting.

There is no recommended change based on these comments.

Comment 5. Conflict Between this Law and Another Tribal Law

305.2-4. In the event of a conflict between a provision of this Law and a provision of another Tribal law, the provisions of this Law control.

Mike Debraska: At lines 22 take out after Tribal law comma and take out the provisions of this law control period. And then add GTC shall make a determination as to which law actually controls. Because if there's a conflict or an existing conflict with a current law, I think since General Tribal Council is the one that put this law in place, General Tribal Council should be able to determine which laws going to prevail. If there's a conflict somewhere else with what somebody else did within the Tribe, that should come to GTC and GTC should be able to make that determination.

Response

The language requested to be revised by the commenter is language that is required pursuant to Section 16.11-1(b) of the Legislative Procedures Act, which was adopted by the GTC.

There are no recommended changes based on this comment.

Comment 6. Definition of Accreditation

305.3-1(a) "Accredited vocational program, college or university" means any United States educational institution eligible for federal financial aid or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

Anita Barber – written: When is Oneida going to accredit itself for language and culture and be accepted for the Higher Education fund? There are processes in place for current initiatives.

It seems we are our own worst enemies. The US Government tactics seem to have won our community. ?

In 2014 there were 22 individuals who applied and began attending Tsi?Niyukwalihot[^]. All but 5 needed to stop in order to obtain work to support their families. 2 remain faithful participants because they are retired and do not need the funding. It is easy to say to learn on your own or have night classes, however the reality is families have afterschool programming to develop social, physical, academic, and learning skills.

Educational theorists along with cultural teachings indicate that the best learning happens in the morning. After 2pm or when the sun begins to set other elements get in the way of the learning process.

Jessica Last – written:

- a. "Accredited vocational program, college or university means any United States educational institution **eligible for federal financial aid...**"
 - i. This is not the definition of accredited and listing it as such means students in vocational driven programs may not receive our funding.
 1. Accredited – Accreditation is the recognition that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that learning provided by institutions of higher education meets acceptable levels of quality. (ope.ed.gov)

- ii. Excluding programs which are from an Accredited university or college but are not eligible for federal financial aid means you may be limiting students from attending career driven programs.
 - 1. Example: We have a student attending a prestigious college in which their Masters of Finance is not financial aid eligible. When I called to discuss with their Finance office she explained their students are generally employed and don't seek financial aid, therefore, they chose not to continue with the hassles of offering Financial Aid. The student's employer specifically recommended this school due to their prestige and curriculum. We fund tuition and books only since they are not Financial Aid eligible.
 - 2. In addition to the prestigious programs which this would eliminate, it would also limit the students who wish to obtain certificates which will allow them to obtain employment.
 - a. I worked with a student who was recently returning to school after 15 years. She had 2 children and was working long shifts and needed a change. She was very interested in Graphic Design, but did not feel she could commit to a 2 year program. She wanted to attend NWTC's Marketing – Graphics certificate program in which would allow her to get started in her desired career and then possibly continue once she was employed.
 - i. The benefit of her starting with this program was not only her employment but her children seeing her attend courses and work hard to create a better life for herself.
 - b. I have heard these certificates referred to as “hobby programs” which is not a fair categorization. All of the students I have met with that were interested in certificates were career seeking students who could not commit to a longer program at the time, but found an area of interest in which they would like to gain employment.

Cheryl Vandenberg – *written*: In regard to funding for Canadian educational institutions. I believe this area of funding needs more investigation and too preliminary to be added to this current policy. It needs to be researched and developed in much more detail. In the 1970's the Oneida Language program was successful and it is important to develop a program that is accessible to the Oneida community verses a few individuals.

Mitchel R. Metoxen – *written*: **Programs at Accredited colleges not eligible for federal student aid not allowed:** Redefines programs we can fund. Can we no longer fund certificates? Go to <https://www.nwtc.edu/Programs/Certificates> to see the many career oriented certificates NWTC offers. With this new legislation, the program not only has to be at an accredited college, but it also has to be eligible for federal student aid. Some accredited colleges, accredited by the US Dept of Education, may not be eligible for federal student aid, but they are still accredited, having gone through the rigors of becoming accredited. This has not been an issue for past students and these are not all “diploma mills.”

Why is this legislation redefining **Accreditation**? The initial Higher Education GTC Resolution uses the word Accreditation and we've always defined it as US Dept. of Education defines it. Now they are adding the words “eligible for federal student aid.”

Higher education has changed since 1996, this legislation seems to have the spirit of taking away flexibility, putting up barriers and keeping things in a box. It removes a person's individual approach to achieve their higher education potential and goals.

Here are some examples of students attending accredited colleges (accredited by the US Dept. of Education) but not eligible for federal student aid:

Bethel University, Doctorate of Ministry, Private Not-For-Profit University, Funded only tuition and books

Viterbo University, Masters in Education with Emphasis in Reading, Private Not-For-Profit University, Funded only tuition and books

The American College of Financial Services, Masters of Science in Financial Services, Private Not-For-Profit, Funded only tuition and books

FVTC, Golf Course Turf & Equipment Technician, Public Technical College, Funded only Tuition and Books

NWTC, Early Childhood Basic Ages 3 – 5, Public Technical College, Funded only Tuition and Books

The current definition as to what makes an institution eligible for our grant is: They have to be attending an Accredited college that is accredited through the US Dept. of Education and their program has to be either eligible for federal student aid, or end in college credit (not clock hours or CEU's), or end in a state license. This definition has worked well for us since the inception of the current Higher Ed. Grant and should remain. Don't allow a committee to have the power to say what can and can't be funded.

Norbert Hill, Jr. – *written*: Accept only post-secondary schools that are officially accredited by the Higher Learning Commission (HLC) or a similar recognized body. Oneida should only provide funds for those post-secondary schools that hold high standards in teaching, learning and assessment. Schools without accreditation should not receive any Oneida resources. Students should not be wasting their time with empty credentials with poor career outcomes.

Mike Debraska: Lines 30-32, after where it says accredited vocational program, college or university means United States educational institution eligible for federal financial aid period. The rest of it can go.

Nancy Barton: The first thing that I want to identify is on page 65-1 the definitions, lines 29 & 30, accredited vocational college and university and stop right there.

Norbert Hill, Jr.: I think we need to hold the standard on accredited schools. There is a lot of fly by night colleges. You know, you could probably find antidotal information about a college doing a good thing but I think we need to hold the standards and hold our students to the highest standards that they can do. Due to the previous comments that were just made, the Higher Education Grant provides room and board, stipends and other living costs, so I don't know what the students other particular issues were but I've been in Higher Education for 45 years and managed many scholarship programs and Oneida's is probably one of the most generous and the most flexible of all scholarship programs in the Nation. Including the Gates Millennium Scholarship Program. I think, you know, the handbook needs to be tweaked once in a while to keep things up to date and also the efficiency in management of the Higher Education program which is substantial and a real blessing to all Oneida students. Thank you.

Response

As many commenters have noted, it is correct that the current definition of "Accredited vocational program, college or university" does not address the essence of the word "accredited." Further, because the requirement that applicants submit a FAFSA is included in Section 305.5-2, removing this from the definition of "Accredited vocational program, college or university" is not problematic.

I recommend revising the definition to read as follows:

305.3-1(a) "Accredited vocational program, college or university" means either any United States educational institution officially accredited by the Higher Learning Commission or

similarly recognized body ~~–eligible for federal financial aid–~~ or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

In response to the commenters’ assertions that the requirement that applicants file a FAFSA will limit the educational institutions and opportunities available to Tribal Members, this requirement already exists in GTC Resolution 01-30-10-A and was intended to be captured in GTC Resolution 08-12-96-A and BC Resolution 07-24-02-A, which both require students to apply for federal Pell Grants, and GTC Resolution 12-7-96-C, which requires applicants to complete the federal financial aid form. Accordingly, including this requirement in this Law is required by the applicable Resolutions.

Further, considering that prior to the adoption of this Law there exists no basis for making an exception to any of the scholarships requirements contained in the GTC resolutions, any awards that were made to institutions that were either not accredited or were not eligible for federal financial aid were made in favor of the student but in violation of the applicable resolutions.

That being said, the LOC sponsor, the LOC and the Higher Education Office have recognized that there may be instances where funding a student to attend an institution that does not meet all of the normal requirements may make the best sense for the student. In support of this notion, the Exception procedure was developed in Section 305.7-2, and an Exception for the FAFSA eligibility is expressly provided under subsection (b). Accordingly, this Law provides a process by which the Higher Education Office is able to act within the requirements of the Law and simultaneously consider the best interest of student.

In response to Ms. Barber’s comment, it is my understanding that there is no tuition or materials cost for participating in Oneida’s language program. The commenter’s request would make students of the Oneida language program eligible for a scholarship for room and board alone for a program which is not accredited by any certifying agency and is not eligible for federal financial aid because there is not cost associated with attendance. Such a revision is not permissible based on GTC Resolutions 08-12-96-A and 01-30-10-A and BC Resolution 07-24-02-A, which all require the funded institution be accredited, and, further, based on GTC Resolution 01-30-10-A, which requires that students complete the Free Application for Federal Student Aid (FAFSA).

Comment 7. Definition of Exception

305.3-1(e) “Exception” means a request that the Higher Education Office make a discretionary decision to exempt an applicant from a requirement(s) for which there is an available exemption under Section 305.7-2.

Mitchel R. Metoxen – *written*: **Exception** is defined to give all the power to the appeals committee. There needs to be language that the **exceptions** be applicable to all tribal members in same or similar circumstances. To avoid favoritism and arbitrary and capricious decisions.

Response

The definition of “Exception” does not speak to the Higher Education Office Review Panel or the availability of requesting reconsideration of that decision. This concern is better addressed in the consideration of the Exception Policy in Comment 23.

There are no recommended changes to the definition based on this comment.

Comment 8. Definition of Higher Education Office Review Panel

305.3-1(i) “Higher Education Office Review Panel” is a three (3) party review panel, which is to include the applicants’s Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

Jessica Last – *written*:

- a. I have concerns with how “top heavy” this panel is. I am concerned students would not benefit from having a committee made up of 1 staff member and 2 managers. I feel this may put the staff member at a disadvantage to truly express their concerns.
 - i. In addition, I feel it sets our department up to become very questionable and vulnerable to favoritism.
 - ii. Currently, the staff discusses appeals (what is called an exception in this law) thoroughly from all point of views. We are held accountable by each other and the student needs a majority vote.
 - 1. I am concerned that this new panel would not hold the department to the same accountability. Management has been shown to make decisions based on favoritism and make decisions that were not equally applied to all students.
- b. “...which is to include the applicants’s Higher Education Advisor...”.
 - i. We do not have assigned clients. We are all able to work with all of the students.
 - 1. Creating a system of assigned clients makes the contact very impersonal and deprives the students of their choice of advisor and could potentially set the student up for failure.
 - a. Clients may have developed a comfortable relationship with a specific advisor who they prefer to work with. Currently we tell students they can call our office and work with any advisor, however, if they feel more comfortable they can choose to work with one advisor with the understanding if we are ever out of office or unavailable they can contact another advisor. This allows the student to be comfortable with important issues, but also access any one of the four advisors if need be.
 - b. I feel confident in my fellow advisors and would recommend a student talk to any one of them; however, I think one of the best things about our office is the diversity we offer. I feel allowing students access to any one of us gives them the opportunity to benefit from working with someone whom they feel the most comfortable.
 - c. Students sometimes have very personal conversations with us. Whether they are discussing a situation or their educational needs, the client’s trust is very important to successful advising. Limiting the student to only talk to a specific advisor could hinder the possibility of that student coming in and having a discussion with an advisor, or future contact with that student.
 - 2. Does this mean the Management will assign an advisor they feel will support their view?
 - 3. Assigning clients to specific advisors limits the student’s access to their files and information and further adds barriers to the services offered to those students. For those students that do not have a preference or are just checking the status of their files, they can currently call any one of the four advisors. Why would we limit this access?
 - I fail to see what the concern is with our current process and how these recommendations are supported?

Mitchel R. Metoxen – *written*: Review Panel: Changes how appeals are heard. It assumes each person has an advisor? It allows HE Mgr and Area Manager a majority of the voice, whom had little to no contact with our recipients or that specific request. We already have precedent for many of the

scenarios we run into today. These scenarios and precedent need to be reviewed to see if similar decisions will be affected.

Mike Debraska: Ok, where you have, where it lists the Higher Education Office Review Panel, who establishes the Review Panel? Is that something that will be automatic and would come forward or who would make that determination as to when that panel would convene and how would that all be established and set up with what their guidelines would be.

Nancy Barton: I'm also concerned about page 65-2 where it says the Higher Education Office Review Panel. And that is I guess, I'm looking at that as that is another barrier, another entity that those individuals who are already probably having a hard time getting to school, getting the funding they need and for whatever reason it fell apart and now it needs to go to a separate hearing body and I also would like to know how that hearing body will be established and will they be a non-conflictual entity. I guess you know, I'll just say it, I was really disappointed when I saw the topic of this come forward to LOC. It just seems like we create barriers, we create laws, we create ways for things to be harder and they should be getting easier. We have everything we need. The money is there and then we create policies and barriers for people in order to get the mandates that they're eligible for.

Response

Again, without to the adoption of this law, the Higher Education Office has no legal basis for granting an exception to any of the requirements established by the GTC for awarding a Scholarship to an applicant. That being said, it is understood that there have been exceptions made, which the Higher Education Office previously classified as appeals. Under that process, an appeal was heard by the entire office. Based on discussions held between the Higher Education Office, the Division Director and the LOC, the "Higher Education Review Panel" was established to streamline this process so that the entire office is not convening to consider each exception.

In regards to Ms. Last's comment that the Higher Education Office does not currently assign a single advisor to each student and that the office is able to service students most efficiently under this process because the student has all advisors available to answer their questions, this Law does not intend to change this practice of the office. Section 305.7-1(a) requires the Oneida Higher Education Office to establish a standard operation procedure (SOP) for considering exceptions within six (6) months of the adoption of this Law and Section 305.7-3 provides that the process for requesting an exception must be provided to applicants in the Higher Education Student Handbook.

It is my recommendation that the Oneida Higher Education Office include a provision in both the SOP and the Higher Education Student Handbook that the Higher Education Advisor is the advisor requested by the applicant and, in the event that the applicant does not select an advisor, it must be the last advisor to have worked on the applicant's file, provided that, if no advisor previously worked with the applicant, the Higher Education Office Manager shall assign an advisor.

Further, I recommend revising the definition as follows:

"Higher Education Office Review Panel" is a three (3) party review panel, which is to include ~~the applicants'~~^a Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

In regards to Mr. Debraska's questions, the Higher Education Office Review Panel is automatically established based on the definition provided in this Law. As far as what procedures would be followed, the Oneida Higher Education Office has six (6) months from the date of the adoption of

this Law to develop an internal SOP to govern the review process (Section 305.7-1(a)), but must also provide the procedural requirements to students in the Higher Education Student Handbook (Section 305.7-3), which must be approved by the OBC (Section 305.4-1(b)).

Comment 9. Enforcement

305.4-1. The Higher Education Office shall carry out the intent and purposes of this Law and enforce the provisions of this Law.

Mike Debraska: Ok I I kind of torn this thing apart pretty pretty decently. My first comment is on that first page there where it says give the Higher Education Office the authority to enforce this law. I want to change the Higher Education Office to GTC.

Response

This is a policy consideration for the LOC. However, if this revision is made, a process would have to be developed by which the GTC could enforce the Law based on the limited amount of times it convenes each year and which does not prohibit the effective provision of services of the Higher Education Office.

Comment 10. Higher Education Student Handbook

305.4-1(b) The Higher Education Office shall [d]evelop and maintain rules and regulations designed to carry out this Law and shall make such rules and regulations available in the Higher Education Student Handbook.

Nancy Barton: Also on page 65-2, develop and maintain rules and regulations. There is a legal review that was done on this scholarship policy and what that legal review says is that there are a lot of discrepancies in the handbook and until those discrepancies are ironed out, I feel that this policy is inappropriate.

Response

Based on the requirements of this Law, the Higher Education Student Handbook is not required to be reviewed or approved by the LOC, but rather it goes directly to the OBC. That being said, in recognition of the importance of the said Handbook, the Higher Education Office has been directed to have the Handbook prepared to accompany this Law when it is presented to the OBC for adoption so that there are no gaps between this Law and the Handbook at the time of adoption.

There is no change recommended based on this comment.

Comment 11. GTC Resolutions

305.4-(b)(1) At a minimum, the rules and regulations relating to the eligibility requirements, funding caps in accordance with resolution GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A and the enforcement and appeals provisions must comply with the provisions of this Law.

Mike Debraska: And then also on lines 69-73 it talks about all these GTC resolutions. I'd like to see copies of those GTC resolutions if I can. Make sure I get those.

Response

Mr. Debraska was provided the resolutions requested via e-mail on November 9, 2015.

Upon review, I noticed that this provision is a fragment and recommend revising this subsection to read as follows:

At a minimum, the rules and regulations relating to the eligibility requirements, funding caps, enforcement and appeals must comply with ~~in accordance~~ with this Law and the following Resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A ~~and the enforcement and appeals provisions must comply with the provisions.~~

Comment 12. Approval of Higher Education Student Handbook

305.4-1.(b)(2) The Higher Education Student Handbook and any revisions thereto must be approved by the Oneida Business Committee.

Mike Debraska: Lines 74-75, take out the Oneida Business Committee and add General Tribal Council.

Response

This is a policy consideration for the LOC. If this revision is accepted, but the approving authority for the Law is not amended to the GTC, then the Law and the Handbook would conflict until the Handbook could be presented to and approved by the GTC.

Comment 13. Eligibility

305.5-1. *Eligibility.* In order to be eligible for a Scholarship award, applicants must:

- (a) Be a Tribal Member.
- (b) Be in Good Standing where good standing means the applicant has:
 - (1) met the Oneida GPA requirements set forth in the Higher Education Student Handbook;
 - (2) completed the total number of credits within the semester/term for which the Scholarship was provided based on a Progress Report; and
 - (3) met the standards of the Financial Aid Academic good standing.
- (c) Be accepted to an Accredited vocational program, college or university.
- (d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.
- (e) Be seeking the Scholarship for a degree that is categorized in a higher funding tier than the funding tier of a degree previously earned, based on the funding tiers provided under Section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier, may not be considered ineligible based on this Section.

Anita Barber – written: Add: Seeking a 2 year certificate from Oneida Cultural Heritage addressing the foundational elements to meet the definition of Tsi?Niyukwalihot[^]. *(There is an appearance Oneida does not trust itself to educate its own members regarding the language and culture. That basic trust permeates throughout the Tribe and continues to create factions or make*

them stronger. Many individuals spent a lifetime learning the same thing the Oneida of the Thames and New York know. It is an attack on our own dignity and faith to think we know less than a college or university. The funds would be much spent strengthening our own communities. The paradox of this scenario is the colleges hire tribal members who are or were employees to teach the lessons given for credit at an institution. In addition, students attending Cultural Heritage classes meet the requirements to be accepted in college programs.)

I would also include Haudenosaunee colleges or universities since are also a part of the greater community.

Response

It is my understanding that Oneida Cultural Heritage does not currently offer a 2 year certificate. As stated above, I also understand that there is no tuition or materials cost for participating in Oneida's language program. The commenter's request would make students of the Oneida language program eligible for a scholarship for room and board alone for a program which is not accredited by any certifying agency and is not eligible for federal financial aid because there is not cost associated with attendance. Such a revision is not permissible based on GTC Resolutions 08-12-96-A and 01-30-10-A and BC Resolution 07-24-02-A, which all require the funded institution be accredited, and, further, based on GTC Resolution 01-30-10-A, which requires that students complete the Free Application for Federal Student Aid (FAFSA). There is no recommended change based on this comment.

Comment 14. Financial Aid Academic Good Standing Requirement

305.5-1(b)(3) In order to eligible for a Scholarship award, applicants must [b]e in Good Standing where good standing means the applicant has....(3) met the standards of the Financial Aid Academic good standing.

Jessica Last – written: 305.5-1c(3) Met the standards of the Financial Aid Academic good standing.

* I am not certain what the intention of the statement is, but it is not accurate. We require students be eligible for Financial Aid (if they are attending coursework greater than 5 credits), however students may be on Academic Probation through their Financial Aid Office. In addition, we would not fund a student who is not eligible for Federal Financial Aid due to violation of the 150% rule who may be in Academic Good standing with the Financial Aid Office.

* I think some clarification to the goal and verbiage of this portion needs to be addressed.

Response

This requirement in this Law relates to resolution BC 07-24-02-A, which permanently adopted the intent of BC Emergency Resolution 05-09-01-B and its extension, BC Emergency Resolution 10-24-01-K. BC Resolution 07-24-02-A states:

Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship, however, the Higher Education Office is allowed to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing.

This provision of law extends the availability of using a school's standards for "good standing" as a stand in for the Tribe's if the school allows lower academic performance than is required by the Tribe to be in good standing.

Further, is it understood that the Oneida Higher Education Office practices a probationary period before a student becomes ineligible for continued funding. This Law does not change the availability of a probationary period, rather, the probationary period must be contained in the Higher Education Student Handbook as part of the office's enforcement authority, similar to how probation information is currently provided in the Student Handbook.

There is no recommended change based on this comment.

Comment 15. Acceptance into an Accredited Vocational Program, College or University Requirement

305.5-1(c) In order to eligible for a Scholarship award, applicants must [b]e accepted to an Accredited vocational program, college or university.

Cheryl Vandenberg – written: 305.5.-1 (c) Be accepted into an accredited vocational program, **degree**, college or university. Include the word degree.

Mike Debraska: At line 87 be accepted into an accredited college or university, that's fine.

Response

A "degree" is not something a student can be accepted into.

There is no change recommended based on these comments.

Comment 16. Prohibition of Award for Multiple Degrees in the Same Funding Tier

305.5-1(e) In order to be eligible for a Scholarship award, applicants must [b]e seeking the Scholarship for a degree that is categorized in a higher funding tier than the funding tier of a degree previously earned, based on the funding tiers provided under Section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier, may not be considered ineligible based on this Section.

Cheryl Vandenberg – written: 305.5-1(e) This section needs to be made easier to understand. My attempt is as follows but realize it needs more attention and would appreciate some additional wording.

Be seeking the scholarship for a degree that is categorized in the a higher education tier **that is higher** than the funding tier of the degree previously earned ~~based on the funding tiers~~ provided under section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued ~~concurrently~~ simultaneously **and with in** the funding period allotted for the degree at the higher funding tier, ~~may not be considered ineligible based on this section.~~ will remain eligible.

Response

I recommend that the provision be revised as follows:

(e) Be seeking the Scholarship for a degree that is categorized in a ~~higher~~ funding tier that is higher than the funding tier of a previously earned degree ~~previously earned~~, based on the funding tiers ~~provided~~ under Section 305.6-2.

(1) An applicant seeking a degree that is in the same funding tier or lower as another degree simultaneously being pursued, ~~concurrently~~ and within the funding period ~~allotted~~ allowed for the degree at the higher funding tier, ~~may not be considered ineligible based on this Section~~ remains eligible and is not prohibited by this Section.

Comment 17. Requirements

305.5-2. *Requirements.* In order for a Scholarship to be awarded:

(a) Applicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

(b) It is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

Anita Barber – *written:* 305.5-2. When will Wisconsin Oneida be considered?

Why is it necessary to apply for federal student aid?

Response

It is unclear what the commenter is asking in regards to “When will Wisconsin Oneida be considered?”

It is necessary to apply for federal student aid because it minimizes the cost to the Tribe in the event the student is eligible for any grants and is required by GTC Resolution 01-30-10-A. That resolution specifically states, “that applicants for the Oneida Higher Education Scholarship shall complete the Free Application for Federal Student Aid (FAFSA) prior to receiving a Higher Education Scholarship.”

There are no recommended changes based on this comment.

Comment 18. Requirements – FAFSA or Acceptance to a Canadian Institution Offering Oneida Specific Language and/or Cultural Programs

305.5-2(a) In order for a Scholarship to be awarded [a]pplicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.

Mike Debraska: And then on lines 97-99 just stop at applicants must file the free application for federal student aid or FASA and end it right there period and the rest of that up through line 100 can go.

Nancy Barton: The other one that I wanted to talk about also was on page 65-3 if I didn't say it already where the requirements say the applicants must file the free application for federal student aid period. I'd like to go on there and I also have written comments.

Response

These comments relate to policy issues, however these issues were extensively discussed with the LOC, the Higher Education Office and the Division Director.

Comment 19. Requirements – Complete Student File

305.5-2(b) In order for a Scholarship to be awarded [i]t is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

Jessica Long – *written:* 305.5-2(b) “It is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook.”

A. Students cannot submit FNAs or Official Transcripts, therefore, we advise “It is the applicant's responsibility to ensure Oneida Higher Education has a complete file based on the requirements of the Higher Education Student Handbook.

Response

I agree with the commenter and recommend the following revisions:

- (b) ~~It is the applicant's responsibility to submit~~ Applicant's shall ensure that a complete student file- is submitted to the Higher Education Office based on the requirements of the Higher Education Student Handbook.

Comment 20. Higher Education Scholarship

305.6. Higher Education Scholarship

305.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

- (a) Two and one-half (2 1/2) years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.
- (b) Five (5) years for an Undergraduate Degree.
- (c) Three (3) years for a Graduate Degree.
- (d) Five (5) years for a Doctoral Degree.

305.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish maximum funding caps for the following funding tiers:

- (a) Vocational Program, Associate Degree, Certificate Program or similar program.
- (b) Undergraduate Degree.
- (c) Graduate Degree.
- (d) Doctoral Degree.

305.6-3. *Award.* The amount of the Scholarship award is based upon:

- (a) The amount of funding caps for each tier under Section 305.6-2, which must be contained in the Higher Education Student Handbook.
- (b) The Financial Needs Analysis.

Anita Barber – *written:* Why is Oneida not considered as a certifying agency? We also have the ability to calculate credit hours.

Response

It is unclear what the commenter is requesting to be answered in this question. If the question is why the Scholarship is not available for the Oneida language program, this is not the section of the Law that provides which institutions are eligible for the Scholarship and the Oneida language program has been addressed in that section in Comment 6.

There are no recommended changes based on this comment.

Comment 21. Length of Funding

305.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

- (a) Two and one-half (2 1/2) years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.
- (b) Five (5) years for an Undergraduate Degree.
- (c) Three (3) years for a Graduate Degree.
- (d) Five (5) years for a Doctoral Degree.

Jessica Long – written:

- a. I understand it is listed as years in the original resolution, however, I think the current Financial Aid climate needs to be taken into consideration when making this change. When the resolution was passed, Financial Aid worked in terms of months. Now, Financial Aid is calculated by term/quarters/modules, etc). We are able to fit all of these items into a term based calculation. I think moving the counting of terms to months would create a HUGE barrier for students whose school and financial aid office is discussing their programs in terms or quarters not months. I think this will slow the awarding process and make it much harder for students who may have gotten off track to plan accordingly.
 - i. Impact on Student
 - 1. I meet with students on a regular basis who have already used some terms of funding or are in a special program in which they are not certain they will have enough terms of funding to complete. Currently, I lay out their funding by terms and we discuss. This is already a VERY confusing conversation.
 - a. If we had to discuss those programs in terms of months we would have to....
 - i. Know how many months all future terms will be.
 - 1. This could vary and a student cannot just estimate.
 - 2. Schools will not have their academic calendars available projecting that far out.
 - 2. “What If” Situations
 - a. I currently give students multiple options by credit load to ensure they are not overwhelming themselves in order to successfully complete their degree. Discussing the student’s programs by months in terms of different scenarios would be extremely difficult.
 - 3. Award process time increase – see comments under Impact on Staff section
 - ii. Impact on Financial Aid Office’s – The Financial Aid offices we work with throughout the country discuss funding by terms. If we moved to a month base funding their ability to discuss student’s awards and future planning would be virtually impossible. Many times financial aid offices use the information on our Award Letter to ensure the student is educated on their financial aid, but listing months would create more confusion, slow the

award process, and allow for the possibility of misinformation.

iii. Impact on Academic Advisors

1. When Academic Advisors meet with our students, the students often times inform them they are receiving our grant and would like to lay out their coursework to ensure they can complete in the allotted amount of time. If the student tells the Advisors we are counting in months, I do not feel those advisors could properly assist the student on laying out a plan or staying on track. I think this could cause students to get discouraged and no longer attend, or make choices that may ultimately limit their funding from our office.

iv. Impact on Staff

1. I do not feel that the creation of this communication barrier will allow me to advise to the best of my ability. I think it is already hard enough to explain terms to students who are just out of high school or going back to school after being out for a while. I think the unpredictability and inconsistency could lead to a lot of confusion and frustration for the student and ultimately choices in which could impact their funding eligibility.
 2. The award processing will take much longer, especially for the first year or so. We will have to manually audit all of the students who have already been awarded, in addition to the increase in conversations with Financial Aid Officers who will be very confused as why we are funding the exact opposite as the rest of the Financial Aid world.
- I am very concerned the groundwork for this change has been done to create a system of counting terms by months. This is ready to implement without consideration of staff concerns regarding the inherent problems it may cause for students.

Mitchel R. Metoxen – *written*: Changing counting terms/semesters to years was initially done to limit funding and not grant extended terms. It was said it is being done because we could not come up with a better way to count terms or semesters. We were never given the chance. It's been said counting months is more favorable. It is not if we allow for extended terms, nor is it practical. It's been said that funding years will cost more. I don't understand this if extended terms is offered. It's been said that it will be very easily explained and calculated for higher ed. advisors, students and financial aid officers. How, especially if we offer extended terms. How does it take into account breaks in terms, i.e., Christmas break can be over one month? How can we count extra terms needed when we don't need the beginning and end date of the terms granted, especially extended terms granted. The whole approach of counting terms in the form of months was not for the benefit of us advisors, the student or the college's, but purely to limit and hurry the student to get done. Abuses did not exist in the manner which we currently use nor with the manner in which we grant extra terms. Federal financial aid uses percentages. We could, but leaving room for students to change their majors, make mistakes, etc. but being stricter than SAP or 150% rule allows students to get other federal funding when, and if, they max or become ineligible for Oneida funding.

When asked why we are changing terms to months, regarding counting length of eligibility, it was said getting 5 years of funding is a bargain. Not so to the single mother or working adult, or person taking care of a loved one, going part time, etc. The counting months instead of terms and having a management heavy committee review and determine all requests is not the way to ensure equal fairness. Again, this whole legislation needs to be reviewed with the higher education advisors who know the current application of the grant.

Norbert Hill, Jr. – *written*: Colleges and universities have a myriad of schedules. Monitoring scholarship recipients by the total months instead of terms and semester would increase efficiency in the administration of the program. The procedure will give the benefit of students being able to complete the credential.

Response

Since the original GTC Higher Education Resolution 08-12-96-A numerous changes have occurred in the higher education realm, including but not limited to, different delivery options of higher education. As part of these changes many schools have different types and lengths of semesters/terms such as 4 months, 5 months, 6 months, or they may have no semesters; so in reality it is unfair to use semesters/terms for our length of funding which is our current practice.

In collaboration with MIS, modifications were created in the current non-production side of the ISeries (AS400 Student data system) to provide consistent funding that is equivalent to the length of funding in years for all Oneida Higher Education clients regardless of the type of school they attend or the length of semester/terms, quarters or trimesters. Essentially the ISeries will calculate the months of funding using the 14 day rule that is currently in practice for funding non-traditional, online or cosmetology students. These ISeries modifications are currently available and ready to implement pending the outcome of the Higher Education Scholarship (Law). Upon approval, detailed training will then be provided.

The Iseries (AS400 student system) was introduced live thorough a mock session that covered student funding examples step by step to include a power point handout to the Higher Education Office staff, Area Manager and BC representatives on July 10, 2015. The material was also reviewed with the Oneida Law Office prior the July presentation to ensure compliance with the current applicable Resolutions.

Again, the MIS Iseries (AS400) student data system will automatically track and count the months of funding. It also has the ability to convert semester/terms to months of funding. Naturally with any new change or modification there will be a transition period.

These comments present policy issues to the LOC, however the information above was considered by the LOC and the Higher Education Office in developing the Law.

Comment 22. Establishment of the Tiered Funding System

305.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish maximum funding caps for the following funding tiers:

- (a) Vocational Program, Associate Degree, Certificate Program or similar program.
- (b) Undergraduate Degree.
- (c) Graduate Degree.
- (d) Doctoral Degree.

Mike Debraska: Ok and then at line 114 you got the tiered funding system and it says the General Tribal Council or its delegate, get rid of “or its delegate”, shall establish maximum funding caps for the following funding tiers. And I believe General Tribal Council already established that when we passed this, we created that tiered system. So I’m not gonna, I’m not gonna relinquish my rights to have somebody else make that decision.

Don White – written: I think the introduction of the “tiered” system for classification of degrees and professions is good. I do think the Higher Education Department has in the past, not been proficient in recognizing the various levels in professions and associated degree programs.

Response

In response to Mr. Debraska’s comment, this Law does not delegate the GTC’s authority to establish

the maximum funding caps for the funding tiers, only GTC can delegate that authority. It is written as is so that in the event that the GTC chooses to delegate such authority, this Law would not be required to be revised.

There is no recommended change based on this comment.

Comment 23. Exception Policy

305.7-1. *Exception Policy.* Exceptions may be offered under narrow grounds only for applicants facing extenuating circumstances whom are able to demonstrate that based on the totality of the circumstances the applicant will likely succeed in achieving the accomplishment sought either within the Exception period and/or despite the extenuating circumstances that have made pursuing an Exception necessary.

Mitchel R. Metoxen – *written:* Regarding Exceptions, the word “narrow grounds” is used. This leaves, in my opinion, much room for interpretation. We need to review past appeals and extended term requests to see if they will still apply. If not, why? Such audits can help in clearing up these potential misappropriated granting or denying future exceptions/appeals. We have much precedent that needs to be reviewed. We’ve denied someone extended terms, then appealed up our chain of command to grant extra terms and as a “gesture of goodwill.” What is that? Goodwill can’t be applied to everyone. We need to stop arbitrary and capricious decisions, ensuring decisions are applicable to the situation and can be fairly applied, setting precedent.

Mike Debraska: Right, right. If you look on page 65-1 on lines 9-11 where it talks about the policy guidelines but then also go back where it says lines 10 on page 1 of 2 it says allows the Higher, lines 10-12 I believe it is, allows the Higher Education Office to make exceptions to eligibility requirements and length of funding on a case by case basis. The law also notes that the Higher Education Student Handbook sets out the exception sets out the exception process but then when you look at the policy guidelines on 9-11 at 305.1-2 on page 65-1 it is the policy of this law to have consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide equal opportunities to Tribe members and award scholarships in a consistent and fiscally responsible manner. I look at that and say those two, those two kind of almost conflict with each other. So that’s one of those things that I kind of looked at.

Response

In response to Mr. Metoxen’s comment, I agree that the Oneida Higher Education office should review previous decisions made by their office in regards to Exceptions (previously classified as appeals) and that it must make a determination of the bases it considers appropriate for the granting of an Exception moving forward. That determination must be placed into a SOP pursuant to 305.7-1(a) of the Law, provided that the SOP is not required to align with past practices. The general policy statement that is contained in this Law must govern the SOP and both the policy and the SOP are generally applicable, so there would be no basis for applying either the SOP or the Exception policy differently to different people.

That being said, in regard to Mr. Debraska’s comment, because the nature of the Exception is that it is available on a case-by-case basis, it must be understood that the very nature of that system allows for different decisions to be made based on varying circumstances, provided that, the Higher Education Office must also understand that like circumstances must receive like treatment. Allowing for the tailoring of the Scholarship program to the specific needs of students facing extenuating circumstances does not detract from the Law’s goal of creating a “consistent methodology for

awarding Higher Education Scholarships so that the Tribe is able to provide equal opportunities to Tribe members and award scholarships in a consistent and fiscally responsible manner.” As stated above, both the Exception policy and the Exception SOP are applicable to all applicants the same and, further, the same Exceptions are available to all applicants under Section 305.7-2.

There are no recommended changes based on these comments.

Comment 24. Available Exceptions

305.7-2. *Available Exceptions.* In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below:

- (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1(b), (c) and (e).
- (b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 305.5-2(a).
- (c) Exceptions may also be made relating to the length of funding periods contained in section 305.6-1.
- (d) Exceptions may not be made for requirements contained in this Law that are not explicitly noted in this section.

Ed Delgado: First I want to say the Higher Education program that we have got two of my enrolled children through school. One is a registered nurse and one is a cosmetologist and what a great program. Thank you John Powless. I do see a section in here regarding exceptions. I think we need to be very careful when we provide exceptions. I don't think here, I know there are exceptions that happen, there has to be, someone might get sick, you know an operation, pregnancy or whatever. But I think it needs to be included in the law what the exceptions are. Thank you.

Response

The Law does identify the types of Exceptions that are available, the bases for the granting of Exceptions is provided for under the Exception Policy (305.7-1) and the Exception SOP that is required to be developed (305.7-2). It is correct that the Law does not consider under which specific bases an available Exception may be granted, but in previous discussions the LOC decided that the Law was not the appropriate place for such considerations. A revision would require further discussions and agreement of the LOC as this is a policy consideration.

Comment 25. Exception to Acceptance to an Accredited Institution

305.7-2(a) In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below: (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1(b), (c) and (e).

Cheryl Vandenberg – written: 305.7-2 (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1 (b), (c) and (e). Under (c) Be accepted to an accredited vocational program, college or university. The accreditation of schools should not be an exception; it should be required. I believe this is in the best interest of the applicants to ensure they are choosing appropriate school with so many choices/options, especially if they want to continue with a higher degree you want their previous degree or credits to be appropriately considered. It is also part of the original 1996 GTC Resolution 8-12-96-A. If the program/degree is not accredited, it most likely not eligible for Title IV funding (FAFSA) as listed in 305.5-2.

Requirements. In order for a scholarship to be awarded section.

Response

This is a policy consideration for the LOC. In the draft of the Law that was sent to public meeting, the definition of “Accredited vocational program, college or university” included a requirement that the institution be eligible to receive federal financial aid. Based on the comments received at the public meeting, I have recommended that requirement be removed from the definition to capture a truer definition of accreditation and because the FAFSA requirement is already contained in other parts of the Law (305.5-2(a)).

If the LOC does not accept my recommendation regarding the definition of “Accredited vocational program, college or university,” there will be nothing new to consider based on this comment. However, if the LOC does accept my recommendation, it will also need to consider if there should be an Exception for the accreditation requirement as there is already an Exception provided in the Law for the requirement that the school be eligible to receive federal financial aid (305.7-2(b)).

Comment 26. Exception to Filing the FAFSA

305.7-2(b) In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below: (b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 305.5-2(a).

Mike Debraska: At lines 139-140 that can be removed.

Response

This is policy consideration that was discussed in work meetings held including the LOC and the Higher Education Office. In those meetings, it was decided that there may be circumstances where funding an applicant to attend a school that is not eligible for federal financial aid is appropriate, for instance, trade certificate programs. If the LOC decided to remove this Exception from this Section, any granting of such an Exception would be in direct violation of this Law.

Comment 27. Length of Funding Exception

305.7-2(c) In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below: (c) Exceptions may also be made relating to the length of funding periods contained in section 305.6-1.

Nancy Barton: And so the other part that I wanted to make a note of is page 64- 65-4 line 141 where it says exceptions may be made relating to the length of funding periods contained in section 305.6-1. And I’d like to know who will be making those exceptions and when will they be made under what, whose authority and when. And so when you open the door and say that exceptions can be made, those exceptions need to be opened to everyone and not exclusive.

Response

The Exceptions to length of funding requirements (and all Exceptions for that matter) are decided by the Higher Education Review Panel under the Law. The Higher Education Review Panel consists a student advisor, the Higher Education Office Manager and the Area Manager. The student is also able to request reconsideration of that decision to the Division Director.

The Higher Education Review Panel will be required to follow the Exception Policy contained in Section 305.7-1 and the Exception SOP developed by the Higher Education Office as required under Section 305.7-1(a), which also provides that no Exception may be granted until the said SOP is developed.

All applicants are eligible to apply for Exceptions, provided that only those that are listed in the Law are available. If an applicant applied for an Exception that is not contained in the Law, the Higher Education Office would be required to categorically deny such a request.

There are no recommended changes based on this comment.

Comment 28. Appeals

305.9. Appeals

305.9-1. *Appeal Process and Requirements.* An applicant may Appeal a Scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

305.9-2. *Levels of Review.* The following levels of review are available to an applicant seeking an Appeal of a Scholarship decision made by the Higher Education Office:

- (a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an Appeal must be approved by a majority of the said Panel.
- (b) If an applicant disagrees with the Higher Education Office Review Panel's decision regarding an Appeal, the applicant may Appeal at the second level of review to the Division Director; the decision of the Division Director regarding the Appeal is final.

Don White – *written:* I also agree that the appeal process should have another level of appeal, outside of the Higher Education /Education & Training Area. I agree with the recommended appeal to the GSD Division Director, to ensure that decisions are in keeping with the achievement of the Vision of the Oneida Tribe.

Mitchel R. Metoxen – *written:* Trusting a weighted committee, management heavy committee, to determine whether a student gets their request needs to be further discussed with higher education advisors and the Assistant Manager. We are all very concerned if this takes effect.

Regarding appeals, we need accountability for such evaluation. Are there governance structures and controls in place, especially where boundaries are blurred? Is this model of Oneida Higher Educations approach to who gets or doesn't get the grant transparent? I'm skeptical of a model that is built on limited ideas. Is the attribution of success where it belongs?

Response

There is accountability outside of the Oneida Higher Education Office to the Division Director because applicant's have a second level of review available which allows them to appeal a decision made by the Higher Education Office Review Panel to the Division Director.

There are no recommended changes based on these comments.

Comment 29. Appeal Process and Requirements

305.9-1. *Appeal Process and Requirements.* An applicant may Appeal a Scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

Mike Debraska: Also, I want to, on that last bullet point it says allow a student to appeal a scholarship decision only if he or she can show the Higher Education Office failed to abide by this law and end it right there. On page 1 of 2, at the bottom there it says allows a student to appeal a scholarship decision only if he or she. I want to take out the word “only”.

Lines 164-166, end it at where it says at line 64 made by the Higher Education Office period and then get rid of the rest of that.

Response

This is a policy consideration, but it is generally inappropriate to allow a decision of an agency that has been delegated authority to be appealed so long as the said agency is acting within the law and the rules that govern their operations.

Comment 30. Higher Education Office Review Panel

305.9-2(a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an Appeal must be approved by a majority of the said Panel.

Anita Barber – written: Is the review panel made up of successful Oneida scholars or others?

Response

The definition of the Higher Education Office Review Panel states the parties that make up the panel. That definition is provided in Section 305.3-1(i) and states:

“Higher Education Office Review Panel” is a three (3) party review panel, which is to include the applicant’s Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

Based on the comments received, I have made a recommendation to reword that definition to read:

“Higher Education Office Review Panel” is a three (3) party review panel, which is to include ~~the applicant’s~~ Higher Education Advisor, the Higher Education Office Manager and the Area Manager.

There are no recommended changes based on this comment.

Comment 31. Second Level of Review

305.9-2(b) If an applicant disagrees with the Higher Education Office Review Panel’s decision regarding an Appeal, the applicant may Appeal at the second level of review to the Division Director; the decision of the Division Director regarding the Appeal is final.

Mike Debraska: And lines 172-174, starting with (b) if an applicant disagrees with the Higher Education Office Review Panel's decision regarding an appeal, the appellant may appeal and then put to the General, and get rid of the rest of that and then add in to the General Tribal Council by way of petition. Those are my comments for the record.

Response

This a policy decision that must be made by the LOC, but I would caution approving a revision based on this suggestion due to the infrequency of GTC meetings and the lengthy petition process unless a better process could be developed.

Comment 32. General Comments Related to the Oneida Higher Education Scholarship Law

Nancy Barton: Ok, I'm testifying, my verbal testimony today on the proposed Higher Education Scholarship Fund. I feel it's unfortunate that we're even here today. It's obvious that a few persons have taken on the task of implementing rules that would interfere, hinder and punish Oneida Tribal members and also the directive of GTC. This money is a GTC directive; therefore, a mandate. The proposed policy is a violation of GTC directive. Those entities responsible for initiating these policies obviously do not understand the resolutions' proposed intent. It is unfortunate that we have to look, that there are people who are not looking out for the best interest of General Tribal Council members. I strongly oppose the policies that are being implemented that would delay, deny or hinder any benefits to General Tribal Council members regarding the Higher Ed Scholarship. And I will go through line by line.

Jessica Long – written: I take pride in the work I do with our students. I am grateful to be a part of this journey with them, and consistently try to work with their best interest in mind. I do NOT feel as though these changes are being made with the student's best interest in mind. I think some serious consideration needs to be given to both the potential benefit but also potential harm these changes could have on our students.

Mitchel R. Metoxen – written: The Handbook is key and not addressed in this public format? Again many holes in this law, similar to original resolution and then given to a small committee to fill in. The opportunity to take away funding opportunities is again given to few people. I'd like to know what is being changed from how we are funding now.

Bottom line, is there anything we are currently funding that we will no longer be able to fund? For me, the bottom line with this policy proposal is, What's going to change? I've worked in the higher education office since 1999 and am very familiar with our process. I would say the most familiar with our process and what we do and don't fund. I don't think this would be argued by anyone in the higher education office. I've kept a journal of our approvals and denials, as well as written why we approved or denied requests in what we call our "Administrative Codes." These Administrative Codes are a valuable tool we need to determine and track past precedent. These Administrative Codes need to be reviewed, along with myself and other higher education advisors to see if the proposed legislation change or alter the current application of grant.

I'm concerned that the panel filling in the blanks and creating the student handbook will take advantage of such power and further limit funding, taking away higher educational opportunities. They may start counting Associate Level Degree funding towards Bachelors level funding, which has been proposed. It may be that the words in this legislation leave room for a panel to create such a policy.

What's attempting to be done here is using fear disguised as practicality. They are saying this approach is practical. I disagree. These practices, if imposed, will be unnecessary barriers.

I heard at a policy hearing on this issue that this came about because someone on the Business Committee wanted Higher Ed. to start funding native programs in Canada. If so, why wasn't this the

only area addressed? Instead this turned into “mission creep.” The expansion of a mission beyond its original goal. Mission Creep is an undesirable outcome due to the dangerous path of each success breeding more ambitious attempts.

I believe the mission of the grant was to increase the underrepresented Oneida members in higher education, not keep the status quo. These efforts keep the status quo.

In conclusion there has to be a “policy assessment” done by higher education advisors. The enactment of this legislation may put an undue burden on vulnerable students and may cost Oneida money, as opposed to saving Oneida money. I understand on the surface these policies seem harmless, in fact may be considered necessary to conduct our business of achieving higher education in the ways of sustainability, accountability or duplicated services; but they underscore potential individual vulnerabilities that can be overlooked by fitting each person into a box as to their individual approach to achieving their perspective educational level.

Nancy Barton – written: The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless’ petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.

Luanne Green: Thank you. My grandson is going to college and this is his, I think it’s his third semester or fourth semester, he’ll be graduating in May with an Associate Degree and he’s carried a 4.0 and he wants to be a teacher. But in the meantime, he does get the grant and I don’t know how much he is getting but besides the school, tuition and books and school related items, he had to have his tooth filled which costs me \$285. He had glasses, \$300 and some dollars. He switched to a cheaper cell phone which he can’t always pay. Besides rent, utilities, transportation. It’s not just a matter of tuition and books and that’s wonderful that that portion is paid but I hesitate to ask him to get a part time job because he does do a lot of study and he does carry a great grade point average. And he’s making a success of himself. His parents were divorced when he was 2 years old. He’s raised by a mother with some disabilities and he really got a late start. But now that he’s finally in school and has some direction in his life, I would hate to see that this program would cause him to jump through more hoops to reach his goal. Thank you.

Norbert Hill, Jr.: I just have a few comments. I do support by and large except for one exception with the comments with what Sherry King had made. You know, I think the responsibility, stewardship and leadership to manage a scholarship program is given to the Higher Education Office and they have a number of professionals there by and large that manage the grants and they do it well. I want to remind LOC that the number of college graduates baccalaureate degrees are higher or just as high as the population in Outagamie and Brown County. We have more graduate degrees in Outagamie and Brown County than the same population in Green Bay. So I think that’s a testimony of how well the grant is managed.

Julie Barton: Thank you. I wanted to, I haven’t had the opportunity to attend some of the hearings and I haven’t read all of the material but I do follow most of the conversations and comments from a lot of people. And I go with that because they’re the ones that are being served and I know that the Education Department provides the best possible service however, I hope that within all of this new law that we never refer to a means testing type service. I heard the word reviewed and it was used at I think at a GTC meeting with the Elder Service. I hope that you guys know what that means from traveling to Washington. They want to define our rate of so called poverty. So if the more you fit into the poverty role then you can fit into programs and received money and scholarships and things like that. So I hope that this does not refer to that in any way. And like I said I didn’t read it all but I hope that it doesn’t. Also, I think this law is here protect the General Tribal Council directive, also to protect the students’ needs and that’s what we’re looking out for. The students’ needs and nothing else that I know of why was this law was existed or created. It was created under the basis of need and with no guidelines, I mean no financial guidelines. It was directed back to the Higher Education

Department to develop those guidelines so the moneys there. It's not my money, it's not your money, it's not the Higher Education's money, it's the people's money and it should be used the way it was intended to be to meet the needs of that person so they can graduate. I have had 10 grandchildren graduate with this money and they are all doing fine. I have so many relatives I can't count who use this money to graduate and they are all doing well.

Response

There are no recommended changes based on these comments, provided that some comments may contain general policy considerations for the LOC.



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<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Higher Education Scholarship (Law)				
Requester	OBC Referral	Drafter	Krystal L. John	Analyst	Candice E. Skenandore
Reason for Request	The Higher Education Office proposed funding changes. The OBC requested a legislative analysis and directed that the LOC look at codifying the rules created by the Department, which currently governs how the Department disburses higher education funding in accordance with GTC directives.				
Purpose	The purpose of this Law is to implement a scholarship program that is compliant with GTC directives and to specify the funding requirements and procedural controls [See 305.1-1].				
Authorized/ Affected Entities	Higher Education Office, Governmental Services Division Director, any eligible Tribal member seeking a scholarship				
Due Process	A student can appeal a scholarship decision to the review panel, if dissatisfied with the review panel's decision; the student can appeal to the Division Director. The Division Director's decision is final [See 305.9].				
Related Legislation	Higher Education Student Handbook, Higher Education Office's system of internal controls				
Policy Mechanism	Higher Education Scholarships				
Enforcement	The Higher Education Office can place a student who violates this Law or fails to comply with the Higher Education Student Handbook on probation or suspension [See 305.8-1].				

Overview

This is a new Law that:

- Identifies the duties and responsibilities of the Higher Education Office which includes awarding scholarships pursuant to this Law, developing and maintaining rules and regulations to carry out this Law and developing and maintaining a system of internal controls for the Higher Education Office [See 305.4-1].
- Lists the eligibility and requirements for an applicant seeking a scholarship [See 305.5].
- Sets the length of funding, identifies the different tiered funding systems and explains how the scholarship amount is determined [See 305.6].
- Allows the Higher Education Office to make exceptions to eligibility, requirements and length of funding on a case-by-case basis. The Law also notes that the Higher Education Student Handbook sets out the exception process [See 305.7-2 & 305.7-3].
- Gives the Higher Education Office the authority to enforce this Law [See 305.8-1].
- Allows a student appeal a scholarship decision only if he/she can show the Higher Education Office failed to abide by this Law and/or the Higher Education Student Handbook [See 305.9-1].

Considerations

The LOC may want to consider the following:



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- 20 ■ There are discrepancies with this Law and the Higher Education Student Handbook;
21 however, the Higher Education Student Handbook is in the process of being updated¹
- 22 ■ General Tribal Council (GTC) must be notified of any amendments related to scholar-
23 ships either at the Annual or Semi-Annual meeting, whichever is sooner [*See GTC Reso-*
24 *lution 7-24-02-A*].
- 25 ■ This Law requires an applicant to seek a scholarship for semesters/terms which have not
26 already ended or been completed [*See 305.5-1 (d)*]. The LOC may want to consider add-
27 ing language that does not allow an applicant to seek a scholarship for a semester/term
28 that is currently in session and has not yet concluded.
- 29 ■ Although not defined, the term “student” typically refers to someone that is studying at a
30 school or college. An applicant may be someone seeking admission into a school or col-
31 lege but is not yet a student. This Law only allows a student to appeal a scholarship deci-
32 sion made by the Higher Education Office [*See 305.7-3 (b) & 305.9-1*].
- 33 ■ In order to avoid future amendments to the Law, the LOC may want to consider using
34 generic terms such as “Division Director” and “Area Manager” instead of “Division Di-
35 rector of Governmental Services” or “Education and Training Area Manager”. This
36 would allow for the Higher Education Office or Governmental Services Division to reor-
37 ganize without having to amend the Law. If it is decided to use generic terms, the LOC
38 may consider defining those terms. For example, “Division Director” means the Gov-
39 ernmental Services Division Director or his/her equivalent that is responsible for oversee-
40 ing the Higher Education Office’s Area Manager.

Miscellaneous

42 A public meeting has not been held. Please refer to the fiscal impact statement for any
43 financial impact.
44

Chapter 305**Oneida Higher Education Scholarship**

OnΛyote?a·ká· ThuwatilihunyΛni?tha?kó· Ohwísta?

people of the Standing Stone, the great place where they teach them the traditions, money

¹ **Nancy Barton:** I am referring to, let me see here now, my pages came apart I’m sorry, I’m referring to page 2 of 2 where the legal review is. Where it is says there are discrepancies with the law and the higher education student handbook. And then it says the student handbook is in the process of being updated. Well how can you do one without the other? So it seems to me they go hand-in-hand and then you can’t make a law or a rule and then come back and make a handbook. So it doesn’t make sense.



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305.1. Purpose and Policy
305.2. Adoption, Amendment, Repeal
305.3. Definitions
305.4. Higher Education Office
305.5. Eligibility and Requirements

305.6. Higher Education Scholarship
305.7. Exceptions
305.8. Enforcement
305.9. Appeals

305.1. Purpose and Policy

305.1-1. *Purpose.* The purpose of this Law is:

- (a) To implement a **scholarship²** program that is compliant with the following resolutions

² **Jessica Long** – *written*: Verbiage = Scholarship vs Grant (Multiple times throughout the Law)

- a. Our office collaborated with NWTC for our Spring Financial Aid Workshop. With directive from our Manager, I listed the funds as a Scholarship. Dan Mendoza, from the Financial Aid Office at NWTC stopped me after the presentation and asked if we were a Scholarship. I let him know we were technically a Grant since we are not merit based, however, we were told to call it a Scholarship. His response was, “I was going to say...you don’t award based on scholarship requirements, you have a grant.”
- i. Changing the verbiage of the funds would not only change the meaning for the students, but also potentially create confusion in the Financial Aid world which could lead to student’s awards being delayed while clarification is sought.

Don White – *written*: I agree, the Scholarship should not be based upon “scholarship or academic standing”. I think the Scholarship should provide a basis for “opportunity”, for a Tribal Member to obtain self-sufficiency, to achieve the Tribe’s Vision Statement.

Mitchel R. Metoxen – *written*: This is not a “scholarship.” It has never been practiced as a scholarship.

Scholarships are merit based, competitive, typically require higher gpa’s requirements, designed for a certain gift you have, i.e.; sports, special talent or interest, etc., can be specific to minorities, first generation college, and often have first-come first-served approach, meaning limited funds so you need to apply early. Though scholarships can apply to a certain group of people, they are typically competitive within that group. Scholarships can also be mailed directly to the student.

Grants are typically given through a government (which Oneida’s Higher Education “Scholarship” is given through Oneida Tribe). Grants are more commonly need based, which is partially what we practice. Grants are mailed directly to the college, not the student. If you have a lower income household, you will get more grant monies. Holds recipient to average gpa requirement.

The change of naming/labeling these monies as a “Scholarship” came about 2 to 3 years ago. Prior to that, it has always been referred to as a Grant, both verbally and on our stationary. It was always practiced and administrated like a grant. With this label change we are attempting stricter rules to resemble a scholarship. Don’t allow this change of a scholarship mentality occur.

The proposal leaves much room for stricter policies that will be later created by a “student handbook.” Why give this power to a committee? What things are being taken away and what future possible changes can be made?

Sherry King – *oral and written*: I am presenting comments today because I am concerned about the Oneida Higher Education Grant program. I think it provides many wonderful, the Oneida Nation provides many wonderful benefits to its members, but of all the benefits and services, I feel the Oneida Higher Education grant is the one benefit that really changes lives and has a lasting and positive effect on future generations. Just yesterday, I ran into one of the students that Oneida Higher Education funded, who with his degree was able to apply for a high level management job at his company, and he got the job. While he had some other strong personal characteristics that his employer most likely recognized, without that diploma, he did not meet the qualifications for the job. He was so happy and thrilled with his job and being able to take care of his family. But this is a student who completed his degree at an online school, he had his ups and downs while on the Oneida Higher Education program – including probations, suspension, and appeal, but he continued on and did graduate with a Bachelor’s Degree that has opened doors for him. This student will likely stress education to his children and prepare them to be or prepare them to be better prepared when they are ready to enter a college or university. And I share that story only to emphasize that the Oneida Higher Education program serves students with varying needs and as changes are considered and codified,



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GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A.

(b) To specify the funding requirements and procedural controls for awarding Scholarships.

305.1-2. Policy. It is the policy of this Law to have a consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide educational opportunities to Tribal Members and award Scholarships in a consistent and fiscally responsible manner.³

which we're proposing, I ask that you carefully considered the foundation and the spirit of the program by those who drafted the original resolution and the GTC who approved it. The reason I feel it is important to remember the spirit of the resolution is that we have somewhat recently began to referring to the program as a scholarship program while for many years in the past it was referred to as the Higher Education grant. Everything you read today also refers to it as a scholarship program. And while that might be just a word, I think we all know how important words are. Words identify, design and give shape to beliefs and actions. In other words, they have power. It brings to mind the little word "of" and our effort to change our constitution and free ourselves of the name "Oneida Nation OF Wisconsin". I looked up the definition of the words "scholarship" and "grant" and found that there is some overlap but several of the sources define scholarship as awarded on the basis of academic or other achievement". It should be noted that some organizations do use the words almost interchangeably. But in Wikipedia which is referenced on the internet refers, has written that "most scholarships are based on merit or talent, without considering economic need or ethnicity. Since the economically privileged usually have better schools and more access to other educational resources, merit-based awards/scholarships favor the economically privileged. While Caucasians account for 62% of full-time college students in America, they receive 76% of all scholarships. Vocabulary.com also defines scholarship as profound scholarly knowledge, or financial aid provided to a student on the basis of academic merit. In conclusion, I bring this to your attention today so that we maintain the spirit and purpose of this program when it is when it was established. I propose that all members continue to have access to the educational benefits and that it not become a program for a high academic achievers only. I propose we continue assisting students without establishing roadblocks such as eliminating certain types of schools, like the, such as on-line schools, that we recognize that different people have different needs and methods of achieving their educational goals. I believe it is in the best interest of our nation to promote high achievement and success but not if the expense of members who are working toward that goal in a different manner and may not have had all the benefits that some of us here today have enjoyed. Let us keep in mind the spirit of the original proposal and resolution as decisions are made that will take us into the future and care for the next generations as past generations have cared for us. Yaw^ko

See: <https://en.wikipedia.org/wiki/Scholarship>

Julie Barton: So I know it works but I don't want any more barriers to this. Saying well maybe he or she does not need it or maybe we should put income guidelines on it or maybe we should cut it because we're not making the money we're used to. So those are the things that should not be batted around and so forth when it comes to using this money and awarding the scholarships. And I agree with Sherry that let's use another words to this scholarships. And I thank the Education Department for doing what they need to do to take this money provide that goal for all of us. Thank you.

³ **Don White – written:** I am writing to provide testimony regarding the purpose and intent of the Scholarship. First, the purpose and intent of the Scholarship should be relative to the expected "outcome", from the Scholarship. Said "outcome", should align with the "Vision of the Tribe". In this case, the Scholarship should lead to the development of a "Strong Family, built on Tsi 'Niyukwalihot^, and a strong economy".

I think the Scholarship should be expanded beyond Higher Education, to include funding for training and education that leads to employment and economic self-sufficiency for individuals and families. This includes Blue and White Collar employment/careers.

I also think the Scholarship should support fundamental human development in the area of Oneida Culture, to include Language. There is a sufficient body of knowledge that identifies the psycho-social and wellness benefits of a "healthy self-concept and self-esteem", through a working knowledge of one's Culture, Language, History, Ethnicity-



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2015 11 18**305.2. Adoption, Amendment, Repeal****305.2-1. This Law was adopted by the Oneida Business Committee by resolution _____.**⁴**305.2-2. This Law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.****305.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this Law which are considered to have legal force without the invalid portions.****305.2-4. In the event of a conflict between a provision of this Law and a provision of another Tribal law, the provisions of this Law control.**⁵

ty and contribution. Know who one is provides a strong foundation for resiliency, achievement and success.

In conclusion, I agree that the Oneida Scholarship should be administered and managed in keeping with the “Spirit” of the Resolution. The Scholarship should not be administered and managed with a focus on “managing money”. Instead, the administration and management of the Scholarship should be “facilitated”, in keeping with, and achieving the Vision of the Tribe, building, supporting and sustaining “strong Oneida Families, built on Oneida Ways, that lead to a strong and sustaining Oneida Economy.

⁴ **Cathy L. Metoxen** – *written*: Higher Education needs to go GTC.

Norbert Hill, Jr. – *written*: Let the professionals manage the HE scholarship, the BC oversight and the GTC to oversee to make sure the law is followed. Trust the professionals you hired to administer the job.

The federal and state laws, policies and procedures are complex and continually changing. GTC would not begin to understand the complicated issues involved. Financial aid is almost a separate language. Time to time the Student Handbook will require revision to keep up with this ever changing field.

GTC should not be the arbiter for scholarship appeals.

Privacy issues will be violated

Public disclosure in front of 1000+ attendees

Undue delays and enormously cumbersome

GTC should not be in the day to day business of Higher Education.

Nancy Barton: And I also agree that this policy it’s illegal to pass this unless this goes before GTC.

Mike Debraska: Line 15 under adoption, amendment, and repeal at 305.2, I wanted to take out the, keep this law may be amended or repealed only by General Tribal Council.

Norbert Hill, Jr.: The, to have GTC be the arbiter in any appeal of any scholarship, I think you are fooling around with privacy issues as well as vetting somebody’s financial concerns in front of a 1000 or 2000 people. So I think, and it would also create undue delays for a student going to school because they’d have to wait for the next GTC meeting to do this. The Higher Education Office reports to the Business Committee which are responsible for oversee and so I think that would be not a good policy to direct it to the General Tribal Council, with all due respect to the General Tribal Council. So there is an issue of the spirit but the trust and management. The other thing is that Higher Education, 4 year baccalaureate degree is really the new high school. In terms of the changes that we have made since the scholarship was initiated. And so kids out of high school are going to require post-secondary changes, the laws, the regulations, the policies of financial aid is a moving target and keeping up with those regulations now are difficult to stay with and it will be even more difficult for GTC to understand in a short period of time those changes. So you got to trust the professionals that are doing the job.

⁵ **Mike Debraska:** At lines 22 take out after Tribal law comma and take out the provisions of this law control period. And then add GTC shall make a determination as to which law actually controls. Because if there’s a conflict or an existing conflict with a current law, I think since General Tribal Council is the one that put this law in place, General Tribal Council should be able to determine which laws going to prevail. If there’s a conflict somewhere else with what somebody else did within the Tribe, that should come to GTC and GTC should be able to make that



305.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

305.3. Definitions

305.3-1. This section governs the definitions of words and phrases used within this Law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Accredited vocational program, college or university” means any United States educational institution eligible for federal financial aid or any Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.⁶

determination.

⁶ **Anita Barber** – *written*: When is Oneida going to accredit itself for language and culture and be accepted for the Higher Education fund? There are processes in place for current initiatives.

It seems we are our own worst enemies. The US Government tactics seem to have won our community. ?

In 2014 there were 22 individuals who applied and began attending Tsi?Niyukwalihot[^]. All but 5 needed to stop in order to obtain work to support their families. 2 remain faithful participants because they are retired and do not need the funding. It is easy to say to learn on your own or have night classes, however the reality is families have after-school programming to develop social, physical, academic, and learning skills.

Educational theorists along with cultural teachings indicate that the best learning happens in the morning. After 2pm or when the sun begins to set other elements get in the way of the learning process.

Jessica Last – *written*:

a. “Accredited vocational program, college or university means any United States educational institution **eligible for federal financial aid...**”

i. This is not the definition of accredited and listing it as such means students in vocational driven programs may not receive our funding.

1. Accredited – Accreditation is the recognition that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that learning provided by institutions of higher education meets acceptable levels of quality. (ope.ed.gov)

ii. Excluding programs which are from an Accredited university or college but are not eligible for federal financial aid means you may be limiting students from attending career driven programs.

1. Example: We have a student attending a prestigious college in which their Masters of Finance is not financial aid eligible. When I called to discuss with their Finance office she explained their students are generally employed and don’t seek financial aid, therefore, they chose not to continue with the hassles of offering Financial Aid. The student’s employer specifically recommended this school due to their prestige and curriculum. We fund tuition and books only since they are not Financial Aid eligible.

2. In addition to the prestigious programs which this would eliminate, it would also limit the students who wish to obtain certificates which will allow them to obtain employment.

a. I worked with a student who was recently returning to school after 15 years. She had 2 children and was working long shifts and needed a change. She was very interested in Graphic Design, but did not feel she could commit to a 2 year program. She wanted to attend NWTC’s Marketing – Graphics certificate program in which would allow her to get started in her desired career and then possibly continue once she was employed.

i. The benefit of her starting with this program was not only her employment but her children seeing her attend courses and work hard to create a better life for herself.

b. I have heard these certificates referred to as “hobby programs” which is not a fair categorization. All of the students I have met with that were interested in certificates were career seek-



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ing students who could not commit to a longer program at the time, but found an area of interest in which they would like to gain employment.

Cheryl Vandenberg – *written*: In regard to funding for Canadian educational institutions. I believe this area of funding needs more investigation and too preliminary to be added to this current policy. It needs to be researched and developed in much more detail. In the 1970's the Oneida Language program was successful and it is important to develop a program that is accessible to the Oneida community verses a few individuals.

Mitchel R. Metoxen – *written*: **Programs at Accredited colleges not eligible for federal student aid not allowed:** Redefines programs we can fund. Can we no longer fund certificates? Go to <https://www.nwtc.edu/Programs/Certificates> to see the many career oriented certificates NWTC offers. With this new legislation, the program not only has to be at an accredited college, but it also has to be eligible for federal student aid. Some accredited colleges, accredited by the US Dept of Education, may not be eligible for federal student aid, but they are still accredited, having gone through the rigors of becoming accredited. This has not been an issue for past students and these are not all “diploma mills.”

Why is this legislation redefining **Accreditation**? The initial Higher Education GTC Resolution uses the word Accreditation and we've always defined it as US Dept. of Education defines it. Now they are adding the words “eligible for federal student aid.”

Higher education has changed since 1996, this legislation seems to have the spirit of taking away flexibility, putting up barriers and keeping things in a box. It removes a person's individual approach to achieve their higher education potential and goals.

Here are some examples of students attending accredited colleges (accredited by the US Dept. of Education) but not eligible for federal student aid:

Bethel University, Doctorate of Ministry, Private Not-For-Profit University, Funded only tuition and books
Viterbo University, Masters in Education with Emphasis in Reading, Private Not-For-Profit University, Funded only tuition and books
The American College of Financial Services, Masters of Science in Financial Services, Private Not-For-Profit, Funded only tuition and books
FVTC, Golf Course Turf & Equipment Technician, Public Technical College, Funded only Tuition and Books
NWTC, Early Childhood Basic Ages 3 – 5, Public Technical College, Funded only Tuition and Books

The current definition as to what makes an institution eligible for our grant is: They have to be attending an Accredited college that is accredited through the US Dept. of Education and their program has to be either eligible for federal student aid, or end in college credit (not clock hours or CEU's), or end in a state license. This definition has worked well for us since the inception of the current Higher Ed. Grant and should remain. Don't allow a committee to have the power to say what can and can't be funded.

Norbert Hill, Jr. – *written*: Accept only post-secondary schools that are officially accredited by the Higher Learning Commission (HLC) or a similar recognized body. Oneida should only provide funds for those post-secondary schools that hold high standards in teaching, learning and assessment. Schools without accreditation should not receive any Oneida resources. Students should not be wasting their time with empty credentials with poor career outcomes.

Mike Debraska: Lines 30-32, after where it says accredited vocational program, college or university means United States educational institution eligible for federal financial aid period. The rest of it can go.

Nancy Barton: The first thing that I want to identify is on page 65-1 the definitions, lines 29 & 30, accredited vocational college and university and stop right there.

Norbert Hill, Jr.: I think we need to hold the standard on accredited schools. There is a lot of fly by night colleges. You know, you could probably find antidotal information about a college doing a good thing but I think we need to hold the standards and hold our students to the highest standards that they can do. Due to the previous comments that were just made, the Higher Education Grant provides room and board, stipends and other living costs, so I don't know what the students other particular issues were but I've been in Higher Education for 45 years and managed



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(b) “Appeal” means a request for review of a Scholarship decision made by the Higher Education Office or Higher Education Office Review Panel for which the requestor must demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.

(c) “Area Manager” means the supervisor of Education & Training or anyone with the responsibility of overseeing the Higher Education Office.

(d) “Division Director” means the Division Director of Governmental Services or anyone with the responsibility of overseeing the Area Manager of the Higher Education Office.

(e) “Exception” means a request that the Higher Education Office make a discretionary decision to exempt an applicant from a requirement(s) for which there is an available exemption under Section 305.7-2.⁷

(f) “Financial Needs Analysis” is a form which reports a school’s cost of attendance and eligible Financial Aid awards, which is sent by the Higher Education Office directly to the school’s financial aid office for completion.

(g) “Free Application for Federal Student Aid” is an application which determines eligibility for any financial resources such as state and federal funding.

(h) “GPA” means grade point average which is a measure of a student’s academic achievement arrived at by dividing the total grade points received by the total grade points attempted.

(i) “Higher Education Office Review Panel” is a three (3) party review panel, which is to include the applicant’s Higher Education Advisor, the Higher Education Office Manager and the Area Manager.⁸

many scholarship programs and Oneida’s is probably one of the most generous and the most flexible of all scholarship programs in the Nation. Including the Gates Millennium Scholarship Program. I think, you know, the handbook needs to be tweaked once in a while to keep things up to date and also the efficiency in management of the Higher Education program which is substantial and a real blessing to all Oneida students. Thank you.

⁷ **Mitchel R. Metoxen** – written: **Exception** is defined to give all the power to the appeals committee. There needs to be language that the **exceptions** be applicable to all tribal members in same or similar circumstances. To avoid favoritism and arbitrary and capricious decisions.

⁸ **Jessica Last** – written:

- a. I have concerns with how “top heavy” this panel is. I am concerned students would not benefit from having a committee made up of 1 staff member and 2 managers. I feel this may put the staff member at a disadvantage to truly express their concerns.
 - i. In addition, I feel it sets our department up to become very questionable and vulnerable to favoritism.
 - ii. Currently, the staff discusses appeals (what is called an exception in this law) thoroughly from all point of views. We are held accountable by each other and the student needs a majority vote.
 1. I am concerned that this new panel would not hold the department to the same accountability. Management has been shown to make decisions based on favoritism and make decisions that were not equally applied to all students.
- b. “...which is to include the applicants’s Higher Education Advisor...”.
 - i. We do not have assigned clients. We are all able to work with all of the students.
 1. Creating a system of assigned clients makes the contact very impersonal and deprives the students of their choice of advisor and could potentially set the student up for failure.
 - a. Clients may have developed a comfortable relationship with a specific advisor who they prefer to work with. Currently we tell students they can call our office and work with any advisor, however, if they feel more comfortable they can choose to work with one advisor with the understanding if we are ever out of office or unavailable they can contact another advisor. This allows the student



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(j) “Higher Education Student Handbook” is the source of the rules and regulations for carrying out this Law as further described in Section 305.4-1(b).

(k) “Progress Report” means an official transcript of grades.

(l) “Scholarship” means monetary funds awarded to an applicant through the Oneida Higher Education program.

(m) “Tribal Member” means an enrolled member of the Oneida Tribe of Indians of Wisconsin.

305.4. Higher Education Office

305.4-1. The Higher Education Office shall carry out the intent and purposes of this Law and enforce the provisions of this Law.⁹ The Higher Education Office shall:

(a) Award scholarships in accordance with this Law.

(b) Develop and maintain rules and regulations designed to carry out this Law and shall make such rules and regulations available in the Higher Education Student Handbook.¹⁰

to be comfortable with important issues, but also access any one of the four advisors if need be.

b. I feel confident in my fellow advisors and would recommend a student talk to any one of them; however, I think one of the best things about our office is the diversity we offer. I feel allowing students access to any one of us gives them the opportunity to benefit from working with someone whom they feel the most comfortable.

c. Students sometimes have very personal conversations with us. Whether they are discussing a situation or their educational needs, the client’s trust is very important to successful advising. Limiting the student to only talk to a specific advisor could hinder the possibility of that student coming in and having a discussion with an advisor, or future contact with that student.

2. Does this mean the Management will assign an advisor they feel will support their view?

3. Assigning clients to specific advisors limits the student’s access to their files and information and further adds barriers to the services offered to those students. For those students that do not have a preference or are just checking the status of their files, they can currently call any one of the four advisors. Why would we limit this access?

- I fail to see what the concern is with our current process and how these recommendations are supported?

Mitchel R. Metoxen – *written*: Review Panel: Changes how appeals are heard. It assumes each person has an advisor? It allows HE Mgr and Area Manager a majority of the voice, whom had little to no contact with our recipients or that specific request. We already have precedent for many of the scenarios we run into today. These scenarios and precedent need to be reviewed to see if similar decisions will be affected.

Mike Debraska: Ok, where you have, where it lists the Higher Education, or are on lines 52-54, where it talks about letter “i” the Higher Education Office Review Panel, who establishes the Review Panel? Is that is that something that will be automatic and would come forward or who whom would that make that determination as to when that panel would convene and how would that all be established and set up with what their guidelines would be.

Nancy Barton: I’m also concerned about page 65-2 where it says the Higher Education Office Review Panel. And that is I guess, I’m looking at that as that is another barrier, another entity that those individuals who are already probably having a hard time getting to school, getting the funding they need and for whatever reason it fell apart and now it needs to go to a separate hearing body and I also would like to know how that hearing body will be established and will they be a non-conflictual entity. I guess you know, I’ll just say it, I was really disappointed when I saw the topic of this come forward to LOC. It just seems like we create barriers, we create laws, we create ways for things to be harder and they should be getting easier. We have everything we need. The money is there and then we create policies and barriers for people in order to get the mandates that they’re eligible for.

⁹ **Mike Debraska**: Ok I I kind of torn this thing apart pretty pretty decently. My first comment is on that first page there where it says give the Higher Education Office the authority to enforce this law. I want to change the Higher Education Office to General Tribal Council.

¹⁰ **Nancy Barton**: Also on page 65-2, develop and maintain rules and regulations. There is a legal review that was



- (1) At a minimum, the rules and regulations relating to the eligibility requirements, funding caps in accordance with resolution GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-01-26-05-A and GTC-01-30-10-A and the enforcement and appeals provisions must comply with the provisions of this Law.¹¹
- (2) The Higher Education Student Handbook and any revisions thereto must be approved by the Oneida Business Committee.¹²
- (c) Develop and maintain a system of internal controls for the Higher Education Office.

305.5. Eligibility and Requirements

305.5-1. *Eligibility.* In order to be eligible for a Scholarship award, applicants must:¹³

- (a) Be a Tribal Member.
- (b) Be in Good Standing where good standing means the applicant has:
 - (1) met the Oneida GPA requirements set forth in the Higher Education Student Handbook;
 - (2) completed the total number of credits within the semester/term for which the Scholarship was provided based on a Progress Report; and
 - (3) met the standards of the Financial Aid Academic good standing.¹⁴
- (c) Be accepted to an Accredited vocational program, college or university.¹⁵
- (d) Be seeking the Scholarship for semesters/terms which have not already ended or been completed.

done on this scholarship policy and what that legal review says is that there are a lot of discrepancies in the handbook and until those discrepancies are ironed out, I feel that this policy is inappropriate.

¹¹ **Mike Debraska:** And then also on lines 69-73 it talks about all these GTC resolutions. I'd like to see copies of those GTC resolutions if I can. Make sure I get those.

¹² **Mike Debraska:** Lines 74-75, take out the Oneida Business Committee and add General Tribal Council.

¹³ **Anita Barber – written:** Add: Seeking a 2 year certificate from Oneida Cultural Heritage addressing the foundational elements to meet the definition of Tsi?Niyukwalihot[^]. *(There is an appearance Oneida does not trust itself to educate its own members regarding the language and culture. That basic trust permeates throughout the Tribe and continues to create factions or make them stronger. Many individuals spent a lifetime learning the same thing the Oneida of the Thames and New York know. It is an attack on our own dignity and faith to think we know less than a college or university. The funds would be much spent strengthening our own communities. The paradox of this scenario is the colleges hire tribal members who are or were employees to teach the lessons given for credit at an institution. In addition, students attending Cultural Heritage classes meet the requirements to be accepted in college programs.)*

I would also include Haudenosaunee colleges or universities since are also a part of the greater community.

¹⁴ **Jessica Last – written:** 305.5-1c(3) Met the standards of the Financial Aid Academic good standing.

* I am not certain what the intention of the statement is, but it is not accurate. We require students be eligible for Financial Aid (if they are attending coursework greater than 5 credits), however students may be on Academic Probation through their Financial Aid Office. In addition, we would not fund a student who is not eligible for Federal Financial Aid due to violation of the 150% rule who may be in Academic Good standing with the Financial Aid Office.

* I think some clarification to the goal and verbiage of this portion needs to be addressed.

¹⁵ **Cheryl Vandenberg – written:** 305.5.-1 (c) Be accepted into an accredited vocational program, **degree**, college or university. Include the word degree.

Mike Debraska: At line 87 be accepted into an accredited college or university, that's fine.



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(e) Be seeking the Scholarship for a degree that is categorized in a higher funding tier than the funding tier of a degree previously earned, based on the funding tiers provided under Section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued concurrently and within the funding period allotted for the degree at the higher funding tier, may not be considered ineligible based on this Section.¹⁶

305.5-2. *Requirements.* In order for a Scholarship to be awarded:¹⁷

(a) Applicants must file the Free Application for Federal Student Aid, unless the applicant will be taking less than six (6) credits or will be attending a Canadian educational institution permitted to grant degrees pursuant to Canadian provincial government that provides Oneida specific culture and/or language based programs.¹⁸

(b) It is the applicant's responsibility to submit a complete student file to the Higher Education Office based on the requirements of the Higher Education Student Handbook.¹⁹

305.6. Higher Education Scholarship²⁰

305.6-1. *Length of Funding.* Pursuant to the Higher Education Student Handbook, which must provide comprehensive definitions of the achievements eligible for funding and the methodology for calculating funding periods, the following are the maximum Scholarship funding periods for eligible applicants:

(a) Two and one-half (2 1/2) years for a Vocational Program Completion/Associate Degree/Certificate Program Completion/similar program.

(b) Five (5) years for an Undergraduate Degree.

(c) Three (3) years for a Graduate Degree.

(d) Five (5) years for a Doctoral Degree.²¹

¹⁶ **Cheryl Vandenberg** – written: 305.5-1(e) This section needs to be made easier to understand. My attempt is as follows but realize it needs more attention and would appreciate some additional wording.

Be seeking the scholarship for a degree that is categorized in the a higher education tier ~~that is higher~~ than the funding tier of the degree previously earned ~~based on the funding tiers~~ provided under section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued ~~concurrently~~ simultaneously ~~and with~~ the funding period allotted for the degree at the higher funding tier, ~~may not be considered ineligible based on this section.~~ will remain eligible.

¹⁷ **Anita Barber** – written: 305.5-2. When will Wisconsin Oneida be considered?

Why is it necessary to apply for federal student aid?

¹⁸ **Mike Debraska**: And then on lines 97-99 just stop at applicants must file the free application for federal student aid or FASA and end it right there period and the rest of that up through line 100 can go.

Nancy Barton: The other one that I wanted to talk about also was on page 65-3 if I didn't say it already where the requirements say the applicants must file the free application for federal student aid period. I'd like to go on there and I also have written comments.

¹⁹ **Jessica Long** – written: 305.5-2(b) "It is the ~~applicant's responsibility to submit a complete student file~~ to the Higher Education Office based on the requirements of the Higher Education Student Handbook."

A. Students cannot submit FNAs or Official Transcripts, therefore, we advise "It is the applicant's responsibility to ensure Oneida Higher Education has a complete file based on the requirements of the Higher Education Student Handbook.

²⁰ **Anita Barber** – written: Why is Oneida not considered as a certifying agency? We also have the ability to calculate credit hours.

²¹ **Jessica Long** – written:



-
- a. I understand it is listed as years in the original resolution, however, I think the current Financial Aid climate needs to be taken into consideration when making this change. When the resolution was passed, Financial Aid worked in terms of months. Now, Financial Aid is calculated by term/quarters/modules, etc). We are able to fit all of these items into a term based calculation. I think moving the counting of terms to months would create a HUGE barrier for students whose school and financial aid office is discussing their programs in terms or quarters not months. I think this will slow the awarding process and make it much harder for students who may have gotten off track to plan accordingly.
- i. Impact on Student
 1. I meet with students on a regular basis who have already used some terms of funding or are in a special program in which they are not certain they will have enough terms of funding to complete. Currently, I lay out their funding by terms and we discuss. This is already a VERY confusing conversation.
 - a. If we had to discuss those programs in terms of months we would have to....
 - i. Know how many months all future terms will be.
 1. This could vary and a student cannot just estimate.
 2. Schools will not have their academic calendars available projecting that far out.
 2. “What If” Situations
 - a. I currently give students multiple options by credit load to ensure they are not overwhelming themselves in order to successfully complete their degree. Discussing the student’s programs by months in terms of different scenarios would be extremely difficult.
 3. Award process time increase – see comments under Impact on Staff section
 - ii. Impact on Financial Aid Office’s – The Financial Aid offices we work with throughout the country discuss funding by terms. If we moved to a month base funding their ability to discuss student’s awards and future planning would be virtually impossible. Many times financial aid offices use the information on our Award Letter to ensure the student is educated on their financial aid, but listing months would create more confusion, slow the award process, and allow for the possibility of misinformation.
 - iii. Impact on Academic Advisors
 1. When Academic Advisors meet with our students, the students often times inform them they are receiving our grant and would like to lay out their coursework to ensure they can complete in the allotted amount of time. If the student tells the Advisors we are counting in months, I do not feel those advisors could properly assist the student on laying out a plan or staying on track. I think this could cause students to get discouraged and no longer attend, or make choices that may ultimately limit their funding from our office.
 - iv. Impact on Staff
 1. I do not feel that the creation of this communication barrier will allow me to advise to the best of my ability. I think it is already hard enough to explain terms to students who are just out of high school or going back to school after being out for a while. I think the unpredictability and inconsistency could lead to a lot of confusion and frustration for the student and ultimately choices in which could impact their funding eligibility.
 2. The award processing will take much longer, especially for the first year or so. We will have to manually audit all of the students who have already been awarded, in addition to the increase in conversations with Financial Aid Officers who will be very confused as why we are funding the exact opposite as the rest of the Financial Aid world.
 - I am very concerned the groundwork for this change has been done to create a system of counting terms by months. This is ready to implement without consideration of staff concerns regarding the inherent problems it may cause for students.

Mitchel R. Metoxen – *written*: Changing counting terms/semesters to years was initially done to limit funding and not grant extended terms. It was said it is being done because we could not come up with a better way to count terms or semesters. We were never given the chance. It’s been said counting months is more favorable. It is not if we allow for extended terms, nor is it practical. It’s been said that funding years will cost more. I don’t understand this if extended terms is offered. It’s been said that it will be very easily explained and calculated for higher ed. advisors, students and financial aid officers. How, especially if we offer extended terms. How does it take into account breaks in terms, i.e., Christmas break can be over one month? How can we count extra terms needed when we don’t need



114 305.6-2. *Tiered Funding System.* The General Tribal Council, or its delegate, shall establish
115 maximum funding caps for the following funding tiers:²²

- 116 (a) Vocational Program, Associate Degree, Certificate Program or similar program.
- 117 (b) Undergraduate Degree.
- 118 (c) Graduate Degree.
- 119 (d) Doctoral Degree.

120 305.6-3. *Award.* The amount of the Scholarship award is based upon:

- 121 (a) The amount of funding caps for each tier under Section 305.6-2, which must be con-
122 tained in the Higher Education Student Handbook.
- 123 (b) The Financial Needs Analysis.

125 305.7. Exceptions

126 305.7-1. *Exception Policy.* Exceptions may be offered under narrow grounds only for applicants
127 facing extenuating circumstances whom are able to demonstrate that based on the totality of the
128 circumstances the applicant will likely succeed in achieving the accomplishment sought either
129 within the Exception period and/or despite the extenuating circumstances that have made pursu-
130 ing an Exception necessary.²³

the beginning and end date of the terms granted, especially extended terms granted. The whole approach of counting terms in the form of months was not for the benefit of us advisors, the student or the college's, but purely to limit and hurry the student to get done. Abuses did not exist in the manner which we currently use nor with the manner in which we grant extra terms. Federal financial aid uses percentages. We could, but leaving room for students to change their majors, make mistakes, etc. but being stricter than SAP or 150% rule allows students to get other federal funding when, and if, they max or become ineligible for Oneida funding.

When asked why we are changing terms to months, regarding counting length of eligibility, it was said getting 5 years of funding is a bargain. Not so to the single mother or working adult, or person taking care of a loved one, going part time, etc. The counting months instead of terms and having a management heavy committee review and determine all requests is not the way to ensure equal fairness. Again, this whole legislation needs to be reviewed with the higher education advisors who know the current application of the grant.

Norbert Hill, Jr. – *written*: Colleges and universities have a myriad of schedules. Monitoring scholarship recipients by the total months instead of terms and semester would increase efficiency in the administration of the program. The procedure will give the benefit of students being able to complete the credential.

²² **Mike Debraska**: Ok and then at line 114 you got the tiered funding system and it says the General Tribal Council or its delegate, get rid of "or its delegate", shall establish maximum funding caps for the following funding tiers. And I believe General Tribal Council already established that when we passed this, we created that tiered system. So I'm not gonna, I'm not gonna relinquish my rights to have somebody else make that decision.

Don White – *written*: I think the introduction of the "tiered" system for classification of degrees and professions is good. I do think the Higher Education Department has in the past, not been proficient in recognizing the various levels in professions and associated degree programs.

²³ **Mitchel R. Metoxen** – *written*: Regarding Exceptions, the word "narrow grounds" is used. This leaves, in my opinion, much room for interpretation. We need to review past appeals and extended term requests to see if they will still apply. If not, why? Such audits can help in clearing up these potential misappropriated granting or denying future exceptions/appeals. We have much precedent that needs to be reviewed. We've denied someone extended terms, then appealed up our chain of command to grant extra terms and as a "gesture of goodwill." What is that? Goodwill can't be applied to everyone. We need to stop arbitrary and capricious decisions, ensuring decisions are applicable to the situation and can be fairly applied, setting precedent.

Mike Debraska: Right, right. If you look on page 65-1 on lines 9-11 where it talks about the policy guidelines but then also go back where it says lines 10 on page 1 of 2 it say allows the Higher, lines 10-12 I believe it is, allows the



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(a) Within six (6) months of the adoption this Law, the Higher Education Office shall develop a standard operating procedure for evaluating requests for Exceptions; no Exceptions may be granted pursuant to this Law until the said standard operating procedure has been developed.

305.7-2. Available Exceptions.²⁴ In its discretion, the Higher Education Office may make Exceptions to eligibility, requirements and length of funding on case-by-case basis as provided below:

(a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1(b), (c) and (e).²⁵

(b) In regards to requirements, exceptions may be made relating to the requirement contained in subsection 305.5-2(a).²⁶

(c) Exceptions may also be made relating to the length of funding periods contained in section 305.6-1.²⁷

(d) Exceptions may not be made for requirements contained in this Law that are not explicitly noted in this section.

305.7-3. Exception Process. Applicants requesting an Exception shall follow the process set forth in the Higher Education Student Handbook.

(a) *Granting an Exception.* The Higher Education Review Panel shall consider requests for available Exceptions under Section 305.7-2 based on the Exception Policy identified under Section 305.7-1. A decision by the Higher Education Office Review Panel regarding an Exception must be approved by a majority of the said Panel.

Higher Education Office to make exceptions to eligibility requirements and length of funding on a case by case basis. The law also notes that the Higher Education Student Handbook sets out the exception sets out the exception process but then when you look at the policy guidelines on 9-11 at 305.1-2 on page 65-1 it is the policy of this law to have consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide equal opportunities to Tribe members and award scholarships in a consistent and fiscally responsible manner. I look at that and say those two, those two kind of almost conflict with each other. So that's one of those things that I kind of looked at.

²⁴ **Ed Delgado:** First I want to say the Higher Education program that we have got two of my enrolled children through school. One's a registered nurse and one's a cosmetologist and what a great program. Thank you John Powell. I do see a section in here regarding exceptions. I think we need to be very careful when we provide exceptions. I don't think here, I know there are exceptions that happen, there has to be, someone might be get sick, you know an operations, pregnancy or whatever. But I think it needs to be included in the law what the exceptions are. Thank you.

²⁵ **Cheryl Vandenberg – written:** 305.7-2 (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1 (b), (c) and (e). Under (c) Be accepted to an accredited vocational program, college or university. The accreditation of schools should not be an exception; it should be required. I believe this is in the best interest of the applicants to ensure they are choosing appropriate school with so many choices/options, especially if they want to continue with a higher degree you want their previous degree or credits to be appropriately considered. It is also part of the original 1996 GTC Resolution 8-12-96-A. If the program/degree is not accredited, it most likely not eligible for Title IV funding (FAFSA) as listed in 305.5-2. Requirements. In order for a scholarship to be awarded section.

²⁶ **Mike Debraska:** At lines 139-140 that can be removed.

²⁷ **Nancy Barton:** And so the other part that I wanted to make a note of is page 64- 65-4 line 141 where it says exceptions may be made relating to the length of funding periods contained in section 3 5 0. And I'd like to know who will be making those exceptions and when will they be made under what, whose authority and when. And so when you open the door and say that exceptions can be made, those exceptions need to be opened to everyone and not exclusive.



(b) *Requesting Reconsideration of an Exception Decision.* If an applicant disagrees with the Higher Education Office Review Panel's denial of an available Exception under Section 305.7-2, the applicant may file a request for reconsideration of the Exception with the Division Director; the decision of the Division Director regarding the Exception is final.

305.8. Enforcement

305.8-1. *Accountability.* The Higher Education Office may place any applicant who violates this Law or fails to comply with the Higher Education Student Handbook on probation or suspension in accordance with the Higher Education Office's system of internal controls.

305.9. Appeals²⁸

305.9-1. *Appeal Process and Requirements.* An applicant may Appeal a Scholarship decision made by the Higher Education Office, but only to extent that the applicant is able to demonstrate that the Higher Education Office has failed to abide by the provisions of this Law and/or the approved Higher Education Student Handbook.²⁹

305.9-2. *Levels of Review.* The following levels of review are available to an applicant seeking an Appeal of a Scholarship decision made by the Higher Education Office:

(a) The first level of review is through the Higher Education Office Review Panel. A decision by the Higher Education Office Review Panel regarding an Appeal must be approved by a majority of the said Panel.³⁰

(b) If an applicant disagrees with the Higher Education Office Review Panel's decision regarding an Appeal, the applicant may Appeal at the second level of review to the Division Director; the decision of the Division Director regarding the Appeal is final.³¹

²⁸ **Don White** – *written:* I also agree that the appeal process should have another level of appeal, outside of the Higher Education /Education & Training Area. I agree with the recommended appeal to the GSD Division Director, to ensure that decisions are in keeping with the achievement of the Vision of the Oneida Tribe.

Mitchel R. Metoxen – *written:* Trusting a weighted committee, management heavy committee, to determine whether a student gets their request needs to be further discussed with higher education advisors and the Assistant Manager. We are all very concerned if this takes effect.

Regarding appeals, we need accountability for such evaluation. Are there governance structures and controls in place, especially where boundaries are blurred? Is this model of Oneida Higher Education's approach to who gets or doesn't get the grant transparent? I'm skeptical of a model that is built on limited ideas. Is the attribution of success where it belongs?

²⁹ **Mike Debraska:** Also, I want to, on that last bullet point it says allow a student to appeal a scholarship decision only if he or she can show the Higher Education Office failed to abide by this law and end it right there. On page 1 of 2, at the bottom there it says allows a student to appeal a scholarship decision only if he or she. I want to take out the word "only".

Lines 164-166, end it at where it says at line 64 made by the Higher Education Office period and then get rid of the rest of that.

³⁰ **Anita Barber** – *written:* Is the review panel made up of successful Oneida scholars or others?

³¹ **Mike Debraska:** And lines 172-174, starting with (b) if an applicant disagrees with the Higher Education Office Review Panel's decision regarding an appeal, the appellant may appeal and then put to the General, and get rid of the rest of that and then add in to the General Tribal Council by way of petition. Those are my comments for the record.



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³² **Nancy Barton:** Ok, I'm testifying, my verbal testimony today on the proposed Higher Education Scholarship Fund. I feel it's unfortunate that we're even here today. It's obvious that a few persons have taken on the task of implementing rules that would interfere, hinder and punish Oneida Tribal members and also the directive of GTC. This money is a GTC directive; therefore, a mandate. The proposed policy is a violation of GTC directive. Those entities responsible for initiating these policies obviously do not understand the resolutions' proposed intent. It is unfortunate that we have to look, that there are people who are not looking out for the best interest of General Tribal Council members. I strongly oppose the policies that are being implemented that would delay, deny or hinder any benefits to General Tribal Council members regarding the Higher Ed Scholarship. And I will go through line by line.

Jessica Long – written: I take pride in the work I do with our students. I am grateful to be a part of this journey with them, and consistently try to work with their best interest in mind. I do NOT feel as though these changes are being made with the student's best interest in mind. I think some serious consideration needs to be given to both the potential benefit but also potential harm these changes could have on our students.

Mitchel R. Metoxen – written: The Handbook is key and not addressed in this public format? Again many holes in this law, similar to original resolution and then given to a small committee to fill in. The opportunity to take away funding opportunities is again given to few people. I'd like to know what is being changed from how we are funding now.

Bottom line, is there anything we are currently funding that we will no longer be able to fund?

For me, the bottom line with this policy proposal is, What's going to change? I've worked in the higher education office since 1999 and am very familiar with our process. I would say the most familiar with our process and what we do and don't fund. I don't think this would be argued by anyone in the higher education office. I've kept a journal of our approvals and denials, as well as written why we approved or denied requests in what we call our "Administrative Codes." These Administrative Codes are a valuable tool we need to determine and track past precedent. These Administrative Codes need to be reviewed, along with myself and other higher education advisors to see if the proposed legislation change or alter the current application of grant.

I'm concerned that the panel filling in the blanks and creating the student handbook will take advantage of such power and further limit funding, taking away higher educational opportunities. They may start counting Associate Level Degree funding towards Bachelors level funding, which has been proposed. It may be that the words in this legislation leave room for a panel to create such a policy.

What's attempting to be done here is using fear disguised as practicality. They are saying this approach is practical. I disagree. These practices, if imposed, will be unnecessary barriers.

I heard at a policy hearing on this issue that this came about because someone on the Business Committee wanted Higher Ed. to start funding native programs in Canada. If so, why wasn't this the only area addressed? Instead this turned into "mission creep." The expansion of a mission beyond its original goal. Mission Creep is an undesirable outcome due to the dangerous path of each success breeding more ambitious attempts.

I believe the mission of the grant was to increase the underrepresented Oneida members in higher education, not keep the status quo. These efforts keep the status quo.

In conclusion there has to be a "policy assessment" done by higher education advisors. The enactment of this legislation may put an undue burden on vulnerable students and may cost Oneida money, as opposed to saving Oneida money. I understand on the surface these policies seem harmless, in fact may be considered necessary to conduct our business of achieving higher education in the ways of sustainability, accountability or duplicated services; but they underscore potential individual vulnerabilities that can be overlooked by fitting each person into a box as to their individual approach to achieving their perspective educational level.

Nancy Barton – written: The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless' petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.

Luanne Green: Thank you. My grandson is going to college and this is his, I think it's his third semester or fourth semester, he'll be graduating in May with an Associate Degree and he's carried a 4.0 and he wants to be a teacher. But in the meantime, he does get the grant and I don't know how much he is getting but besides the school, tuition and books and school related items, he had to have his tooth filled which costs me \$285. He had glasses, \$300 and some dollars. He switched to a cheaper cell phone which he can't always pay. Besides rent, utilities, transportation.



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179 Pursuant to resolutions: GTC-08-12-96-A, GTC-12-7-96-C, BC-05-09-01-B, BC-10-24-01-K, BC-07-24-02-A, BC-
180 01-26-05-A and GTC-01-30-10-A.

It's not just a matter of tuition and books and that's wonderful that that portion is paid but I hesitate to ask him to get a part time job because he does do a lot of study and he does carry a great grade point average. And he's making a success of himself. His parents were divorced when he was 2 years old. He's raised by a mother with some disabilities and he really got a late start. But now that he's finally in school and has some direction in his life, I would hate to see that this program would cause him to jump through more hoops to reach his goal. Thank you.

Norbert Hill, Jr.: I just have a few comments. I do support by and large except for one exception with the comments with what Sherry King had made. You know, I think the responsibility, stewardship and leadership to manage a scholarship program is given to the Higher Education Office and they have a number of professionals there by and large that manage the grants and they do it well. I want to remind LOC that the number of college graduates baccalaureate degrees are higher or just as high as the population in Outagamie and Brown County. We have more graduate degrees in Outagamie and Brown County than the same population in Green Bay. So I think that's a testimony of how well the grant is managed.

Julie Barton: Thank you. I wanted to, I haven't had the opportunity to attend some of the hearings and I haven't read all of the material but I do follow most of the conversations and comments from a lot of people. And I go with that because they're the ones that are being served and I know that the Education Department provides the best possible service however, I hope that within all of this new law that we never refer to a means testing type service. I heard the word reviewed and it was used at I think at a GTC meeting with the Elder Service. I hope that you guys know what that means from traveling to Washington. They want to define our rate of so called poverty. So if the more you fit into the poverty role then you can fit into programs and received money and scholarships and things like that. So I hope that this does not refer to that in any way. And like I said I didn't read it all but I hope that it doesn't. Also, I think this law is here protect the General Tribal Council directive, also to protect the students' needs and that's what we're looking out for. The students' needs and nothing else that I know of why was this law was existed or created. It was created under the basis of need and with no guidelines, I mean no financial guidelines. It was directed back to the Higher Education Department to develop those guidelines so the moneys there. It's not my money, it's not your money, it's not the Higher Education's money, it's the people's money and it should be used the way it was intended to be to meet the needs of that person so they can graduate. I have had 10 grandchildren graduate with this money and they are all doing fine. I have so many relatives I can't count who use this money to graduate and they are all doing well.

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

LEGISLATIVE OPERATING COMMITTEE

Public Meeting on Oneida Higher Education Scholarship, Community Support Fund Policy Amendments,
Removal Law Amendments and Public Use of Tribal Land Amendments
Business Committee Conference Room-2nd Floor
Norbert Hill Center
October 29, 2015 12:15 p.m.

PRESENT: David P. Jordan, Fawn Billie, Jennifer Webster, Candice Skenandore, Tani Thurner, Douglass McIntyre, Rae Skenandore, Eliz Somers, Paula Rippl, Brad Graham, Bill Graham, Mitch Metoxen, Julie Barton, Sherry King, Misty Herzog, Trina Schuyler, Michelle Mays, Mike Debraska, Bonnie Pigman, Ed Delgado, Debra Powless, Nic Reynolds, Norbert Hill, Don White, Luanne Green, Nancy Barton, RC Metoxen, Danelle Wilson, Chad Wilson, Pat Garvey, JoAnne House

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David P. Jordan: The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding the legislative proposals for this new law. And this would be the Higher Education. So, the first one on the list for Higher Education would be Paula Rippl.

Paula Rippl: I thought it was you know, a sign up for the meeting.

David P. Jordan: Oh. Raise your hand if you want to come forward to speak. Go ahead Mike. All we're here to do is to take comments from the community so. Was there a time limit on this?

Mike Debraska: Ok I I kind of torn this thing apart pretty pretty decently. My first comment is on that first page there where it says give the Higher Education Office the authority to enforce this law. I want to change the Higher Education Office to General Tribal Council. Also, I want to, on that last bullet point it says allow a student to appeal a scholarship decision only if he or she can show the Higher Education Office failed to abide by this law and end it right there. On page 1 of 2, at the bottom there it says allows a student to appeal a scholarship decision only if he or she. I want to take out the word "only".

David P. Jordan: What line is that?

Mike Debraska: That's on line 14.

Jennifer Webster: You want to take out "only"?

Mike Debraska: Right

Jennifer Webster: Ok

Mike Debraska: And then there's some issues here

David P. Jordan: Try to address every line items so we can. . .

Mike Debraska: Right, right. If you look on page 65-1 on lines 9-11 where it talks about the policy guidelines but then also go back where it says lines 10 on page 1 of 2 it say allows the Higher, lines 10-12 I believe it is, allows the Higher Education Office to make exceptions to eligibility requirements and length of funding on a case by case basis. The law also notes that the Higher Education Student Handbook sets out the exception sets out the exception process but then when you look at the policy guidelines on 9-11 at 305.1-2 on page 65-1 it is the policy of this law to have consistent methodology for awarding Higher Education Scholarships so that the Tribe is able to provide equal opportunities to Tribe members and award scholarships in a consistent and fiscally responsible manner. I look at that and say those two, those two kind of almost conflict with each other. So that's one of those things that I kind of looked at. Line 15 under adoption, amendment, and repeal at 305.2, I wanted to take out the, keep this law may be amended or repealed only by General Tribal Council. At lines 22 take out after Tribal law comma and take out the provisions of this law control period. And then add GTC shall make a determination as to which law actually controls. Because if there's a conflict or an existing conflict with a current law, I think since General Tribal Council is the one that put this law in place, General Tribal Council should be able to determine which laws going to prevail. If there's a conflict somewhere else with what somebody else did within the Tribe, that should come to GTC and GTC should be able to make that determination. Lines 30-32, after where it says accredited vocational program, college or university means United States educational institution eligible for federal financial aid period. The rest of it can go. Ok, where you have, where it lists the Higher Educat, or are on lines 52-54, where it talks about letter "i" the Higher Education Office Review Panel, who establishes the Review Panel? Is that is that something that will be automatic and would come forward or who whom would that make that determination as to when that panel would convene and how would that all be established and set up with what their guidelines would be. And then also on lines 69-73 it talks about all these GTC resolutions. I'd like to see copies of those GTC resolutions if I can. Make sure I get those. Lines 74-75, take out the Oneida Business Committee and add General Tribal Council. At line 87 be accepted into an accredited college or university, that's fine.

Jennifer Webster: What was wrong with 87?

Mike Debraska: No that that was fine.

Jennifer Webster: Oh

Mike Debraksa: That was fine. And then on lines 97-99 just stop at applicants must file the free application for federal student aid or FASA and end it right there period and the rest of that up through line 100 can go. Ok and then at line 114 you got the tiered funding system and it says the General Tribal Council or its delegate, get rid of "or its delegate", shall establish maximum

funding caps for the following funding tiers. And I believe General Tribal Council already established that when we passed this, we created that tiered system. So I'm not gonna, I'm not gonna relinquish my rights to have somebody else make that decision. At lines 139-140 that can be removed. Lines 164-166, end it at where it says at line 64 made by the Higher Education Office period and then get rid of the rest of that. And lines 172-174, starting with (b) if an applicant disagrees with the Higher Education Office Review Panel's decision regarding an appeal, the appellant may appeal and then put to the General, and get rid of the rest of that and then add in to the General Tribal Council by way of petition. Those are my comments for the record.

Jennifer Webster: Thank you, anybody else?

David P. Jordan: Nancy.

Nancy Barton: Ok I don't know where to begin so I I wrote some things down and I guess I guess I'll just read what I wrote and then I'll go through the. . .

David P. Jordan: Yup, and I'll clarify if you forgot something you can also submit it in writing.

Nancy Barton: Ok, I'm testifying, my verbal testimony today on the proposed Higher Education Scholarship Fund. I feel it's unfortunate that we're even here today. It's obvious that a few persons have taken on the task of implementing rules that would interfere, hinder and punish Oneida Tribal members and also the directive of GTC. This money is a GTC directive; therefore, a mandate. The proposed policy is a violation of GTC directive. Those entities responsible for initiating these policies obviously do not understand the resolutions' proposed intent. It is unfortunate that we have to look, that there are people who are not looking out for the best interest of General Tribal Council members. I strongly oppose the policies that are being implemented that would delay, deny or hinder any benefits to General Tribal Council members regarding the Higher Ed Scholarship. And I will go through line by line. The first thing that I want to identify is on page 65-1 the definitions, lines 29 & 30, accredited vocational college and university and stop right there. Also on page 65-2, develop and maintain rules and regulations. There is a legal review that was done on this scholarship policy and what that legal review says is that there are a lot of discrepancies in the handbook and until those discrepancies are ironed out, I feel that this policy is inappropriate.

Jennifer Webster: I'm sorry Nancy, Nancy what line are you referring too?

Nancy Barton: I am referring to, let me see here now, my pages came apart I'm sorry, I'm referring to page 2 of 2 where the legal review is. Where it is says there are discrepancies with the law and the higher education student handbook. And then it says the student handbook is in the process of being updated. Well how can you do one without the other? So it seems to me they go hand-in-hand and then you can't make a law or a rule and then come back and make a handbook. So it doesn't make sense. And so the other part that I wanted to make a note of is page 64- 65-4 line 141 where it says exceptions may be made relating to the length of funding periods contained in section 3 5 0. And I'd like to know who will be making those exceptions and when will they be made under what, whose authority and when. And so when you open the door and say that exceptions can be made, those exceptions need to be opened to everyone and

not exclusive. The other one that I wanted to talk about also was on page 65-3 if I didn't say it already where the requirements say the applicants must file the free application for federal student aid period. I'd like to go on there and I also have written comments. I'm also concerned about page 65-2 where it says the Higher Education Office Review Panel. And that is I guess, I'm looking at that as that is another barrier, another entity that those individuals who are already probably having a hard time getting to school, getting the funding they need and for whatever reason it fell apart and now it needs to go to a separate hearing body and I also would like to know how that hearing body will be established and will they be a non-conflictual entity. I guess you know, I'll just say it, I was really disappointed when I saw the topic of this come forward to LOC. It just seems like we create barriers, we create laws, we create ways for things to be harder and they should be getting easier. We have everything we need. The money is there and then we create policies and barriers for people in order to get the mandates that they're eligible for. And I also agree that this policy it's illegal to pass this unless this goes before GTC.

David P. Jordan: Anybody else for Higher Education, come forward please and state your name.

Sherry King: My name is Sherry King and I work in Higher Education Department, I'm also a Tribal member and I'm presenting comments today, can I, I just have general comments without referring to specific lines in the proposal.

David P. Jordan: Ok

Sherry King: Ok, I'm presenting comment today because of the concern

David P. Jordan: Can you pull the mic down or otherwise you can sit at the table too and speak at the ones at table are a little bit better, tables upfront here

Jennifer Webster: Tables up front here, they pick up a little bit more.

Sherry King: I am presenting comments today because I am concerned about the Oneida Higher Education Grant program. I think it provides many wonderful, the Oneida Nation provides many wonderful benefits to its members, but of all the benefits and services, I feel the Oneida Higher Education grant is the one benefit that really changes lives and has a lasting and positive effect on future generations. Just yesterday, I ran into one of the students that Oneida Higher Education funded, who with his degree was able to apply for a high level management job at his company, and he got the job. While he had some other strong personal characteristics that his employer most likely recognized, without that diploma, he did not meet the qualifications for the job. He was so happy and thrilled with his job and being able to take care of his family. But this is a student who completed his degree at an online school, he had his ups and downs while on the Oneida Higher Education program – including probations, suspension, and appeal, but he continued on and did graduate with a Bachelor's Degree that has opened doors for him. This student will likely stress education to his children and prepare them to be or prepare them to be better prepared when they are ready to enter a college or university. And I share that story only to emphasize that the Oneida Higher Education program serves students with varying needs and as changes are considered and codified, which we're proposing, I ask that you carefully considered the foundation and the spirit of the program by those who drafted the original

resolution and the GTC who approved it. The reason I feel it is important to remember the spirit of the resolution is that we have somewhat recently began to referring to the program as a scholarship program while for many years in the past it was referred to as the Higher Education grant. Everything you read today also refers to it as a scholarship program. And while that might be just a word, I think we all know how important words are. Words identify, design and give shape to beliefs and actions. In other words, they have power. It brings to mind the little word “of” and our effort to change our constitution and free ourselves of the name “Oneida Nation OF Wisconsin”. I looked up the definition of the words “scholarship” and “grant” and found that there is some overlap but several of the sources define scholarship as awarded on the basis of academic or other achievement”. It should be noted that some organizations do use the words almost interchangeably. But in Wikipedia which is referenced on the internet refers, has written that “most scholarships are based on merit or talent, without considering economic need or ethnicity. Since the economically privileged usually have better schools and more access to other educational resources, merit-based awards/scholarships favor the economically privileged. While Caucasians account for 62% of full-time college students in America, they receive 76% of all scholarships. Vocabulary.com also defines scholarship as profound scholarly knowledge, or financial aid provided to a student on the basis of academic merit. In conclusion, I bring this to your attention today so that we maintain the spirit and purpose of this program when it was established. I propose that all members continue to have access to the educational benefits and that it not become a program for a high academic achievers only. I propose we continue assisting students without establishing roadblocks such as eliminating certain types of schools, like the, such as on-line schools, that we recognize that different people have different needs and methods of achieving their educational goals. I believe it is in the best interest of our nation to promote high achievement and success but not if the expense of members who are working toward that goal in a different manner and may not have had all the benefits that some of us here today have enjoyed. Let us keep in mind the spirit of the original proposal and resolution as decisions are made that will take us into the future and care for the next generations as past generations have cared for us. Yaw^ko

David P. Jordan: Thank you Sherry for that state, you can actually turn that in to Doug here if you want to. Thank you very much. Anybody else for Higher Education? Come on up Lu. Welcome back.

Luanne Green: Thank you. My grandson is going to college and this is his, I think it's his third semester or fourth semester, he'll be graduating in May with an Associate Degree and he's carried a 4.0 and he wants to be a teacher. But in the meantime, he does get the grant and I don't know how much he is getting but besides the school, tuition and books and school related items, he had to have his tooth filled which costs me \$285. He had glasses, \$300 and some dollars. He switched to a cheaper cell phone which he can't always pay. Besides rent, utilities, transportation. It's not just a matter of tuition and books and that's wonderful that that portion is paid but I hesitate to ask him to get a part time job because he does do a lot of study and he does carry a great grade point average. And he's making a success of himself. His parents were divorced when he was 2 years old. He's raised by a mother with some disabilities and he really got a late start. But now that he's finally in school and has some direction in his life, I would hate to see that this program would cause him to jump through more hoops to reach his goal. Thank you.

David P. Jordan: Thank you Lu. Norbert.

Norbert Hill: I just have a few comments. I do support by and large except for one exception with the comments with what Sherry King had made. You know, I think the responsibility, stewardship and leadership to manage a scholarship program is given to the Higher Education Office and they have a number of professionals there by and large that manage the grants and they do it well. I want to remind LOC that the number of college graduates baccalaureate degrees are higher or just as high as the population in Outagamie and Brown County. We have more graduate degrees in Outagamie and Brown County than the same population in Green Bay. So I think that's a testimony of how well the grant is managed. The, to have GTC be the arbiter in any appeal of any scholarship, I think you are fooling around with privacy issues as well as vetting somebody's financial concerns in front of a 1000 or 2000 people. So I think, and it would also create undue delays for a student going to school because they'd have to wait for the next GTC meeting to do this. The Higher Education Office reports to the Business Committee which are responsible for oversee and so I think that would be not a good policy to direct it to the General Tribal Council, with all due respect to the General Tribal Council. So there is an issue of the spirit but the trust and management. The other thing is that Higher Education, 4 year baccalaureate degree is really the new high school. In terms of the changes that we have made since the scholarship was initiated. And so kids out of high school are going to require post-secondary changes, the laws, the regulations, the policies of financial aid is a moving target and keeping up with those regulations now are difficult to stay with and it will be even more difficult for GTC to understand in a short period of time those changes. So you got to trust the professionals that are doing the job. I think we need to hold the standard on accredited schools. There is a lot of fly by night colleges. You know, you could probably find antidotal information about a college doing a good thing but I think we need to hold the standards and hold our students to the highest standards that they can do. Due to the previous comments that were just made, the Higher Education Grant provides room and board, stipends and other living costs, so I don't know what the students other particular issues were but I've been in Higher Education for 45 years and managed many scholarship programs and Oneida's is probably one of the most generous and the most flexible of all scholarship programs in the Nation. Including the Gates Millennium Scholarship Program. I think, you know, the handbook needs to be tweaked once in a while to keep things up to date and also the efficiency in management of the Higher Education program which is substantial and a real blessing to all Oneida students. Thank you.

David P. Jordan: Thanks Norbert, anyone else on Higher Education? Ed.

Ed Delgado: First I want to say the Higher Education program that we have got two of my enrolled children through school Ones a registered nurse and ones a cosmetologist and what a great program. Thank you John Powless. I do see a section in here regarding exceptions. I think we need to be very careful when we provide exceptions. I don't think here, I know there are exceptions that happen, there has to be, someone might be get sick, you know an operations, pregnancy or whatever. But I think it needs to be included in the law what the exceptions are. Thank you.

David P. Jordan: Thanks Ed. Julie.

Julie Barton: Thank you. I wanted to, I haven't had the opportunity to attend some of the

hearings and I haven't read all of the material but I do follow most of the conversations and comments from a lot of people. And I go with that because they're the ones that are being served and I know that the Education Department provides the best possible service however, I hope that within all of this new law that we never refer to a means testing type service. I heard the word reviewed and it was used at I think at a GTC meeting with the Elder Service. I hope that you guys know what that means from traveling to Washington. They want to define our rate of so called poverty. So if the more you fit into the poverty role then you can fit into programs and received money and scholarships and things like that. So I hope that this does not refer to that in any way. And like I said I didn't read it all but I hope that it doesn't. Also, I think this law is here protect the General Tribal Council directive, also to protect the students' needs and that's what we're looking out for. The students' needs and nothing else that I know of why was this law was existed or created. It was created under the basis of need and with no guidelines, I mean no financial guidelines. It was directed back to the Higher Education Department to develop those guidelines so the moneys there. It's not my money, it's not your money, it's not the Higher Education's money, it's the people's money and it should be used the way it was intended to be to meet the needs of that person so they can graduate. I have had 10 grandchildren graduate with this money and they are all doing fine. I have so many relatives I can't count who use this money to graduate and they are all doing well. So I know it works but I don't want any more barriers to this. Saying well maybe he or she does not need it or maybe we should put income guidelines on it or maybe we should cut it because we're not making the money we're used to. So those are the things that should not be batted around and so forth when it comes to using this money and awarding the scholarships. And I agree with Sherry that let's use another words to this scholarships. And I thank the Education Department for doing what they need to do to take this money provide that goal for all of us. Thank you

David P. Jordan: Thank you Julie. Does anyone else have comments? Ok I'm going to remind everybody that they have until 4:30 on November 5 to submit your comments to the LRO Office. November 5 at 4:30 p.m. Ok with that I'm going to close this one and we're going to move on to Community Support. Thanks for all your comments everybody.

Community Support Fund Policy Amendments [30:09]

David P. Jordan: Ok Community Support, anybody have comments on Community Support? Nancy.

Nancy Barton: Ok I have a copy and I where is Doug, oh there he goes. He knows that was in there every day getting more and more copies. I tried to getting as many people as I could to get up here to testify or give written comments regarding these four specific amendments or laws. And so this one I have Doug, I'm not sure if this is the most updated because the one that I had in the new items to the list it did have hearing aids and this one doesn't.

Douglass McIntyre: I'm not sure why, yeah hearing aids should be included in the. . .

Nancy Barton: It should be

Douglass McIntyre: Yes

Krystal John

From: Anita F. Barber
Sent: Friday, October 30, 2015 1:35 PM
To: LOC
Subject: Higher Education Comments

Please see the comments below regarding the Higher Education fund. Yaw^ko for allowing me to enter my comments.

305.3-1 Definitions

When is Oneida going to accredit itself for language and culture and be accepted for the Higher Education fund? There are processes in place for current initiatives.

It seems we are our own worst enemies. The US Government tactics seem to have won our community. ?

In 2014 there were 22 individuals who applied and began attending Tsi?Niyukwalihot^. All but 5 needed to stop in order to obtain work to support their families. 2 remain faithful participants because they are retired and do not need the funding. It is easy to say to learn on your own or have night classes, however the reality is families have afterschool programming to develop social, physical, academic and learning skills. Educational theorists along with cultural teachings indicate the best learning happens in the morning. After 2pm or when the sun begins to set other elements get in the way of the learning process.

305.5-1 Eligibility and Requirements

Add: Seeking a 2 year certificate from Oneida Cultural Heritage addressing the foundational elements to meet the definition of Tsi?Niyukwalihot^ . *(There is an appearance Oneida does not trust itself to educate its own members regarding the language and culture. That basic trust permeates throughout the Tribe and continues to create factions or make them stronger. Many individuals spent a lifetime learning the same things the Oneida of the Thames and New York know. It is an attack on our own dignity and faith to think we know less than a college or university. The funds would be much better spent strengthening our own communities. The paradox of this scenario is the colleges hire tribal members who are or were employees to teach the lessons given for credit at an institution. In addition, students attending Cultural Heritage classes meet the requirements to be accepted in college programs.)*

I would also include Haudenosaunee colleges or universities since we are also a part of the greater community.

305.5-2 Requirements

When will Wisconsin Oneida be considered?

Why is it necessary to apply for federal student aid?

305.6

Why is Oneida not considered as a certifying agency? We also have the ability to calculate credit hours.

305.9-2 Is the review panel made up of successful Oneida scholars or others?

My name is Jessica Last and I am one of the advisors in the Higher Education Office. I am writing you today with concerns regarding the proposed Law regarding the Higher Education Grant. I have many students with whom I work with that would not have the opportunity to attend college if it weren't for the Higher Education Grant, and I feel privileged to be able to serve these students. The changes put forth in this new law would create barriers and problems for these students that need to be considered.

1. Verbiage = Scholarship vs Grant (Multiple times throughout the Law)
 - a. Our office collaborated with NWTC for our Spring Financial Aid Workshop. With directive from our Manager, I listed the funds as a Scholarship. Dan Mendoza, from the Financial Aid Office at NWTC stopped me after the presentation and asked if we were a Scholarship. I let him know we were technically a Grant since we are not merit based, however, we were told to call it a Scholarship. His response was, "I was going to say...you don't award based on scholarship requirements, you have a grant."
 - i. Changing the verbiage of the funds would not only change the meaning for the students, but also potentially create confusion in the Financial Aid world which could lead to student's awards being delayed while clarification is sought.
2. Definition of Accredited (Pg. 65-1, 305.3.a (lines 29-31))
 - a. "Accredited vocational program, college or university means any United States educational institution **eligible for federal financial aid...**"
 - i. This is not the definition of accredited and listing it as such means students in vocational driven programs may not receive our funding.
 1. Accredited – Accreditation is the recognition that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality. (ope.ed.gov)
 - ii. Excluding programs which are from an Accredited university or college but are not eligible for federal financial aid means you may be limiting students from attending career driven programs.
 1. Example: We have a student attending a prestigious college in which their Masters of Finance is not financial aid eligible. When I called to discuss with their Finance office she explained their students are generally employed and don't seek financial aid, therefore, they chose to not continue with the hassles of offering Financial Aid. The student's employer specifically recommended this school due to their prestige and curriculum. We fund tuition and books only since they are not Financial Aid eligible.
 2. In addition to the prestigious programs which this would eliminate, it would also limit the students who wish to obtain certificates which will allow them to obtain employment.
 - a. I worked with a student who was recently returning to school after 15 years. She had 2 children and was working long shifts and needed a change. She was very interested in Graphic Design, but did not feel she could commit to a 2 year program. She wanted to attend NWTC's Marketing – Graphics certificate program in which would allow her to get started in her desired career and then possibly continue once she was employed.

- i. The benefit of her starting with this program was not only her employment but her children seeing her attend courses and work hard to create a better life for herself.
 - b. I have heard these certificates referred to as “hobby programs” which is not a fair categorization. All of the students I have met with that were interested in certificates were career seeking students who could not commit to a longer program at the time, but found an area of interest in which they would like to gain employment.
- 3. Definition of “Higher Education Office Review Panel” (Pg. 65-2, 305.3.i (lines 52-54))
 - a. I have concerns with how “top heavy” this panel is. I am concerned students would not benefit from having a committee made up of 1 staff member and 2 managers. I feel this may put the staff member at a disadvantage to truly express their concerns.
 - i. In addition, I feel it sets our department up to become very questionable and vulnerable to favoritism.
 - ii. Currently, the staff discusses appeals (what is called an exception in this law) thoroughly from all point of views. We are held accountable by each other and the student needs a majority vote.
 - 1. I am concerned that this new panel would not hold the department to the same accountability. Management has been shown to make decisions based on favoritism and make decisions that were not equally applied to all students.
 - b. “...which is to include the applicants’s Higher Education Advisor...”.
 - i. We do not have assigned clients. We are all able to work with all of the students.
 - 1. Creating a system of assigned clients makes the contact very impersonal and deprives the students of their choice of advisor and could potentially set the student up for failure.
 - a. Clients may have developed a comfortable relationship with a specific advisor who they prefer to work with. Currently we tell students they can call our office and work with any advisor, however, if they feel more comfortable they can choose to work with one advisor with the understanding if we are ever out of office or unavailable they can contact another advisor. This allows the student to be comfortable with important issues, but also access any one of the four advisors if need be.
 - b. I feel confident in my fellow advisors and would recommend a student talk to any one of them; however, I think one of the best things about our office is the diversity we offer. I feel allowing students access to any one of us gives them the opportunity to benefit from working with someone whom they feel the most comfortable.
 - c. Students sometimes have very personal conversations with us. Whether they are discussing a situation or their educational needs, the client’s trust is very important to successful advising. Limiting the student to only talk to a specific advisor could hinder the possibility of that student coming in and having a discussion with an advisor, or future contact with that student.

2. Does this mean the Management will assign an advisor they feel will support their view?
3. Assigning clients to specific advisors limits the student's access to their files and information and further adds barriers to the services offered to those students. For those students that do not have a preference or are just checking the status of their files, they can currently call any one of the four advisors. Why would we limit this access?

- I fail to see what the concern is with our current process and how these recommendations are supported?

4. Length of Funding

- a. I understand it is listed as years in the original resolution, however, I think the current Financial Aid climate needs to be taken into consideration when making this change. When the resolution was passed, Financial Aid worked in terms of months. Now, Financial Aid is calculated by term/quarters/modules, etc). We are able to fit all of these items into a term based calculation. I think moving the counting of terms to months would create a HUGE barrier for students whose school and financial aid office is discussing their programs in terms or quarters not months. I think this will slow the awarding process and make it much harder for students who may have gotten off track to plan accordingly.

i. Impact on Student

1. I meet with students on a regular basis who have already used some terms of funding or are in a special program in which they are not certain they will have enough terms of funding to complete. Currently, I lay out their funding by terms and we discuss. This is already a VERY confusing conversation.
 - a. If we had to discuss those programs in terms of months we would have to....
 - i. Know how many months all future terms will be.
 1. This could vary and a student cannot just estimate.
 2. Schools will not have their academic calendars available projecting that far out.

2. "What If" Situations

- a. I currently give students multiple options by credit load to ensure they are not overwhelming themselves in order to successfully complete their degree. Discussing the student's programs by months in terms of different scenarios would be extremely difficult.

3. Award process time increase – see comments under Impact on Staff section

- ii. Impact on Financial Aid Office's – The Financial Aid offices we work with throughout the country discuss funding by terms. If we moved to a month base funding their ability to discuss student's awards and future planning would be virtually impossible. Many times financial aid offices use the information on our Award Letter to ensure the student is educated on their financial aid, but listing months would create more confusion, slow the award process, and allow for the possibility of misinformation.

iii. Impact on Academic Advisors

1. When Academic Advisors meet with our students, the students often times inform them they are receiving our grant and would like to lay out their

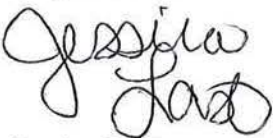
coursework to ensure they can complete in the allotted amount of time. If the student tells the Advisors we are counting in months, I do not feel those advisors could properly assist the student on laying out a plan or staying on track. I think this could cause students to get discouraged and no longer attend, or make choices that may ultimately limit their funding from our office.

iv. Impact on Staff

1. I do not feel that the creation of this communication barrier will allow me to advise to the best of my ability. I think it is already hard enough to explain terms to students who are just out of high school or going back to school after being out for a while. I think the unpredictability and inconsistency could lead to a lot of confusion and frustration for the student and ultimately choices in which could impact their funding eligibility.
 2. The award processing will take much longer, especially for the first year or so. We will have to manually audit all of the students who have already been awarded, in addition to the increase in conversations with Financial Aid Officers who will be very confused as why we are funding the exact opposite as the rest of the Financial Aid world.
- I am very concerned the groundwork for this change has been done to create a system of counting terms by months. This is ready to implement without consideration of staff concerns regarding the inherent problems it may cause for students.

I take pride in the work I do with our students. I am grateful to be a part of this journey with them, and consistently try to work with their best interest in mind. I do NOT feel as though these changes are being made with the student's best interest in mind. I think some serious consideration needs to be given to both the potential benefit but also potential harm these changes could have on our students.

Respectfully,



Jessica Last
Oneida Higher Education Department
Advisor

Krystal John

From: Jessica A. Last
Sent: Wednesday, November 04, 2015 3:00 PM
To: Krystal John
Subject: RE: Oneida Higher Education Scholarship Law

Hello Krystal,

I was reviewing my previous comments and also re-reading the Law and I had some additional concerns/thoughts:

305.5-1.c(3)

- Met the standards of the Financial Aid Academic good standing

*I am not certain what the intention of the statement is, but it is not accurate. We require students be eligible for Financial Aid (if they are attending coursework greater than 5 credits), however students may be on Academic Probation through their Financial Aid Office. In addition, we would not fund a student who is not eligible for Federal Financial Aid due to violation of the 150% rule who may be in Academic Good standing with the Financial Aid Office.

*I think some clarification to the goal and verbiage of this portion needs to be addressed.

305.5-2(b) "It is the **applicant's responsibility to submit a complete student file** to the Higher Education Office based on the requirements of the Higher Education Student Handbook."

A. Students cannot submit FNAs or Official Transcripts, therefore, we advise "It is the applicant's responsibility to ensure Oneida Higher Education has a complete file based on the requirements of the Higher Education Student Handbook.

Sorry for the late addition of these items, but I thought they were equally important and needed addressing as well.

Thank You,



Jessica A Last

**Higher Education Advisor
 Oneida Tribe of Wisconsin**

Voice: [920-869-4349](tel:920-869-4349) Fax: [920-869-4039](tel:920-869-4039)

Website: www.oneida-nsn.gov/highered/

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From: Krystal John
Sent: Tuesday, November 03, 2015 3:17 PM
To: Jessica A. Last
Subject: RE: Oneida Higher Education Scholarship Law

Good afternoon, Ms. Last,

From: Cathy L. Metcalf

Thursday, November 5, 2015

Public Hearing Deadline – LOC

To Whom It May Concern

Due to recent legislative proposals of the numerous changes taking place by way of the Legislative Operating Committee (hereafter LOC), that may include simple language usage such as the words, "shall," "must," and "may," I feel a general statement to cover all or 'most,' of the wording and or change of words are diligent and necessary to put a stop to the Legislative Operating Committee and it's staff is detrimental in protecting the safety, health and wellbeing of the services and laws to protect the people's simple basic human rights.

What I believe to be due to the appearance of, impropriety by way of, "abuse of Authority," and unethical behavior(s) by Council Member, Brandon L. Stevens.

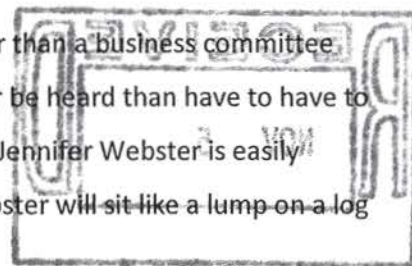
Brandon L. Stevens has a predictable trait. Arrogant, snotty, discriminating inequity, appears to think he can do whatever he wants, is biased, has a tendency to make faces, roll his eyes, make fun of things that are serious. As the time I asked LOC Chair, Brandon L. Stevens why are you changing the word "shall?" I stated, "is it because the young people don't understand what the word "shall," means?

LOC Chair Brandon L. Stevens, replied, "Basicly, YES." This type of response lacks leadership qualities and screams immaturity.

I believe due to Lack of professionalism by Council Members, Ron Tehassi Hill, Jennifer Webster, and Fawn Billy; there are personal agendas, personal favors and/or violation(s) of the people's rights as according to the constitution.

Ron Tehassi Hill is more apt to sit and roll back and forth in his chair as he has a nature of staring at the ceiling, rolling his eyes as people are talking as if to be bored and more times than not has a disposition of arrogance, holier than thou, consecrated better and above the ordinary person, untouchable and unreceptive ugly immature self-conscience.

Jennifer Webster obviously holds qualms whenever anyone speaks other than a business committee member. It has been obvious to me that Jennifer Webster would rather be heard than have to have to listen to anyone other than other business committee members speak. Jennifer Webster is easily irritated, foreboding and prefiguring. More times than not Jennifer Webster will sit like a lump on a log



and put her time just so she can continue to get paid for doing nothing in the best interest of the safety, health and wellbeing of the people.

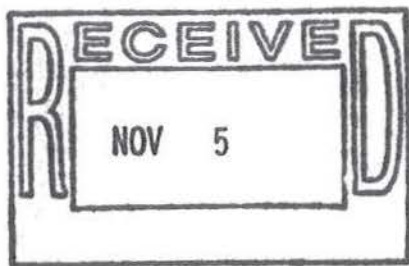
Fawn Billie is just another lump on the log, and spends more time on her laptop doing who knows what with whoever coaches her or is joking and laughing with her because she will laugh out loud out of the blue as if there's something funny when there's not. I can only imagine Fawn Billie is texting or emailing who knows who on what to say or do most of the time when she speaks she does not make sense.

Clearly immature, unprofessional, and inappropriate behavior by elected officials who do not understand or comprehend that they are servants to the people.

Some of those laws that appear to be targeted at taking services away from the people and/or punishing the people appear to being used to manipulated taking away changing language to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members :

1. Public Use of Tribal Land Law Amendments, needs to go to GTC
2. Removal Law, needs to go to GTC
3. Higher Education, needs to go to GTC
4. Community Support - being set-up to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members

End of Statement C.F.M.



DAM

Krystal John

From: Cheryl Vandenberg
Sent: Thursday, November 05, 2015 3:27 PM
To: Krystal John
Cc: LOC
Subject: Oneida Higher Education Scholarship Public Meeting Comments

The following are my comments related to the Public Hearing of 10/29/15 on Oneida Higher Education Scholarships.

305.5-1(e) This section needs to be made easier to understand. My attempt is as follows but realize it needs more attention and would appreciate some additional wording.

Be seeking the scholarship for a degree ~~that is~~ categorized in the a higher education tier **that is higher** than the funding tier of the degree previously earned ~~based on the funding tiers provided~~ under section 305.6-2. An applicant seeking a degree that is in the same funding tier or lower as another degree being pursued ~~concurrently~~ simultaneously **and** with **in** the funding period allotted for the degree at the higher funding tier, ~~may not be considered ineligible based on this section.~~ will remain eligible.

305.5.-1 (c) Be accepted into an accredited vocational program, **degree**, college or university. Include the word degree.

305.7-2 (a) In regards to eligibility, exceptions may be made relating to the requirements contained in subsections 305.5-1 (b), (c) and (e). Under (c) Be accepted to an accredited vocational program, college or university. The accreditation of schools should not be an exception; it should be required. I believe this is in the best interest of the applicants to ensure they are choosing appropriate school with so many choices/options, especially if they want to continue with a higher degree you want their previous degree or credits to be appropriately considered. It is also part of the original 1996 GTC Resolution 8-12-96-A. If the program/degree is not accredited, it most likely not eligible for Title IV funding (FAFSA) as listed in 305.5-2. Requirements. In order for a scholarship to be awarded section.

In regard to funding for Canadian educational institutions. I believe this area of funding needs more investigation and too preliminary to be added to this current policy. It needs to be researched and developed in much more detail. In the 1970's the Oneida Language program was successful and it is important to develop a program that is accessible to the Oneida community verses a few individuals.

Thank you allowing me to comment.

Cheryl Van Den Berg
Higher Education Manager
920.869.4038

Governmental Services Division Administration

Memo

To: Oneida Legislative Operating Committee
From: Donald White, Division Director, Governmental Services
CC: Oneida Business Committee Members
Date: 11/5/2015
Re: Public Meeting Input- Oneida Higher Education Scholarship, written testimony



I am writing to provide testimony regarding the purpose and intent of the Scholarship. First, the purpose and intent of the Scholarship should be relative to the expected "outcome", from the Scholarship. Said "outcome", should align with the "Vision of the Tribe". In this case, the Scholarship should lead to the development of a "Strong Family, built on Tsi 'Niyukwalihot", and a strong economy".

I agree, the Scholarship should not be based upon "scholarship or academic standing". I think the Scholarship should provide a basis for "opportunity", for a Tribal Member to obtain self-sufficiency, to achieve the Tribe's Vision Statement.

I think the introduction of the "tiered" system for classification of degrees and professions is good. I do think that the Higher Education Department has in the past, not been proficient in recognizing the various levels in professions and associated degree programs.

I also agree that the appeal process should have another level of appeal, outside of the Higher Education/Education & Training Area. I agree with the recommended appeal to the GSD Division Director, to ensure that decisions are in keeping with the achievement of the Vision of the Oneida Tribe.

I think the Scholarship should be expanded beyond Higher Education, to include funding for training and education that leads to employment and economic self-sufficiency for individuals and families. This includes Blue and White Collar employment/careers.

I also think the Scholarship should support fundamental human development in the area of Oneida Culture, to include Language. There is a significant body of knowledge that identifies the psycho-social and wellness benefits of a "healthy self-concept and self-esteem", through a working knowledge of one's Culture, Language, History, Ethnicity and contribution. Knowing who one is provides a strong foundation for resiliency, achievement and success.

In conclusion, I agree that the Oneida Scholarship should be administered and managed, in keeping with the "Spirit" of the Resolution. The Scholarship should not be administered and managed with a focus on "managing money". Instead, the administration and management of the Scholarship should be "facilitated", in keeping with, and achieving the Vision of the Tribe, building, supporting and sustaining "strong Oneida Families, built on Oneida Ways, that lead to a strong and sustaining Oneida Economy.

Changes to Oneida Tribes Higher Education Aid Program. Submitted by Mitchel R. Metoxen, 11/5/15

This is **not a “scholarship.”** It has never been practiced as a scholarship.

Scholarships are merit based, competitive, typically require higher gpa's requirements, designed for a certain gift you have, i.e.; sports, special talent or interest, etc., can be specific to minorities, first generation college, and often have first-come first-served approach, meaning limited funds so you need to apply early. Though scholarships can apply to a certain group of people, they are typically competitive within that group. Scholarships can also be mailed directly to the student.

Grants are typically given through a government (which Oneida's Higher Education “Scholarship” is given through Oneida Tribe). Grants are more commonly need based, which is partially what we practice. Grants are mailed directly to the college, not the student. If you have a lower income household, you will get more grant monies. Holds recipient to average gpa requirement.

The change of naming/labeling these monies as a “Scholarship” came about 2 to 3 years ago. Prior to that, it has always been referred to as a Grant, both verbally and on our stationary. It was always practiced and administrated like a grant. With this label change we are attempting stricter rules to resemble a scholarship. Don't allow this change of a scholarship mentality occur.

The proposal leaves much room for stricter policies that will be later created by a “student handbook.” Why give this power to a committee? What things are being taken away and what future possible changes can be made?

Appeal Process: Trusting a weighted committee, management heavy committee, to determine whether a student gets their request needs to be further discussed with higher education advisors and the Assistant Manager. We are all very concerned if this takes effect.

Programs at Accredited colleges not eligible for federal student aid not allowed:

Redefines programs we can fund. Can we no longer fund certificates? Go to <https://www.nwtc.edu/Programs/Certificates> to see the many career oriented certificates NWTC offers. With this new legislation, the program not only has to be at an accredited college, but it also has to be eligible for federal student aid. Some accredited colleges, accredited by the US Dept of Education, may not be eligible for federal student aid, but they are still accredited, having gone through the rigors of becoming accredited. This has not been an issue for past students and these are not all “diploma mills.”

Why is this legislation redefining **Accreditation**? The initial Higher Education GTC Resolution uses the word Accreditation and we've always defined it as US Dept. of Education defines it. Now they are adding the words “eligible for federal student aid.”

Higher education has changed since 1996, this legislation seems to have the spirit of taking away flexibility, putting up barriers and keeping things in a box. It removes a person's individual approach to achieve their higher education potential and goals.

Exception is defined to give all the power to the appeals committee. There needs to be language that the **exceptions** be applicable to all tribal members in same or similar circumstances. To avoid favoritism and arbitrary and capricious decisions.

Review Panel: Changes how appeals are heard. It assumes each person has an advisor? It allows HE Mgr and Area Manager a majority of the voice, whom had little to no contact with our recipients or that specific request. We already have precedent for many of the scenarios we run into today. These scenarios and precedent need to be reviewed to see if similar decisions will be affected.

Regarding Exceptions, the word "narrow grounds" is used. This leaves, in my opinion, much room for interpretation. We need to review past appeals and extended term requests to see if they will still apply. If not, why? Such audits can help in clearing up these potential misappropriated granting or denying future exceptions/appeals. We have much precedent that needs to be reviewed. We've denied someone extended terms, then appealed up our chain of command to grant extra terms and as a "gesture of goodwill." What is that? Goodwill can't be applied to everyone. We need to stop arbitrary and capricious decisions, ensuring decisions are applicable to the situation and can be fairly applied, setting precedent.

Regarding appeals, we need accountability for such evaluation. Are there governance structures and controls in place, especially where boundaries are blurred? Is this model of Oneida Higher Education's approach to who gets or doesn't get the grant transparent? I'm skeptical of a model that is built on limited ideas. Is the attribution of success where it belongs?

The Handbook is key and not addressed in this public format? Again many holes in this law, similar to original resolution and then given to a small committee to fill in. The opportunity to take away funding opportunities is again given to few people. I'd like to know what is being changed from how we are funding now.

Bottom line, is there anything we are currently funding that we will no longer be able to fund?

Changing counting terms/semesters to years was initially done to limit funding and not grant extended terms. It was said it is being done because we could not come up with a better way to count terms or semesters. We were never given the chance. It's been said counting months is more favorable. It is not if we allow for extended terms, nor is it practical. It's been said that funding years will cost more. I don't understand this if extended terms is offered. It's been said that it will be very easily explained and calculated for higher ed. advisors, students and financial aid officers. How, especially if we offer extended terms. How does it take into account breaks in terms, i.e., Christmas break can be over one month? How can we count extra terms needed when we don't need the beginning and end date of the terms granted, especially extended terms

granted. The whole approach of counting terms in the form of months was not for the benefit of us advisors, the student or the college's, but purely to limit and hurry the student to get done. Abuses did not exist in the manner which we currently use nor with the manner in which we grant extra terms. Federal financial aid uses percentages. We could, but leaving room for students to change their majors, make mistakes, etc. but being stricter than SAP or 150% rule allows students to get other federal funding when, and if, they max or become ineligible for Oneida funding.

When asked why we are changing terms to months, regarding counting length of eligibility, it was said getting 5 years of funding is a bargain. Not so to the single mother or working adult, or person taking care of a loved one, going part time, etc. The counting months instead of terms and having a management heavy committee review and determine all requests is not the way to ensure equal fairness. Again, this whole legislation needs to be reviewed with the higher education advisors who know the current application of the grant.

For me, the bottom line with this policy proposal is, What's going to change? I've worked in the higher education office since 1999 and am very familiar with our process. I would say the most familiar with our process and what we do and don't fund. I don't think this would be argued by anyone in the higher education office. I've kept a journal of our approvals and denials, as well as written why we approved or denied requests in what we call our "Administrative Codes." These Administrative Codes are a valuable tool we need to determine and track past precedent. These Administrative Codes need to be reviewed, along with myself and other higher education advisors to see if the proposed legislation change or alter the current application of grant.

Here are some examples of students attending accredited colleges (accredited by the US Dept. of Education) but not eligible for federal student aid:

Bethel University, Doctorate of Ministry, Private Not-For-Profit University, Funded only tuition and books

Viterbo University, Masters in Education with Emphasis in Reading, Private Not-For-Profit University, Funded only tuition and books

The American College of Financial Services, Masters of Science in Financial Services, Private Not-For-Profit, Funded only tuition and books

FVTC, Golf Course Turf & Equipment Technician, Public Technical College, Funded only Tuition and Books

NWTC, Early Childhood Basic Ages 3 – 5, Public Technical College, Funded only Tuition and Books

The current definition as to what makes an institution eligible for our grant is: They have to be attending an Accredited college that is accredited through the US Dept. of Education and their program has to be either eligible for federal student aid, or end in college credit (not clock hours or CEU's), or end in a state license. This definition has worked well for us since the inception of

the current Higher Ed. Grant and should remain. Don't allow a committee to have the power to say what can and can't be funded.

I'm concerned that the panel filling in the blanks and creating the student handbook will take advantage of such power and further limit funding, taking away higher educational opportunities. They may start counting Associate Level Degree funding towards Bachelors level funding, which has been proposed. It may be that the words in this legislation leave room for a panel to create such a policy.

What's attempting to be done here is using fear disguised as practicality. They are saying this approach is practical. I disagree. These practices, if imposed, will be unnecessary barriers.

I heard at a policy hearing on this issue that this came about because someone on the Business Committee wanted Higher Ed. to start funding native programs in Canada. If so, why wasn't this the only area addressed? Instead this turned into "mission creep." The expansion of a mission beyond its original goal. Mission Creep is an undesirable outcome due to the dangerous path of each success breeding more ambitious attempts.

I believe the mission of the grant was to increase the underrepresented Oneida members in higher education, not keep the status quo. These efforts keep the status quo.

I'm concerned how we fund Juris Doctorate's, PhD's, and other higher level degrees. Limiting options, when I believe they should not be. Using terms like "terminal degree" is very narrow minded in determining limits of funding or terms. We need to remember the spirit of this resolution when determining how many degrees we'll fund. Not limit it to the definition of "terminal degree." We will not be, nor are we, inundated with such request for these upper level degrees, so having Oneida members obtaining these levels of degrees is a wonderful thing we should be encouraging.

In conclusion there has to be a "policy assessment" done by higher education advisors. The enactment of this legislation may put an undue burden on vulnerable students and may cost Oneida money, as opposed to saving Oneida money. I understand on the surface these policies seem harmless, in fact may be considered necessary to conduct our business of achieving higher education in the ways of sustainability, accountability or duplicated services; but they underscore potential individual vulnerabilities that can be overlooked by fitting each person into a box as to their individual approach to achieving their perspective educational level.

Respectively,

Mitchel R. Metoxen

I, Nancy Barton, hereby submit my written public comments regarding the following:

1. "Community Support" amendments. Upon reviewing these amendments it is apparent that those programs and entities who have budgets and inputs into these services have not completely or cooperatively worked together to insure that these services are not being duplicated.

Statistical information needs to be provided regarding each and every one of these services under the New Items not being covered, such as appliance repair & replacement is unclear. Exactly what appliances would you be repairing or replacing and to whom you would be replacing all 17,500 tribal members regardless of location and income?

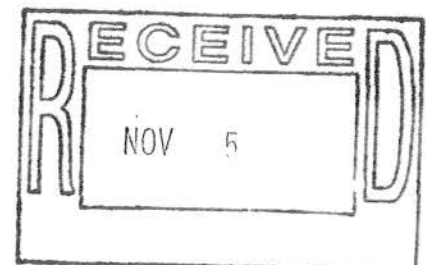
2. I was extremely saddened and disturbed that this fund will NOT be covering homeless lodging assistance. Again, historical statistical information needs to be provided from the Center for Self- Sufficiency regarding the number of people applying for lodging and assistance in fiscal 2015.

How could we as Oneida people turn our backs on the most vulnerable people? The homeless go hand-in-hand with a vast array of social problems including mental illness and unemployment. Although this is a complex and unaddressed issue, it exists within our nation. A tribal member was homeless and was found deceased behind Wal-Mart where many of our own tribal members along with other Native people congregate together as a homeless community. Do NOT ignore the homeless people, or deny them assistance for a warm place to sleep and something to eat. .

3. Department of Corrections – Re-entry

When you come out of incarceration, whether a man or a woman, the least we could do is to be able to offer those people who have already been punished a way to start over and let them know we are going to hold them up while they rebuild their lives and hope they don't go back.

4. INPATIENT Treatment – is an item that is going to be added to the New Items covered. Again, you are talking about Contract Health because Debbie Danforth get Indian Health Services money, they decide where that money is allocated. There SOP only covers 28 days of in-patient treatment. These specific things that changed were directly related to one individual's specific request, not the most amount of people.



5. Home Renovations Required for Handicap Accessibility – Why isn't this being covered in Elderly Services.

6. FMLA Wage Replacement – Non-Emergency Maternity

Social Security Disability Determination Rent and Utility Assistance –

The only people who can get help with rent and utilities are people who are pending Disability Determination and you cannot do that. That is discriminating against poor tribal people.

Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this?

Taking out of the "Community Support Fund" How can you justify denying tribal members food and personal care items such as shampoo and kotex? Stabilization Rent Assistance is also being cut out so if you come in with an Eviction Notice or utilities disconnection will get you kicked out of housing tomorrow. What you are creating is a homeless population of our most vulnerable people including single parents.

Instead of health insurance the fund may be used to cover Cobra Insurance payments and that is a change. I don't know what COBRA is and I don't know how I feel about this.

The former Director of the Center for Self-Sufficiency before she retired, she left a legacy that prevented the people who need the funds the most almost unable to access tribal funds due to a hateful disposition.

7. Public Use of Land Amendments – these proposed amendments need to come before General Tribal Council in their totality to be approved because they were created by the Environmental Resource Board (ERB) which was created by General Tribal Council. End of story!!

The Removal Law Amendments – Those need to come in their totality to General Tribal Council as submitted by the Trust & Enrollment Department at their semi-annual report, which they refused and have not done in several year but are required by the Memorandum of Agreement between the Trust Department and the Business Committee. Why are you hiding – we can add, subtract and read.

The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless' petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.

Krystal John

From: Candice E. Skenandore
Sent: Thursday, November 05, 2015 3:23 PM
To: Krystal John
Subject: FW: Higher Education comments
Attachments: Document1.docx

From: Norbert S. Hill
Sent: Thursday, November 05, 2015 3:22 PM
To: Candice E. Skenandore
Subject: Higher Education comments

Candace,

Attached you will find comments related to the recent public hearing. Let me know if you have any questions.

Norbert

Below you will find comments related to the Oneida Higher Education Scholarship on October 29, 2015.

Let the professionals manage the HE scholarship, the BC oversight and the GTC to oversee to make sure the law is followed. Trust the professionals you hired to administer the job.

The federal and state laws, policies and procedures are complex and continually changing. GTC would not begin to understand the complicated issues involved. Financial aid is almost a separate language. Time to time the Student Handbook will require revision to keep up with this ever changing field.

Colleges and universities have a myriad of schedules. Monitoring scholarship recipients by the total months instead of terms and semester would increase efficiency in the administration of the program. The procedure will give the benefit of students being able to complete the credential.

GTC should not be the arbiter for scholarship appeals.

Privacy issues will violated

Public disclosure in front of 1000+ attendees

Undue delays and enormously cumbersome

GTC should not be in the day to day business of Higher Education.

Accept only post-secondary schools that are officially accredited by the Higher Learning Commission (HLC) or a similar recognized body. Oneida should only provide funds for those post-secondary schools that hold high standards in teaching, learning and assessment. Schools without accreditation should not receive any Oneida resources. Students should not be wasting their time with empty credentials with poor career outcomes.

Comments on Higher Education

I am presenting comments today because I am concerned about the Oneida Higher Education Grant program.

The Oneida Nation provides many wonderful benefits to its members, but of all the benefits and services, I feel the Higher Education grant is the one benefit that changes lives and has a lasting and positive effect on future generations.

Just yesterday, I ran into one of the students Oneida Higher Education funded, who with his degree was able to apply for a high level management job at his company, and got the job. While he had some other strong personal characteristics that his employer most likely recognized, without that diploma, he did not meet the qualifications for the job. He was so happy and thrilled with his job and being able to take care of his family. This is a student who completed his degree at an online school, had his ups and downs while on the program – including probations, suspension, and appeal, but he continued on and graduated with a Bachelors Degree that has opened doors for him. This former student will likely stress education to his children and prepare them to be better prepared when they are ready to enter a college or university.

I share that story only to emphasize that the Higher Education program serves students with varying needs and as changes are considered and codified, I ask that you carefully considered the foundation and spirit of the program by those who drafted the original resolution and the GTC who approved it.

The reason I feel it is important to remember the spirit of the resolution or proposed law is that we have somewhat recently began referring to the program as a scholarship program while in the past for many years it was referred to as Higher Education grant. Everything you read today also refers to it as a Scholarship Program. While it might just be a word, I think we all know words are important. Words identify, design and give shape to beliefs and actions. In other words, "Words Have Power". It brings to mind the little word "OF" and the effort to change our constitution and free ourselves of the name "Oneida Nation OF Wisconsin".

I looked up the definition of the words "scholarship" and "grant" and found there is some overlap but several of the sources (Oxford Dictionary) define scholarship as a grant or payment made to support a student's education, awarded on the basis of academic or other achievement". It should be noted that some organizations use the words almost interchangeably. Wikipedia however has written "most scholarships are based on merit or talent, without considering economic need or ethnicity. Since the economically privileged usually have better schools and more access to other educational resources, merit-based awards/scholarships favor the economically privileged. While Caucasians account for 62% of full-time college students in America, they receive 76% of all scholarships. Vocabulary.com defines scholarship as 1. Profound scholarly knowledge, or 2. Financial Aid provided to a student on the basis of Academic Merit.

In conclusion, I bring this to your attention today so that we maintain the spirit and purpose of this program when it was established. I propose that all members continue to have access to the educational benefits and that it not become a program for the high academic achievers only. I propose we continue assisting students without establishing roadblocks such as eliminating certain types of

schools, such as on-line schools and that we recognize that different people have different needs and methods of achieving their educational goals.

I believe it is in the best interest of our nation to promote high achievement and success but not at the expense of members who are working toward that goal in a different manner and may not have had all the benefits that some of us here today have enjoyed. Let's keep in mind the spirit of the original proposal and resolution as decisions are made that will take us into the future and care for the next generation as past generations have cared for us.

Yawako

Sherry King
#3442

Scholarship

From Wikipedia, the free encyclopedia

This article is about scholarship as a form of financial aid. For the practice and method of scholars, see scholarly method. For the international education program, see The Scholar Ship.

A **scholarship** is an award of financial aid for a student to further their education. Scholarships are awarded based upon various criteria, which usually reflect the values and purposes of the donor or founder of the award. Scholarship money is not required to be repaid.^[1]

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Scholarships versus grants

The term "scholarship" is sometimes used to describe any financial aid given to a student that does not have to be repaid. However, more precisely, and universally among college financial aid offices, scholarships and grants are quite different.

A scholarship is given to a student because of a reason: the student has qualified for or won it by academic or athletic ability, or by agreeing to follow a particular career, or has some special ethnic or other characteristic. Scholarships are not given for financial need alone.

United States

In the U.S., a grant is given on the basis of economic need, determined by the amount to which the college's Cost of Attendance (COA) exceeds the Expected Family Contribution (EFC), calculated by the U.S. Department of Education from information submitted on the Free Application for Federal Student Aid (FAFSA) following formulas set by the United States Congress. (The federal EFC is sometimes modified, usually upwards, in awarding non-federal grants.) The federal Pell grant program is an entitlement: if the applicant meets the requirements - has economic Need (COA exceeds EFC), is studying at least half time towards a first undergraduate degree, is a U.S. citizen or eligible alien - the award of the money is automatic. The student has a right to it (is entitled).

In some cases obtaining scholarships does not help the student or her/his family. Scholarships reduce financial need, and the amount of the scholarship can cause Need-based aid, which the student would have received anyway, to be reduced by the amount of the scholarship.^[2]

Types of scholarships

The most common scholarships may be classified as:

- **Merit-based:** These awards are based on a student's academic, artistic, athletic or other abilities, and often factor in an applicant's extracurricular activities and community service record. The most common merit-based scholarships, awarded by either private organizations or directly by a student's intended college, recognize academic achievement or high scores on standardized tests. Most such merit-based scholarships are paid directly by the institution the student attends, rather than issued directly to the student.^[3]
- **Need-based:** Some private need-based awards are confusingly called scholarships, and require the results of a FAFSA (the family's EFC).
- **Student-specific:** These are scholarships for which applicants must initially qualify based upon gender, race, religion, family and medical history, or many other student-specific factors. Minority scholarships are the most common awards in this category. For example, students in Canada may qualify for a number of aboriginal scholarships, whether they study at home or abroad. The Gates Millennium Scholars program is another minority scholarship funded by Bill and Melinda Gates for excellent African American, American Indian, Asian Pacific Islander American and Latino students who enroll in college.^[4]
- **Career-specific:** These are scholarships a college or university awards to students who plan to pursue a specific field of study. Often, the most generous awards to students who pursue careers in high-need areas such as education or nursing. Many schools in the United States give future nurses full scholarships to enter the field, especially if the student intends to work in a high-need community.
- **College-specific:** College-specific scholarships are offered by individual colleges and universities to highly qualified applicants. These scholarships are given on the basis of academic and personal achievement.

Some scholarships have a "bond" requirement.^[5] Recipients may be required to work for a particular employer for a specified period of time or to work in rural or remote areas; otherwise they may be required to repay the value of the support they received from the scholarship.^[6] This is particularly the case with education and nursing scholarships for people prepared to work in rural and remote areas. The programs offered by the uniformed services of the United States (Army, Navy, Marine Corps, Air Force, Coast Guard, National Oceanic and Atmospheric Administration commissioned corps, and Public Health Service Commissioned Corps) sometimes resemble such scholarships.

- **Athletic:** Awarded to students with exceptional skill in a sport, so that the student will attend the college and play the sport on a college team. Like intercollegiate athletics as a whole (see College football#controversy), they are controversial. Some believe that awarding scholarship money for athletic rather than academic or intellectual purposes is not in society's or colleges' best interest.

Local scholarships

It is typical for people to find scholarships in their home regions. Information on these can be found by asking local institutions and organizations. Typically, these are less competitive as the eligible population is smaller.

- **Guidance counselors:** When starting to explore scholarship opportunities, most high school students

check with their guidance counselors. They can be a reliable resource for local scholarships.

- **Non-profits and charitable trusts:** Most non-profit organizations have at some point of their history founded scholarships for prospective students. The *Good Schools Guide*, a guide to schools in the UK, states "Charitable grant-making trusts can help in cases of genuine need," and goes on to outline several instances where this may be the case, including an "unforeseen family disaster" and a "need for special education".
- **Community foundations:** Many counties and cities and regions have a local foundation dedicated to giving money in the form of grants and scholarships to people and organizations in the area.
- **Music teachers:** Some music teachers offer reduced-cost or free lessons to help low-income children gain access to an arts education. In addition, some local non-profits provide free music classes to youths.
- **Foundations:** Certain foundations in the United States offer scholarships for entrepreneurial endeavors.
- **Labor/trade unions:** Major unions often offer scholarships for members and their dependent children.
- **Houses of worship:** The local house of worship may or may not have any scholarships for their members, but the religious organization or headquarters may have some available. Of course, theology study is highly encouraged.
- **Chamber of commerce:** Many chambers of commerce offer (usually small) grants to students in the community, especially those planning on careers in business and public service. Even if they do not offer any themselves, one can usually get a listing of members, and many of them may offer small scholarships to local students.
- **Other volunteer organizations:** Many organizations offer scholarships or award grants to students whose background or chosen field overlaps the field of the organization. For example, local chapters of professional societies may help the studies of exceptionally distinguished students of the region. Similarly, charity organizations may offer help, especially if the late parent of the student was a member of the organization (e.g., a Masonic lodge might help the orphan of a lodge brother.) This kind of scholarship is mostly ad hoc.
- **School:** Old, well-known schools are often endowed with scholarship funds.
- **University:** Old, well-established universities may have funds to finance the studies of extremely talented students of little means. Eligibility often requires that a student belong to some special category or be among a nation's best. However, universities provide information on scholarships and grants, possibly even internship opportunities.
- **PSAT/NMSQT:** In the United States, students are offered the opportunity to take the PSAT/NMSQT test, usually in their junior year of high school. National Merit Scholarship programs are initially determined by the scores received on the PSAT/NMSQT test. Some private scholarship programs require applicants to take the PSAT. The test can be used as preparation for the SAT.
- **Enrichment Centres:** In certain countries, enrichment centers have begun to provide scholarships.^[7]
- **Disabilities:** Students with disabilities may be able to apply for awards intended for people with disabilities. Those scholarships may be intended for disabled students in general, or in relation to a specific disability.^[8]
- **China Scholarships (<http://scholarship.cucas.edu.cn/>):** China provides more and more scholarships to international students who want to study in China. Among those scholarships in China, Chinese government scholarship (http://scholarship.cucas.edu.cn/Chinese_Government_Scholarships_scholarship_for_degree_international_students_a-0_b-0_c-1_d-0_e-0_f-0.html) is the most popular one, which covers 279 universities in China.^[9]

Controversy

It has become more prevalent today that scholarships are misconceived to have a discriminatory quality to them. For example, as demonstrated by student-specific scholarships, minorities are thought to have a priority over Caucasian students when it comes to receiving these^{which?} scholarships.

These beliefs are known to come from college students themselves who have been affected by their failures at obtaining adequate financial aid. Mark Kantrowitz, author of "Secrets to Winning a Scholarship", explains that the average family tends to overestimate its student's eligibility for merit-based awards and underestimate its eligibility for need-based awards. In turn, the most persistent target of this disapproval tends to be high-profile, minority-based scholarships.

Most scholarships are based on merit or talent, without considering economic need or ethnicity. Since the economically privileged usually have better schools and more access to other educational resources, merit-based awards favor the economically privileged. While Caucasians account for 62% of full-time college students in America,^[10] they receive 76% of all scholarships.^[11]

See also

- Bursary
- Demyship
- Free education
- Exhibition
- Fellowship
- Student financial aid in the United States
- Right to education
- List of North American scholarships

^[12]==Top International scholarship Websites==

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Categories: Academia | Education finance | Student financial aid | Scholarships

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Legislative Operating Committee

September 16, 2015

Public Use of Tribal Lands Amendments

Submission Date: 7/1/2015

☐ Public Meeting:
☐ Emergency Enacted: 7/8/15
 Expires: 1/5/15

LOC Sponsor: David P. Jordan

Summary: *In order to preserve the lands for the use and enjoyment of all authorized individuals, the Environmental Resource Board (ERB) has identified the need to revise the Public Use of Tribal Land Law (Law) to allow ERB to prescribe permissible and prohibited uses for tribal lands that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access to allow for the enforcement of prescriptions on such lands.*

7/01/15 LOC: Motion by David P. Jordan to add the Public Use of Tribal Land Amendments to the active files list; seconded by Tehassi Hill. Motion carried unanimously.

Note: David P. Jordan will be the sponsor.

Motion by Tehassi Hill to approve the resolution and forward the Public Use of Tribal Land Emergency Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

7/8/15 OBC: Motion by Brandon Stevens to adopt resolution 07-08-15-C Public Use of Tribal Land Law Emergency Amendments, seconded by Lisa Summers. Motion carried unanimously.

9/9/15 OBC: Motion by Tehassi Hill to defer this item [ERB's revisions/additions to Prohibitions under Public Use of Tribal Land Law] to the Legislative Reference office, seconded by Brandon Stevens. Motion carried unanimously.

9/16/15 LOC: Motion by David P. Jordan to accept the updated legislative analysis and defer the Public Use of Tribal Land Amendments for a fiscal analysis and to forward for an October 15, 2015 Public Meeting; seconded by Tehassi Hill. Motion carried unanimously.

9/23/15 OBC: Motion by Lisa Summers to accept the Environmental Resource Board's updated prohibitions regarding violations of the Public Use of Tribal Land Law, seconded by Brandon Stevens. Motion carried with one opposed.

For the record: Brandon Stevens stated I oppose the motion because there's no substantive complaint here. It's just "I don't like it". So, if there was more of something the Environmental Resource Board can really say that you don't like about it and is it too much, you know those types of things? I would just like more in a complaint so the Environmental Resource Board doesn't get...we (the Business

Committee) received the complaint. I would like a little more to the complaint and that is why I oppose.

Motion by Lisa Summers to request the Environmental Resource Board's Liaison to notify the Environmental Resource Board about the community concerns regarding the citation schedule, seconded by Fawn Billie. Motion carried unanimously.

10/7/15 LOC:

Motion by David P. Jordan to forward the Public Use of Tribal Land Amendments to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by Jennifer Webster. Motion carried unanimously. (Oct. 15, 2015 public meeting rescheduled due to insufficient notice to division directors & managers as required by the LPA)

10/29/15:

Public Meeting held.

- **Next Steps:** Accept the public meeting comments and either consider at this meeting or defer to be considered at a work meeting at a later date.

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

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
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Memorandum

TO: Legislative Operating Committee (LOC)
FROM: Krystal L. John, Staff Attorney
DATE: November 18, 2015
RE: Public Use of Tribal Land Amendments: Public Meeting Comment Review

On October 29, 2015, a public meeting was held regarding amendments to the Public Use of Tribal Land (Law). The amendments include the following:

- ERB or its designated staff has the authority to prescribe permissible and/or prohibited uses, as deemed necessary, for property designated as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that the permissible and/or prohibited uses do not contradict with the Zoning and Shoreland Protection Ordinance [See 38.4-1 (g)].
- ERB must also notify the Oneida Business Committee of the permissible and/or prohibited uses and must post notice of such uses on the affected Tribal land [See 38.4-1 (g)].

This memorandum is submitted as a review of the oral comments received during the public meeting process and written comments received within the public comment period. The public meeting draft with comments and the written comments received are attached for your review.

Comment 1. Purpose and Policy

38.1. Purpose and Policy

38.1-1. *Purpose.* The purpose of this Law is to prevent improper access, use and ~~trespass~~ Trespass to ~~Tribal land~~ Tribal Lands.

38.1-2. *Policy.* It is the policy of the Tribe to limit access to ~~Tribal land~~ Tribal Land to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

Julie Barton: just another couple minutes of your time please. On the first page at 31 everything is given to the ERB Board. You're turning over all the control of our land use to the ERB Board from what I've read. Maybe some or maybe one of our attorneys can interpret it a different way. But nevertheless, I read that the ERB Board now or if this is passed, they will have all the authority over our land. The other part of it is we have a sportsman club out there, just as an example, what's happening and I guess I wasn't aware of it, my husband, my sons, a lot of my friends and relatives would participate in this sportsman club and it was an Oneida club and its no longer an Oneida club. There's one person I think he's like the I don't know what the title is, president or something, who's an Oneida but we had the tickets and we gave them to my son-in-law and his wife and my daughter and they said no Oneidas there any longer. And I heard that last year and the dwindling numbers so they have access to our lands and it's no longer a real strong Oneida group and it was, it protected the

land, they protected the hunting laws and so forth. So I don't, I don't know how we're protected through this law by those entities like that. So if these things are being created to protect outside entities and they call themselves the Oneida Sportsman's Club, well I don't know if it is anymore but they have access to our land. So I am concerned about that

Response

There are no recommended changes based on this comment.

Comment 2. Policy

38.1-2. *Policy.* It is the policy of the Tribe to limit access to ~~Tribal land~~ Tribal Land to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

Brad Graham: Alright line 34, where it says Tribal land add an "s" to that please.

Response

I agree that a "s" should be added.

Comment 3. Adoption

38.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A.

Cathy L. Metoxen – *written:* Public Use of Tribal Land Law Amendments, needs to go to GTC
Nancy Barton – *written:* Public Use of Land Amendments – these proposed amendments need to come before General Tribal Council in their totality to be approved because they were created by the Environmental Resource Board (ERB) which was created by General Tribal Council. End of story!!

Response

Because the original Public Use of Tribal Land (Law) was passed by the Oneida Business Committee with Resolution BC-05-15-14-C, any amendments to this Law may also be passed by the Oneida Business Committee and, therefore, are not required to be brought the General Tribal Council prior to being adopted.

Further, the original Public Use of Tribal Land (Law) was passed in accordance with the Legislative Procedures Act, which was adopted by the General Tribal Council.

There are no recommended changes based on these comments.

Comment 4. Amendment

38.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

Bradley Graham: Line 41, you have to add the General Tribal Council, because according to the LPA it does say the Oneida Business Committee and the General Tribal Council. Let me scratch this off or mark them. I'm going to be kind of skipping around here a little bit.

Response

If the LOC elects to inset “and/or the General Tribal Council” it would not preclude these amendments from being adopted by the Oneida Business Committee. Therefore, I recommend inserting “and/or the General Tribal Council.”

Comment 5. Environmental Resource Board Authority

38.4-1. The Environmental Resource Board ~~shall have~~ has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law...

Julie Barton:...and also when we’re talking about enforcement, we’re talking about the ERBs is going to do the enforcement but this is real unclear. We have a management team out there of people who are responsible for various entities of our land and they list them up here like on the 3rd they have Conservation, Police Department, Environmental Health and Safety and the list goes on. All of those people have a role in protecting our land use, public use. So but it just gives it all of the authority to the ERB Board so I guess I don’t understand that either. So we’re giving a lot of authority and power actually to one entity of the Tribe. And we have all of us need to have access and understanding about what our purposes are for. All of these entities listed here are important bodies to protect our land and the use of land. Thank you.

Response

The ERB Board is responsible for enforcing this Law in that it is the party responsible for creating the citation schedule and holding hearings regarding citations issued pursuant to this Law and the Schedule. However, ERB is not acting alone in enforcing this Law, it also relies upon the Oneida Police Department and the Oneida Conservation Department to understand the law, issue citations, and participate in the hearing process as the Tribe’s evidentiary representative.

Further, the ERB Board is required to hold public meetings regarding any amendments to the Land Access Map pursuant to Section 38.4-1(b). Any agencies that have comments as to land use may submit those comments to the ERB throughout the public meeting process.

There are no recommended changes based on this comment.

Comment 6. Environmental Resource Board Staff

38.4-1. The Environmental Resource Board ~~shall have~~ has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law. The Environmental Resource Board, or its designated staff, shall:

Bradley Graham: Ok, back to 74, line 74 it says resource board or its designated staff. Take out designated staff because the way it’s going, I have proof that staff shouldn’t be there and I’m, I’m asking that it be removed, the staff itself. We don’t need a staff, they were supposed to remove the staff and put them under Pat Pelky in health and safety. That was supposed to be done years ago.

Response

I have checked with the Environmental Resource Board and based on those conversations there is no plan to transfer the ERB Staff anywhere. There are no recommended changes based on this comment.

Comment 7. Environmental Resource Boards Interpretation of Laws

38.4-1(f) The Environmental Resource Board ~~shall have~~ has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law. The Environmental Resource Board, or its designated staff, shall: ... Implement and interpret the provisions of this Law.

Bradley Graham: Then if you go to line 83 above that, it says implement and interpret, take interpret out. They should not have the right to interpret laws. They can implement them and enforce them.

Response

Because ERB still retains original hearing body authority over citations issued pursuant to this Law, it is essential that the ERB Board retain the authority to interpret the Law as that is exactly what is done in those hearings. Further, without the authority to interpret the Law, it would be impossible for the ERB Board to create a citation schedule to correspond to the Law.

Comment 8. Rules Application to Non-Tribal Members

38.4-1(g) The Environmental Resource Board ~~shall have~~ has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law. The Environmental Resource Board, or its designated staff, shall: As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal Land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.

Bradley Graham: So line 84, it says where it's got permissible and/or prohibited use of Tribal land. Now, is that including outside public too or is this just for General Tribal Council? Cause if you're gonna allow the public to come in, outside non-Tribal should be added in to then.

Response

The permissible and/or prohibited uses would apply to any person entering upon Tribal Land, provided that the permissible and/or prohibited uses may only be assigned to Tribal Lands classified as Oneida Community Access, Oneida Tribal Member Access or Open Access.

There are no recommended changes based on this comment.

Comment 9. Proof of Eligibility to Use Oneida Community Access Lands

38.5-1(b)(1) A Conservation Warden or Oneida Police Officer may require a ~~person~~ Person to demonstrate proof of eligibility to use Oneida Community Access lands.

Bradley Graham: Down to 105, it says may require a person to demonstrate proof of eligibility. Now are our Tribal IDs going to be good enough or are they going to have to provide a Tribal land use card? That should be something that should be thought of and put in. You know what type of proof do you need. I think it should be a Tribal ID an official ID of the Tribe or something like that. No I mean like your Tribal card or if you got a official card or something like that.

Response

Yes, a Tribal ID would be sufficient, however, because both descendants and spouses of Tribal Members are able to use Tribal Lands designated as Oneida Community Access, that is not the only acceptable form of proof. So that descendants and spouses of Tribal Members are able to provide proof of eligibility, the ERB Board worked with Enrollments to develop an ID separate from a Tribal Member that would demonstrate proof of descendancy or marriage to a Tribal Member.

There are no recommended changes based on this comment.

Comment 10. Public Hearing Comment

38.5-5(a)(1)(B) Any ~~person~~Person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

Bradley Graham: Line 154, it has any person who cannot attend may be represented and also add may submit in writing.

Response

I recommend revising this Section as follows:

(b) *Public Hearing.* The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A) *Notice.* Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, must be:

(i) published in the Tribal newspaper; and

(ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B) Any Person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

(C) In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.

(CD) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.

Comment 11. Environmental Resource Board Vote Required to Amend the Land Access Map

38.5-5(c) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments ~~shall~~must require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by...

Bradley Graham: One seventy three, it says however amendments must require a 2/3 vote of the board. It should be as their bylaws, by a 2/3 vote of the full membership. So add full membership please. Otherwise you only get a select few there; I think it should be the full membership should be involved in it.

Jennifer Webster: Membership of the board?

Bradley Graham: Yeah, so if there's nine board membership, it has to be a full board to take and a 2/3 vote.

Response

This is policy consideration for the LOC.

Comment 12. Notice of No-Permission to Enter Land

38.6-1(b) ... A ~~person~~Person has been noticed that permission by the landowner or occupant for such ~~person~~Person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Tribal website and/or in the Tribal newspaper, or if the land is posted....

Bradley Graham: Line 191, it says there should be a, add notified by writing. It's got for the person that's, either way that's the person that's being notified or whatever's going on, they should be notified in writing also so they know what's going on.

Response

This is a policy consideration for the LOC.

Comment 13. Required Signage

38.6-1(b)(1) Land is considered to be posted if one (1) of the following requirements is met: A sign at least eleven (11) inches square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the ~~person~~Person giving the notice, followed by the word "owner" if the ~~person~~Person is the holder of legal title to the land or by the word "occupant" if the ~~person~~Person is a lawful occupant of the land, but not the holder of legal title.

Bradley Graham: One ninety four through 202, the posting of the land. Under state law, you're only required to do every corner, but for the purpose of some of these Tribal lands, for as big as they are, that there should be at least one or two signs added between the corner posts signs so that people know where they're add so add that in please, more signage.

Response

This is a policy consideration for the LOC.

Comment 15. Trespass for Parking or Driving on Land

38.6-1(c)(6) A ~~person~~Person ~~trespass~~Trespases if the ~~person~~Person enters or otherwise occupies ~~Tribal land~~Tribal Land and... Does any of the following without proper authorization through a ~~lease~~Lease, permit or as otherwise required under applicable law:... Parks or drives any vehicle on the land.

Nancy Barton: I'd like to address just a couple of areas including where it says that you cannot, ok on page 38-6, ok let's see, on line 215 parks or drives any vehicle on the land. Seriously, how can you monitor somebody who drives anywhere within this Reservation.

Response

There are no recommended changes based on this comment.

Comment 16. Trespass for Using Land Outside Authorized Use in Lease Documents

38.6-1(c)(8) A ~~person~~Person ~~trespass~~Trespasses if the ~~person~~Person enters or otherwise occupies ~~Tribal land~~Tribal Land and... Does any of the following without proper authorization through a ~~lease~~Lease, permit or as otherwise required under applicable law:... Uses or possesses ~~lease~~Leased or sub~~lease~~Leased lands beyond the possessory rights granted by such ~~lease~~Lease or sub~~lease~~Lease.

Nancy Barton: And then let's see number 218 uses or possess lands beyond the possessory possessory I'm not saying that right, rights granted by such lease or sublease. I'm not sure what that means and why it was even put in here.

Response

This provision prevents parties holding limited land use leases from expanding the land use. For example, if I have a residential lease with the Tribe, I cannot conduct farming activities on that land because that is beyond my authorized use provided in my lease document.

There are no recommended changes based on this comment.

Comment 17. Trespass for Polluting upon Highway, Road, Air, Water or and Land

38.6-1(c)(9) A ~~person~~Person ~~trespass~~Trespasses if the ~~person~~Person enters or otherwise occupies ~~Tribal land~~Tribal Land and... Does any of the following without proper authorization through a ~~lease~~Lease, permit or as otherwise required under applicable law:... Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.

Nancy Barton: The other one is on line 220 dumps, deposits, places, throws, burns, emits or leaves rubbish, refuses, debris, substances or other objects upon a highway, road, air, water or land. How and who is going to monitor that and decide what the fee and citation schedule will be for that? I I really looked at this hard, we went to the ERB board, can I get a clarification about the ERB Board, is that GTC directive? Anybody know?

Response

ERB is the party responsible for creating the fee schedule for a violation of this provision.

This was one of the items of the fee schedule that were discussed as lacking clarity. The LOC may want to consider directing the Legislative Reference Office to work with ERB to reword this section to provide greater clarity.

Comment 18. OPD and Conservation Enforcement

38.7-1. *Issuance of a Citation.* Any ~~person~~Person who violates any provision of this Law ~~shall be~~is guilty of a civil infraction, and ~~shall may~~ be issued a citation, in writing, by a Conservation Warden or Oneida Police Officer. The issuance of a citation or fine under any other law relating to the same or any other matter ~~shall~~does not preclude the issuance of a citation under this Law.

Nancy Barton: It's inconsistent, you're asking for all kinds of laws and I'd like to know who's going to enforce this did Eric, Eric left, we talked about the at the ERB Board meeting that according to these laws, we have 2 conservation wardens and number of police officers and they don't even know these laws are coming. They haven't been reviewed with them so they're not even sure how they're going to enforce them.

Jennifer Webster: I believe Eric was from OPD, I believe Eric was from OPD

Nancy Barton: What? We went to the ERB Board meeting last week, or when was it, Tuesday, and there was no one from OPD or Conservation or any of those departments there too. But my mom's next.

Response

It is my understanding that since the adoption of these emergency amendments that there has been dialogue between the Oneida Law Office, the ERB Board, OPD and Conservation; that all the parties are now on the same page; and that a citation under the emergency amendments has been issued.

There are no recommended changes based on this comment.

Comment 19. Citation Schedule

38.7-1(a) The Oneida Business Committee, upon recommendation of the Environmental Resource Board, ~~shall may~~ adopt a citation schedule.

Bradley Graham: Go to 228, it says the, add General Tribal Council and with that also for the adoption for the citation schedule.

Back up to 223, where's the citation schedule, shouldn't that been included in this for public comments also? I didn't see it in here. I think that's important that if you're going to have a citation schedule it should have been in with this. Because the citation schedule would be easy to amend or change but you still have to do the public hearings and everything. So it should have been included in here, I'd like to see that before this is past. And that comments be brought up on the citation schedule, you know what they're citations are and for what reasons and amounts. And basically that's all I have for this. Everything else seems to be pretty descent.

Nancy Barton: Five minutes, ok, when I took a look at this I just felt like where is the fee schedule that goes with it? The citation schedule. It was brought up here at a regular Business Committee meeting and I couldn't honestly believe that anyone could possibly . . .

So I agree the fee schedule should have been attached to this. I feel like the citation levels are way out of proportion compared to the violations.

Response

The Oneida Business Committee has authority to adopt the citation schedule associated with this Law as it is the party that adopted the Law itself.

It is true that concerns were addressed at a recent Oneida Business Committee meeting regarding the contents of the citation schedule. The ERB Board has been made aware of those concerns and will be bringing a revised citation schedule to the Oneida Business Committee at the same time that this Law is presented for adoption. It is not appropriate for the citation schedule to accompany this Law in the LOC's public meeting packet, because the LOC has no review authority over the said citation schedule.

There are no recommended changes based on this comment.

Comment 20. Hearing Process

38.7-1(b) The citation ~~shall~~must specify the date, time and place of the hearing to contest the citation. The hearing ~~shall~~must take place ~~at least five~~within (5) business days after the citation is issued.

Bradley Graham: Two thirty one, add within 30 days instead of the five days. That's a little short time there.

Eric Boulanger (OPD): Thank you, he touched on line 231 the citations, to suggest 30 days instead of five and that whole process to mirror the Domesticated Animal Ordinance. Just to keep some consistency in the hearings because they're both heard by ERB and that process is already in placed within that law. And just for reference that's 34.11.3. Thank you.

Response

I recommend removing the second sentence all together and revising the "Citation Hearing" Section 38.7-2 to mirror the proposed amendments to Hunting, Fishing and Trapping as that language has been reviewed and revised in the time since this Law was approved to go to public meeting.

As revised, Section 38.7-1(b) would read as follows: "The citation ~~shall~~must specify the date, time and place of the hearing to contest the citation."

Section 38.7-2 would be replaced with the following:

38.7-2 All citations issued pursuant to this Law must include a Prehearing date which must be set for the next scheduled monthly Prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation must appear at the Prehearing, at which time the Environmental Resource Board shall accept pleas which either contest or admit committing the act for which the citation was issued. The Environmental Resource Board shall schedule a Hearing as expeditiously as possible, provided that it must be scheduled within ninety (90) days of the date of the Prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested Hearings, the Environmental Resource Board may also make conditional orders at the Prehearing which are effective until the matter is resolved.

(a) The Environmental Resource Board shall conduct Prehearings and Hearings in accordance with its bylaws and any other applicable regulations, standard operating procedures, Rules, laws or policies governing Tribal administrative hearings.

(b) *Community Service.* Community service may be substituted for monetary fines at the Environmental Resource Board's discretion, provided that, if so substituted, the Board shall use the rate of one (1) hour per ten dollars (\$10) of the fine.

(c) All Fines and Penalties issued by citations must be paid to the Environmental Resource Board or its designee, the proceeds of which must be contributed to General Fund.

(d) The Environmental Resource Board may pursue payment from parties who have failed to makes the required payments through the garnishment process contained in the Garnishment Law and/or by attaching the judgment to a Tribal Member's per capita payment pursuant to the Per Capita Law.

(d) *Community Service*. Community service may be substituted for monetary Fines and Penalty assessments at ERB's discretion, provided that if so substituted, ERB shall use the rate of one (1) hour per ten dollars (\$10) of the Fine or Penalty assessment.

(e) Any person wishing to contest ERB's determination related to a contested citation may appeal the applicable determination to the Judiciary's Court of Appeals in accordance with the Rules of Appellate Procedure, provided that the appeal must be filed within thirty (30) days of the date of the Environmental Resource Board's determination.

If my recommendation is accepted, definitions need to be inserted for "Prehearing," "Fine," and "Penalty."

Comment 21. Restitution

38.7-2(c) Any restitution funds received shall be used to repair the damages caused by a violation of this Law.

Bradley Graham: Let's see here, 248, it says any restitution funds received, if there's other monies left over from the restitutions or from citations, does this go to the ERB budget or to the Treasurers. To be added in to the general fund. I think if there is monies left over should be added to their budget so they can reduce their budget costs.

Response

Restitution, as used in this Law, means compensation for loss paid by a wrong-doer to his or her victim. Accordingly, it would not be appropriate for restitution funds to be used either towards the General Fund or the ERB Budget because they would have been allocated to the person whose property was damages by a violation of this Law.

Based on my recommended revisions in Comment 20, this subsection would be removed from the Law altogether.

There are no recommended revisions based on this comment.

Comment 22. Appeal

38.7-3. *Appeals from the Environmental Resource Board Decision*. Any party of interest may appeal a decision of the Environmental Resource Board to the Tribe's judicial system.

Bradley Graham: Ok back to 251, Its got in there, appeals from the decision of the ERB to the Tribe's Judiciary system. Take the Judiciary out, add the General Tribal Council because ERB was put in by GTC.

Response

This is a policy consideration for the LOC.

Comment 23. General Comments

Nancy Barton: I feel like this whole thing is racist. I think we're doing the same thing that has been done to us and what does it prove?

I could also couldn't understand why the ERB and Laura Manthe's program was separate from the other environmental board and I haven't gotten to the bottom of that one yet but that's on my list of things to do. It just doesn't seem right that things are separated. So that's one other issue. I am really opposed to this entire Tribal law amendment. I think we're opening a can of worms.

Chad Wilson: Ok. (I'll move it away Candice). So for this particular amendment to the law, there were complaints that were listed law enforcement officers that there was no language with in the Public Use of Land law where they could enforce certain actives such as people bringing alcohol into natural areas, rec areas, dogs etc. So putting these, putting these this language into the law was to help put a put something in black and white that the law enforcement officers could use to enforce the law. The Public Use of Land law is primarily over the natural areas for the law and then ERB holds public hearings and puts those land designations in through the public hearing whether its Tribal member only, Community Access, those types of things. How land is used goes through Land Commission. There's a lutu process and they approve it and they decide is it commercial, residential, mixed use and if it happens to be a natural area then its governed by the Public Use of Land law.

Chad Wilson: I actually don't know the inception of ERB and . . .

Nancy Barton: Do you remember how the ERB Board, so it must not be General Tribal if you don't remember right? It wouldn't be, it's not on your list.

Chad Wilson: I know that were formally known as the Conservation Board at one point in time.

Nancy Barton: Ok I just wanted that for clarification, thank you.

Chad Wilson: Ok.

Bradley Graham: It is a GTC formed body; it is a GTC formed body.

Nancy Barton: Oh ok

Response

In response to Ms. Barton's question as to whether the Environmental Resource Board was formed by the General Tribal Council, it was not. It is an advisory board appointed by the Oneida Business Committee.

Section 1-2 of the Environmental Resource Board's Bylaws reads as follows:

The Oneida Business Committee established the Oneida Conservation Board, now known as the Environmental Resource Board, through Resolution BC-02-22-85-B, pursuant to Article IV. Section 1(g) of the Constitution of the Oneida Tribe of Indians of Wisconsin, and pursuant to the Oneida Tribe's inherent authority to protect the political integrity, economic security, and the health and welfare of its members and territory. The Oneida Business Committee also adopted Resolution BC-09-16-86-A to delegate the supervision and regulation of conservation resources to the Oneida Conservation Board. The ERB is further recognized by the Oneida Business Committee by the adoption of these bylaws and by the ERB's inclusion in the **HUNTING, FISHING AND TRAPPING LAW**, adopted by BC Resolution 07-22-98-A; the **WATER RESOURCES ORDINANCE** adopted by BC Resolution 05-08-96-B; the **ALL-TERRAIN VEHICLE LAW**, adopted by BC Resolution 06-16-04-B; the **WELL ABANDONMENT LAW** adopted by BC-08-31-94-A; the **PUBLIC USE OF TRIBAL LAND LAW** adopted by BC-05-15-14-C; and the **DOMESTIC ANIMALS ORDINANCE** adopted by BC Resolution 03-13-96-B.

The remaining general comments are policy consideration for the LOC.

CHAPTER 38 PUBLIC USE OF TRIBAL LAND

38.1. Purpose and Policy
38.2. Adoption, Amendment, Repeal
38.3. Definitions
38.4. Environmental Resource Board

38.5. Land Access Map
38.6. Trespass
38.7. Violations and Appeals

Analysis by the Legislative Reference Office					
Title	Public Use of Tribal Land				
Requester	ERB	Drafter	Krystal John	Analyst	Candice E. Skenandore
Reason for Request	Give the Environmental Resource Board the authority to determine what actions are allowed or not allowed on designated Tribal properties.				
Purpose	The purpose of this Law is to prevent improper access, use and trespass to Tribal lands				
Authorized/ Affected Entities	Environmental Resource Board or its designated staff, Conservation Warden, Oneida Police Department, Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and anyone accessing Tribal land.				
Due Process	A person receiving a citation can appeal to ERB; if the person is dissatisfied with ERB's decision, he/she can appeal to the Tribe's judicial system [See 38.7-2 & 38.7-3].				
Related Legislation	Zoning and Shoreland Protection Ordinance				
Policy Mechanism	A person that violates this Law may be issued a citation [See 38.7-1].				
Enforcement	ERB has the duty and power to carry out this Law and enforce the provisions of this Law [See 38.4-1].				

Overview

According to the Environmental Health and Safety Division and the Environmental Resource Board, people have been camping and/or consuming alcohol at the Oneida Lake. It is because of these actions that the Environmental Resource Board (ERB) requested emergency amendments to the Public Use of Tribal Land Law (Law). The Oneida Business Committee adopted the emergency amendments on July 8, 2015. These amendments are now being considered as permanent amendments. The amendments include the following:

- ERB or its designated staff has the authority to prescribe permissible and/or prohibited uses, as deemed necessary, for property designated as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that the permissible and/or prohibited uses do not contradict with the Zoning and Shoreland Protection Ordinance [See 38.4-1 (g)].
- ERB must also notify the Oneida Business Committee of the permissible and/or prohibited uses and must post notice of such uses on the affected Tribal land [See 38.4-1 (g)].

Considerations

- These amendments do not allow the ERB or its designated staff to prescribe permissible and/or prohibited uses, as it deems necessary on Tribal property that is designated as Limited Access; however, the permit or lease may limit what uses are allowed on the Limited Access Land. Limited Access lands are open to anyone who is granted permission by the Tribe through a permit or lease for specific purposes [See 38.5-1 (a)].
- Although the Law requires ERB to notify Oneida Business Committee and to post notice of permissible and/or prohibited uses on the affect Tribal land, the LOC may want to consider requiring ERB to notice to the public of any permissible and/or prohibited uses or changes to those uses in the Tribal newspaper and/or on the Tribal website.

Miscellaneous

A public meeting has not been held. Additional minor language changes have been made to the Law which do not affect the content.

38.1. Purpose and Policy¹

38.1-1. *Purpose.* The purpose of this Law is to prevent improper access, use and ~~trespass~~Trespass to ~~Tribal land~~Tribal Lands.

38.1-2. *Policy.* It is the policy of the Tribe to limit access to ~~Tribal land~~Tribal Land² to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land.

38.2. Adoption, Amendment, Repeal

38.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A.³

38.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.⁴

38.2-3. Should a provision of this Law or the application thereof to any ~~person~~Person or circumstances be held as invalid, such invalidity ~~shall~~does not affect other provisions of this Law which are considered to have legal force without the invalid portions.

38.2-4. In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law ~~shall~~controls.

38.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

38.2-6. This Law ~~shall~~may not be construed to preclude the Tribe from pursuing relief for criminal ~~trespass~~Trespass under applicable law.

38.3. Definitions

38.3-1. This section ~~shall~~governs the definitions of words and phrases used within this Law. All words not defined herein ~~shall~~are to be used in their ordinary and everyday sense.

¹ **Julie Barton:** just another couple minutes of your time please. On the first page at 31 everything is given to the ERB Board. You're turning over all the control of our land use to the ERB Board from what I've read. Maybe some or maybe one of our attorneys can interpret it a different way. But nevertheless, I read that the ERB Board now or if this is passed, they will have all the authority over our land. The other part of it is we have a sportsman club out there, just as an example, what's happening and I guess I wasn't aware of it, my husband, my sons, a lot of my friends and relatives would participate in this sportsman club and it was an Oneida club and its no longer an Oneida club. There's one person I think he's like the I don't know what the title is, president or something, who's an Oneida but we had the tickets and we gave them to my son-in-law and his wife and my daughter and they said no Oneidas there any longer. And I heard that last year and the dwindling numbers so they have access to our lands and it's no longer a real strong Oneida group and it was, it protected the land, they protected the hunting laws and so forth. So I don't, I don't know how we're protected through this law by those entities like that. So if these things are being created to protect outside entities and they call themselves the Oneida Sportsman's Club, well I don't know if it is anymore but they have access to our land. So I am concerned about that

² **Bradley Graham:** Alright line 34, where it says Tribal land add an "s" to that please.

³ **Cathy L. Metoxen** – written: Public Use of Tribal Land Law Amendments, needs to go to GTC

Nancy Barton – written: Public Use of Land Amendments – these proposed amendments need to come before General Tribal Council in their totality to be approved because they were created by the Environmental Resource Board (ERB) which was created by General Tribal Council. End of story!!

⁴ **Bradley Graham:** Line 41, you have to add the General Tribal Council, because according to the LPA it does say the Oneida Business Committee and the General Tribal Council. Let me scratch this off or mark them. I'm going to be kind of skipping around here a little bit.

- (a) “Designation” means the term used to describe the type of access granted to certain ~~Tribal land~~Tribal Lands.
- (b) “Lease” means any lease or agreement, including business site leases, entered into by the Tribe and any ~~person~~Person to allow the use of ~~Tribal land~~Tribal Lands.
- (c) “~~Person~~Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.
- (d) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.
- (e) “Trespass” means the unauthorized use or entry on ~~Tribal land~~Tribal Lands, including unauthorized uses under a Tribal law, permit or ~~lease~~Lease.
- (f) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.
- (g) “Tribal ~~land~~Land” means all Tribal trust lands, and any land or interest in land held by the Oneida Tribe in fee or in any other form on the Reservation.

38.4. Environmental Resource Board

38.4-1. The Environmental Resource Board ~~shall have~~has the duty and power to carry out the intent and purposes of this Law and enforce the provisions of this Law.⁵ The Environmental Resource Board, ~~or its designated staff~~⁶, shall:

- (a) Develop, approve and maintain the Land Access Map.
- (b) Hold public hearings on proposed amendments to the Land Access Map.
- (c) Hear and decide, as the original hearing body, contested cases that may arise under this Law.
- (d) Impose hearing costs and restitution against the ~~person~~Person for damages caused by a violation of this Law.
- (e) Determine which ~~Tribal land~~Tribal Land will be posted and ensure the appropriate signs are posted.
- (f) Implement and interpret the provisions of this Law.⁷
- (g) As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal Land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business

⁵ **Julie Barton:**...and also when we’re talking about enforcement, we’re talking about the ERBs is going to do the enforcement but this is real unclear. We have a management team out there of people who are responsible for various entities of our land and they list them up here like on the 3rd they have Conservation, Police Department, Environmental Health and Safety and the list goes on. All of those people have a role in protecting our land use, public use. So but it just gives it all of the authority to the ERB Board so I guess I don’t understand that either. So we’re giving a lot of authority and power actually to one entity of the Tribe. And we have all of us need to have access and understanding about what our purposes are for. All of these entities listed here are important bodies to protect our land and the use of land. Thank you.

⁶ **Bradley Graham:** Ok, back to 74, line 74 it says resource board or its designated staff. Take out designated staff because the way it’s going, I have proof that staff shouldn’t be there and I’m, I’m asking that it be removed, the staff itself. We don’t need a staff, they were supposed to remove the staff and put them under Pat Pelky in health and safety. That was supposed to be done years ago.

⁷ **Bradley Graham:** Then if you go to line 83 above that, it says implement and interpret, take interpret out. They should not have the right to interpret laws. They can implement them and enforce them.

Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.⁸

38.5. Land Access Map

38.5-1. *Designation of Tribal Lands.* A Land Access Map ~~shall~~must be created which designates ~~Tribal land~~Tribal Land as one (1) of the following:

(a) Limited Access: Lands designated as “Limited Access” ~~shall~~beare open to all ~~person~~Persons who are granted land access permission by the Tribe through a permit or ~~lease~~Lease for specified purposes. The Environmental Resource Board may choose to designate a portion of land as Limited Access in order to manage, preserve and protect that land for environmental, cultural or other significance.

(b) Oneida Community Access: Lands designated as “Oneida Community Access” ~~shall~~beare open to Tribal members, and their spouses and descendants; members of other federally recognized Indian tribes, bands or communities; authorized employees of the Tribe; and ~~person~~Persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Tribe.

(1) A Conservation Warden or Oneida Police Officer may require a ~~person~~Person to demonstrate proof of eligibility to use Oneida Community Access lands.⁹

(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.

(c) Oneida Tribal Member Access: Lands designated as “Oneida Tribal Member Access” ~~shall~~beare open to Tribal members only. The Environmental Resource Board may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural and/or environmental significance of the land.

(d) Open: Lands designated as “Open Access” ~~shall~~beare generally open to all ~~person~~Persons for the land’s designated use and enjoyment. The Environmental Resource Board may designate land as Open Access where such ~~designation~~Designation is deemed beneficial to the Tribe and where such ~~designation~~Designation does not pose significant risk of damage to the policies of the Tribe and/or the land’s cultural or environmental preservation.

38.5-2. Notwithstanding the restrictions of 38.5-1, nothing in this Law ~~shall~~may be construed as preventing the following ~~person~~Persons from entering ~~Tribal land~~Tribal Land, regardless of the land ~~designation~~Designation:

(a) Employees of the Tribe who are performing their job duties;

(b) Those ~~person~~Persons who are performing grant or contractual obligations related to the ~~Tribal land~~Tribal Land and on behalf of the Tribe;

(c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those ~~person~~Persons who have been granted access to the land by the Environmental Resource Board.

⁸ **Bradley Graham:** So line 84, it says where it’s got permissible and/or prohibited use of Tribal land. Now, is that including outside public too or is this just for General Tribal Council? Cause if you’re gonna allow the public to come in, outside non-Tribal should be added in to then.

⁹ **Bradley Graham:** Down to 105, it says may require a person to demonstrate proof of eligibility. Now are our Tribal IDs going to be good enough or are they going to have to provide a Tribal land use card? That should be something that should be thought of and put in. You know what type of proof do you need. I think it should be a Tribal ID an official ID of the Tribe or something like that. No I mean like your Tribal card or if you got a official card or something like that.

38.5-3. *Development of the Land Access Map.* The Environmental Resource Board shall develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Tribe. The Environmental Resource Board shall adopt the initial Land Access Map.

38.5-4. *General Land Designation.* Unless otherwise designated, ~~Tribal Land~~Tribal Land shall ~~be~~is designated as Limited Access.

38.5-5. *Amending the Land Access Map.* The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration ~~shall~~must be made for the intent and purposes of the ~~designation~~Designation.

(a) Amendments may be proposed by any ~~person~~Person by filing an application with the Environmental Resource Board in such format and accompanied by such information as required by the Board.

(b) *Public Hearing.* The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A) *Notice.* Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, ~~shall~~must be:

(i) published in the Tribal newspaper; and

(ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B) Any ~~person~~Person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.¹⁰

(C) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.

(2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.

(3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:

(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board ~~shall~~may not amend the Land Access Map unless it finds that adopting such amendment is in the Tribe's best interest and is not solely for the interest of the applicant.

(c) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments ~~shall~~must require a two-thirds (2/3) vote of the

¹⁰ **Bradley Graham:** Line 154, it has any person who cannot attend may be represented and also add may submit in writing.

174 **Environmental Resource Board**¹¹ if a written protest against any amendment is presented
175 to the Environmental Resource Board and is signed by:

- 176 (1) the lessees, assignees and owners of at least twenty percent (20%) of the acres
177 of land included in such amendment; or
178 (2) the lessees, assignees and owners of at least twenty percent (20%) of the land
179 immediately adjacent to the land included in such amendment, extending in a
180 radius of twelve hundred (1,200) feet of the outer boundaries of the land.

182 38.6. Trespass

183 38.6-1. A ~~person~~**Person** ~~trespass~~**Trespases** if the ~~person~~**Person** enters or otherwise occupies
184 ~~Tribal land~~**Tribal Land** and:

- 185 (a) Refuses to leave land to which the ~~person~~**Person** has no reasonable claim or right of
186 possession when requested to do so.
187 (b) Enters upon such land after being noticed by the landowner or occupant that
188 permission for the ~~person~~**Person** to enter such land does not exist, or has been expressly
189 denied or revoked. **A ~~person~~**Person** has been noticed that permission by the landowner or**
190 **occupant for such ~~person~~**Person** to enter such land does not exist if he or she has been**
191 **notified publicly, by publication of the Land Access Map on the Tribal website and/or in**
192 **the Tribal newspaper, or if the land is posted.**¹² Land is considered to be posted if one (1)
193 of the following requirements is met:

- 194 (1) **A sign at least eleven (11) inches square is placed in at least two (2)**
195 **conspicuous places for every forty (40) acres of land to be protected. The sign**
196 **shall provide an appropriate notice and the name of the ~~person~~**Person** giving the**
197 **notice, followed by the word “owner” if the ~~person~~**Person** is the holder of legal**
198 **title to the land or by the word “occupant” if the ~~person~~**Person** is a lawful**
199 **occupant of the land, but not the holder of legal title.**¹³
200 (2) Markings at least one (1) foot long and, in a contrasting color, the phrase
201 “private land” and the name of the owner, are made in at least two (2)
202 conspicuous places for every forty (40) acres of land.

- 203 (c) Does any of the following without proper authorization through a ~~lease~~**Lease**, permit
204 or as otherwise required under applicable law:¹⁴

¹¹ **Bradley Graham:** One seventy three, it says however amendments must require a 2/3 vote of the board. It should be as their bylaws, by a 2/3 vote of the full membership. So add full membership please. Otherwise you only get a select few there; I think it should be the full membership should be involved in it.

Jennifer Webster: Membership of the board?

Bradley Graham: Yeah, so if there's nine board membership, it has to be a full board to take and a 2/3 vote.

¹² **Bradley Graham:** Line 191, it says there should be a, add notified by writing. It's got for the person that's, either way that's the person that's being notified or whatever's going on, they should be notified in writing also so they know what's going on.

¹³ **Bradley Graham:** One ninety four through 202, the posting of the land. Under state law, you're only required to do every corner, but for the purpose of some of these Tribal lands, for as big as they are, that there should be at least one or two signs added between the corner posts signs so that people know where they're add so add that in please, more signage.

¹⁴ Current Tribal laws that authorize conduct described in 38.6-1(c): Chapter 12, Protection and Management of Archeological and Historical Resources; Chapter 34, Oneida Tribal Regulation of Domestic Animals Ordinance; Chapter 40, Tribal Environmental Response Law; Chapter 42, Wood Cutting Ordinance; Chapter 44, Recycling and Solid Waste Disposal; Chapter 45, Hunting, Fishing and Trapping Law; Chapter 49: All-Terrain Vehicle Law; Chapter 69, Zoning and Shoreland Protection Law.

- (1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.
- (2) Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.
- (3) Engages in any act, or attempted act of hunting, trapping or fishing.
- (4) Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.
- (5) Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public.
- (6) Parks or drives any vehicle on the land.¹⁵
- (7) Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.
- (8) Uses or possesses ~~lease~~Leased or sub~~lease~~-Leased lands beyond the possessory rights granted by such ~~lease~~Lease or sub~~lease~~-Lease.¹⁶
- (9) Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.¹⁷

38.7. Violations and Appeals

38.7-1. *Issuance of a Citation.* Any ~~person~~Person who violates any provision of this Law ~~shall~~
~~be~~is guilty of a civil infraction, and ~~shall~~~~may~~ be issued a citation, in writing, by a Conservation
Warden or Oneida Police Officer.¹⁸ The issuance of a citation or fine under any other law
relating to the same or any other matter ~~shall~~~~does~~ not preclude the issuance of a citation under
this Law.

- (a) The Oneida Business Committee, upon recommendation of the Environmental
Resource Board, ~~shall~~~~may~~ adopt a citation schedule.¹⁹

¹⁵ **Nancy Barton:** I'd like to address just a couple of areas including where it says that you cannot, ok on page 38-6, ok let's see, on line 215 parks or drives any vehicle on the land. Seriously, how can you monitor somebody who drives anywhere within this Reservation.

¹⁶ **Nancy Barton:** And then let's see number 218 uses or possess lands beyond the possessory possessory I'm not saying that right, rights granted by such lease or sublease. I'm not sure what that means and why it was even put in here.

¹⁷ **Nancy Barton:** The other one is on line 220 dumps, deposits, places, throws, burns, emits or leaves rubbish, refuges, debris, substances or other objects upon a highway, road, air, water or land. How and who is going to monitor that and decide what the fee and citation schedule will be for that? I really looked at this hard, we went to the ERB board, can I get a clarification about the ERB Board, is that GTC directive? Anybody know?

¹⁸ **Nancy Barton:** It's inconsistent, you're asking for all kinds of laws and I'd like to know who's going to enforce this did Eric, Eric left, we talked about the at the ERB Board meeting that according to these laws, we have 2 conservation wardens and number of police officers and they don't even know these laws are coming. They haven't been reviewed with them so they're not even sure how they're going to enforce them.

Jennifer Webster: I believe Eric was from OPD, I believe Eric was from OPD

Nancy Barton: What? We went to the ERB Board meeting last week, or when was it, Tuesday, and there was no one from OPD or Conservation or any of those departments there too. But my mom's next.

¹⁹ **Bradley Graham:** Go to 228, it says the, add General Tribal Council and with that also for the adoption for the citation schedule.

Back up to 223, where's the citation schedule, shouldn't that been included in this for public comments also? I didn't see it in here. I think that's important that if you're going to have a citation schedule it should have been in with this. Because the citation schedule would be easy to amend or change but you still have to do the public hearings and everything. So it should have been included in here, I'd like to see that before this is past. And that

(b) The citation ~~shall~~must specify the date, time and place of the hearing to contest the citation. The hearing ~~shall~~must take place ~~at least five~~within (5) business days after the citation is issued.²⁰

(c) The citation ~~shall~~must also state that the Environmental Resource Board may, in addition to the citation, impose hearing costs and restitution against the ~~person~~Person for damages caused by a violation of this Law.

38.7-2. *Citation Hearing.* Any ~~person~~Person issued a citation under this Law may contest the citation by attending a hearing before the Environmental Resource Board. The ~~person~~Person may appear in ~~person~~Person, or be represented by an agent, advocate or attorney.

(a) If the ~~person~~Person does not wish to contest the citation, he or she ~~shall~~must pay the citation by the hearing date specified on the citation.

(b) After the hearing, the Environmental Resource Board shall:

(1) determine whether the ~~person~~Person is responsible for the citation, as was issued;

(2) determine whether to impose hearing costs and/or restitution against the ~~person~~Person for the value of any damage caused by a violation of this Law; and

(3) set a new date for when the citation, hearing costs and/or restitution ~~shall~~must be paid, if necessary.

(c) Any restitution funds received shall be used to repair the damages caused by a violation of this Law.²¹

38.7-3. *Appeals from the Environmental Resource Board Decision.* Any party of interest may appeal a decision of the Environmental Resource Board to the Tribe's judicial system.²²

End.²³

comments be brought up on the citation schedule, you know what they're citations are and for what reasons and amounts. And basically that's all I have for this. Everything else seems to be pretty descent.

Nancy Barton: Five minutes, ok, when I took a look at this I just felt like where is the fee schedule that goes with it? The citation schedule. It was brought up here at a regular Business Committee meeting and I couldn't honestly believe that anyone could possibly . . .

So I agree the fee schedule should have been attached to this. I feel like the citation levels are way out of proportion compared to the violations.

²⁰ **Bradley Graham:** Two thirty one, add within 30 days instead of the five days. That's a little short time there.

Eric Boulanger (OPD): Thank you, he touched on line 231 the citations, to suggest 30 days instead of five and that whole process to mirror the Domesticated Animal Ordinance. Just to keep some consistency in the hearings because they're both heard by ERB and that process is already in placed within that law. And just for reference that's 34.11.3. Thank you.

²¹ **Bradley Graham:** Let's see here, 248, it says any restitution funds received, if there's other monies left over from the restitutions or from citations, does this go to the ERB budget or to the Treasurers. To be added in to the general fund. I think if there is monies left over should be added to their budget so they can reduce their budget costs.

²² **Bradley Graham:** Ok back to 251, Its got in there, appeals from the decision of the ERB to the Tribe's Judiciary system. Take the Judiciary out, add the General Tribal Council because ERB was put in by GTC.

²³ **Nancy Barton:** I feel like this whole thing is racist. I think we're doing the same thing that has been done to us and what does it prove?

I could also couldn't understand why the ERB and Laura Manthe's program was separate from the other environmental board and I haven't gotten to the bottom of that one yet but that's on my list of things to do. It just doesn't seem right that things are separated. So that's one other issue. I am really opposed to this entire Tribal law amendment. I think we're opening a can of worms.

256
257 Adopted – BC-05-15-14-C
258 Emergency Amended – BC-07-23-14-C
259 Amended – BC-12-10-14-A
260 Emergency Amended – BC 07-08-15-C

Chad Wilson: Ok. (I'll move it away Candice). So for this particular amendment to the law, there were complaints that were listed law enforcement officers that there was no language with in the Public Use of Land law where they could enforce certain actives such as people bringing alcohol into natural areas, rec areas, dogs etc. So putting these, putting these this language into the law was to help put a put something in black and white that the law enforcement officers could use to enforce the law. The Public Use of Land law is primarily over the natural areas for the law and then ERB holds public hearings and puts those land designations in through the public hearing whether its Tribal member only, Community Access, those types of things. How land is used goes through Land Commission. There's a lutu process and they approve it and they decide is it commercial, residential, mixed use and if it happens to be a natural area then its governed by the Public Use of Land law.

Chad Wilson: I actually don't know the inception of ERB and . . .

Nancy Barton: Do you remember how the ERB Board, so it must not be General Tribal if you don't remember right? It wouldn't be, it's not on your list.

Chad Wilson: I know that were formally known as the Conservation Board at one point in time.

Nancy Barton: Ok I just wanted that for clarification, thank you.

Chad Wilson: Ok.

Bradley Graham: It is a GTC formed body; it is a GTC formed body.

Nancy Barton: Oh ok

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365
Oneida, WI 54155
(920) 869-4375
(800) 236-2214



Committee Members

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

LEGISLATIVE OPERATING COMMITTEE

Public Meeting on Oneida Higher Education Scholarship, Community Support Fund Policy Amendments,
Removal Law Amendments and Public Use of Tribal Land Amendments
Business Committee Conference Room-2nd Floor
Norbert Hill Center
October 29, 2015 12:15 p.m.

PRESENT: David P. Jordan, Fawn Billie, Jennifer Webster, Candice Skenandore, Tani Thurner, Douglass McIntyre, Rae Skenandore, Eliz Somers, Paula Rippl, Brad Graham, Bill Graham, Mitch Metoxen, Julie Barton, Sherry King, Misty Herzog, Trina Schuyler, Michelle Mays, Mike Debraska, Bonnie Pigman, Ed Delgado, Debra Powless, Nic Reynolds, Norbert Hill, Don White, Luanne Green, Nancy Barton, RC Metoxen, Danelle Wilson, Chad Wilson, Pat Garvey, JoAnne House

Oneida Higher Education Scholarship

David P. Jordan: The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding the legislative proposals for this new law. And this would be the Higher Education. So, the first one on the list for Higher Education would be Paula Rippl.

Paula Rippl: I thought it was you know, a sign up for the meeting.

David P. Jordan: Oh. Raise your hand if you want to come forward to speak. Go ahead Mike. All we're here to do is to take comments from the community so. Was there a time limit on this?

Mike Debraska: Ok I I kind of torn this thing apart pretty pretty decently. My first comment is on that first page there where it says give the Higher Education Office the authority to enforce this law. I want to change the Higher Education Office to General Tribal Council. Also, I want to, on that last bullet point it says allow a student to appeal a scholarship decision only if he or she can show the Higher Education Office failed to abide by this law and end it right there. On page 1 of 2, at the bottom there it says allows a student to appeal a scholarship decision only if he or she. I want to take out the word "only".

David P. Jordan: What line is that?

Mike Debraska: That's on line 14.

Jennifer Webster: You want to take out "only"?

law, trained in our due process rights was the intent to creating it, putting the Judiciary in here. And I support that. And as far as I know, we have a building called Tribal Judiciary down on Mason Street, we do have Judiciary elected by General Tribal Council, created by General Tribal Council and anyone that says otherwise you need to go down Mason Street or look in the Tribal record and see when General Tribal Council decided to create a Judiciary to replace the Appeals Commission. So we need to look at that. Regarding the request to remove elected officials. It was said earlier that the people elected them. So it should be the people who remove them. And that's true after due process. After the Judiciary, I don't support this part where the Business Committee would remove an elected official. What it will create is Tribal members on these various boards, committees and commissions afraid to really speak up, afraid to rock the boat, afraid to get a bad name with that, with their individual council or individual board or committee and we're not talking about the Business Committee here, we're talking about various boards. Cause if you do well then the board can get together and recommend your removal. And then you go before the Business Committee and that's politics too often times. I've seen it for 9 years. We're not we weren't above politics. That's why the intent was that the people, the General Tribal Council would be the final say and I do believe it should be 2/3 majority vote, just like the Business Committee. The final comment is that a lot of this was created because around 15 years ago a Tribal, a young Tribal member was on a committee that she felt was doing wrong. So she told General Tribal Council about what that committee was doing. Now she went back to that committee and she was removed. So part of that but it was an appointed position so, part of the reasoning behind the creation of the original removal law, creating the Judiciary, was the attempt to create a process in between the two political bodies. The elected or appointed, no the elected body and the General Tribal Council. One that would provide due process but I do support that evidentially, the final say, for everyone, except for appointed positions. All elected officials should evidentially go before General Tribal Council. If depending on what the Judiciary says, if the Judiciary says there's no basis to this, this doesn't rise to a removal well then it wouldn't go to GTC. So that's the part I support but I would not like to see boards, committees or commissions, elected, other than the BC, even the BC for members to be afraid to be the odd ball. To be afraid to speak up when something you feel is wrong because we need that. When something is wrong, we want those various boards, committees and commissions to speak up. And we don't want them to fear removal by their comrades. Because that was what was happening before we created a Judiciary and then the final say going to General Tribal Council. So I don't support that part of this law but if you do pass it or if General Tribal Council does pass it, there's a provision in here where the board, committee or commission goes to Court to try and prove or they have to prove that the person they want to remove deserves removal. It doesn't say anything about representation. Who, now the the accused person has to provide their own counsel if they wish so. I just want to make sure that if the various boards, committees and commissions are requesting a person's removal that they have to prove it, they have to provide their own counsel and they shouldn't be able to use a Tribal lawyer or get paid for it. If the accused has to bear the burden of counsel so should the accuser. Yaw^ko

David P. Jordan: Thank you Ed. Ok, we're closing this one, we're moving on to Public Use of Lands.

Public Use of Tribal Land Amendments [1:26:10]

David P. Jordan: Brad, then Eric.

Brad Graham: Alright line 34, where it says Tribal land add an “s” to that please. Line 41, you have to add the General Tribal Council, because according to the LPA it does say the Oneida Business Committee and the General Tribal Council. Let me scratch this off or mark them. I’m going to be kind of skipping around here a little bit. So line 84, it says where it’s got permissible and/or prohibited use of Tribal land. Now, is that including outside public too or is this just for General Tribal Council? Cause if you’re gonna allow the public to come in, outside non-Tribal should be added in to then. Then if you go to line 83 above that, it says implement and interpret, take interpret out. They should not have the right to interpret laws. They can implement them and enforce them. Down to 105, it says may require a person to demonstrate proof of eligibility. Now are our Tribal IDs going to be good enough or are they going to have to provide a Tribal land use card? That should be something that should be thought of and put in. You know what type of proof do you need. I think it should be a Tribal ID an official ID of the Tribe or something like that.

Jennifer Webster: Yeah because I don’t think people are going to carry their land use forms around. So that’s probably ID but we can . . .

Bradley Graham: No I mean like your Tribal card or if you got a official card or something like that. Ok, back to 74, line 74 it says resource board or its designated staff. Take out designated staff because the way it’s going, I have proof that staff shouldn’t be there and I’m, I’m asking that it be removed, the staff itself. We don’t need a staff, they were supposed to remove the staff and put them under Pat Pelky in health and safety. That was supposed to be done years ago. Line 154, it has any person who cannot attend may be represented and also add may submit in writing. One seventy three, it says however amendments must require a 2/3 vote of the board. It should be as their bylaws, by a 2/3 vote of the full membership. So add full membership please. Otherwise you only get a select few there; I think it should be the full membership should be involved in it.

Jennifer Webster: Membership of the board?

Bradley Graham: Yeah, so if there’s nine board membership, it has to be a full board to take and a 2/3 vote. Line 191, it says there should be a, add notified by writing. It’s got for the person that’s, either way that’s the person that’s being notified or whatever’s going on, they should be notified in writing also so they know what’s going on. One ninety four through 202, the posting of the land. Under state law, you’re only required to do every corner, but for the purpose of some of these Tribal lands, for as big as they are, that there should be at least one or two signs added between the corner posts signs so that people know where they’re add so add that in please, more signage. Go to 228, it says the, add General Tribal Council and with that also for the adoption for the citation schedule. Two thirty one, add within 30 days instead of the five days. That’s a little short time there. Let’s see here, 248, it says any restitution funds received, if there’s other monies left over from the restitutions or from citations, does this go to the ERB budget or to the Treasurers. To be added in to the general fund. I think if there is monies left over should be added to their budget so they can reduce their budget costs. Ok back to 251, Its got in there, appeals from the decision of the ERB to the Tribe’s Judiciary system. Take the Judiciary out, add the General Tribal Council because ERB was put in by GTC. Back up to 223, where’s the citation schedule, shouldn’t that been included in this for public comments also? I didn’t see it in here. I think that’s important that if you’re going to have a

citation schedule it should have been in with this. Because the citation schedule would be easy to amend or change but you still have to do the public hearings and everything. So it should have been included in here, I'd like to see that before this is past. And that comments be brought up on the citation schedule, you know what they're citations are and for what reasons and amounts. And basically that's all I have for this. Everything else seems to be pretty descent.

David P. Jordan: Thank you, I'd called on Eric next. Then Nancy, then Julie.

Eric Boulanger: Thank you, he touched on line 231 the citations, to suggest 30 days instead of five and that whole process to mirror the Domesticated Animal Ordinance. Just to keep some consistency in the hearings because they're both heard by ERB and that process is already in placed within that law. And just for reference that's 34.11.3. Thank you.

David P. Jordan: Thank you.

Nancy Barton: Five minutes, ok, when I took a look at this I just felt like where is the fee schedule that goes with it? The citation schedule. It was brought up here at a regular Business Committee meeting and I couldn't honestly believe that anyone could possibly . . .

Jennifer Webster: I'm sorry Nancy, can you please keep the comments down in the back, its really hard to hear Nancy. Please. Thank you

Nancy Barton: So I agree the fee schedule should have been attached to this. I feel like the citation levels are way out of proportion compared to the violations. I feel like this whole thing is racist. I think we're doing the same thing that has been done to us and what does it prove? I'd like to address just a couple of areas including where it says that you cannot, ok on page 38-6, ok let's see, on line 215 parks or drives any vehicle on the land. Seriously, how can you monitor somebody who drives anywhere within this Reservation. And then let's see number 218 uses or possess lands beyond the possessory possessory I'm not saying that right, rights granted by such lease or sublease. I'm not sure what that means and why it was even put in here. The other one is on line 220 dumps, deposits, places, throws, burns, emits or leaves rubbish, refuges, debris, substances or other objects upon a highway, road, air, water or land. How and who is going to monitor that and decide what the fee and citation schedule will be for that? I I really looked at this hard, we went to the ERB board, can I get a clarification about the ERB Board, is that GTC directive? Anybody know?

Jennifer Webster: I don't know? ERB Board? I don't know.

Nancy Barton: I could also couldn't understand why the ERB and Laura Manthe's program was separate from the other environmental board and I haven't gotten to the bottom of that one yet but that's on my list of things to do. It just doesn't seem right that things are separated. So that's one other issue. I am really opposed to this entire Tribal law amendment. I think we're opening a can of worms. It's inconsistent, you're asking for all kinds of laws and I'd like to know who's going to enforce this did Eric, Eric left, we talked about the at the ERB Board meeting that according to these laws, we have 2 conservation wardens and number of police officers and they don't even know these laws are coming. They haven't been reviewed with them so they're not even sure how they're going to enforce them.

Jennifer Webster: I believe Eric was from OPD, I believe Eric was from OPD

Nancy Barton: What? We went to the ERB Board meeting last week, or when was it, Tuesday, and there was no one from OPD or Conservation or any of those departments there too. But my mom's next.

Julie Barton: just another couple minutes of your time please. On the first page at 31 everything is given to the ERB Board. You're turning over all the control of our land use to the ERB Board from what I've read. Maybe some or maybe one of our attorneys can interpret it a different way. But nevertheless, I read that the ERB Board now or if this is passed, they will have all the authority over our land. The other part of it is we have a sportsman club out there, just as an example, what's happening and I guess I wasn't aware of it, my husband, my sons, a lot of my friends and relatives would participate in this sportsman club and it was an Oneida club and its no longer an Oneida club. There's one person I think he's like the I don't know what the title is, president or something, who's an Oneida but we had the tickets and we gave them to my son-in-law and his wife and my daughter and they said no Oneidas there any longer. And I heard that last year and the dwindling numbers so they have access to our lands and it's no longer a real strong Oneida group and it was, it protected the land, they protected the hunting laws and so forth. So I don't, I don't know how we're protected through this law by those entities like that. So if these things are being created to protect outside entities and they call themselves the Oneida Sportsman's Club, well I don't know if it is anymore but they have access to our land. So I am concerned about that and also when we're talking about enforcement, we're talking about the ERBs is going to do the enforcement but this is real unclear. We have a management team out there of people who are responsible for various entities of our land and they list them up here like on the 3rd they have Conservation, Police Department, Environmental Health and Safety and the list goes on. All of those people have a role in protecting our land use, public use. So but it just gives it all of the authority to the ERB Board so I guess I don't understand that either. So we're giving a lot of authority and power actually to one entity of the Tribe. And we have all of us need to have access and understanding about what our purposes are for. All of these entities listed here are important bodies to protect our land and the use of land. Thank you.

David P. Jordan: Thank you Julie. Chad do you have any comments? We're just taking comments. No debate.

Chad Wilson: Ok. (I'll move it away Candice). So for this particular amendment to the law, there were complaints that were listed law enforcement officers that there was no language with in the Public Use of Land law where they could enforce certain actives such as people bringing alcohol into natural areas, rec areas, dogs etc. So putting these, putting these this language into the law was to help put a put something in black and white that the law enforcement officers could use to enforce the law. The Public Use of Land law is primarily over the natural areas for the law and then ERB holds public hearings and puts those land designations in through the public hearing whether its Tribal member only, Community Access, those types of things. How land is used goes through Land Commission. There's a lutu process and they approve it and they decide is it commercial, residential, mixed use and if it happens to be a natural area then its governed by the Public Use of Land law.

David P. Jordan: Thank you.

Nancy Barton: I have a question, Chad do you know if the ERB Board is a General Tribal Council directive or how did they form? I don't know too much about them until I got this amendment so it's all new to me.

Chad Wilson: I actually don't know the inception of ERB and . . .

Nancy Barton: Do you remember how the ERB Board, so it must not be General Tribal if you don't remember right? It wouldn't be, it's not on your list.

Chad Wilson: I know that were formally known as the Conservation Board at one point in time.

Nancy Barton: Ok I just wanted that for clarification, thank you.

Chad Wilson: Ok.

Bradley Graham: It is a GTC formed body; it is a GTC formed body.

Nancy Barton: Oh ok

David P. Jordan: Well I'm going to close this out, if anyone wants to submit anymore comments to any one of these four topics, they can submit it by November 5th 4:30 p.m. Thank you.

From: Cathy L. Metcalf

Thursday, November 5, 2015

Public Hearing Deadline – LOC

To Whom It May Concern

Due to recent legislative proposals of the numerous changes taking place by way of the Legislative Operating Committee (hereafter LOC), that may include simple language usage such as the words, "shall," "must," and "may," I feel a general statement to cover all or 'most,' of the wording and or change of words are diligent and necessary to put a stop to the Legislative Operating Committee and it's staff is detrimental in protecting the safety, health and wellbeing of the services and laws to protect the people's simple basic human rights.

What I believe to be due to the appearance of, impropriety by way of, "abuse of Authority," and unethical behavior(s) by Council Member, Brandon L. Stevens.

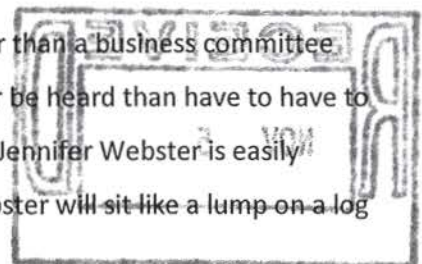
Brandon L. Stevens has a predictable trait. Arrogant, snotty, discriminating inequity, appears to think he can do whatever he wants, is biased, has a tendency to make faces, roll his eyes, make fun of things that are serious. As the time I asked LOC Chair, Brandon L. Stevens why are you changing the word "shall?" I stated, "is it because the young people don't understand what the word "shall," means?

LOC Chair Brandon L. Stevens, replied, "Basicly, YES." This type of response lacks leadership qualities and screams immaturity.

I believe due to Lack of professionalism by Council Members, Ron Tehassi Hill, Jennifer Webster, and Fawn Billy; there are personal agendas, personal favors and/or violation(s) of the people's rights as according to the constitution.

Ron Tehassi Hill is more apt to sit and roll back and forth in his chair as he has a nature of staring at the ceiling, rolling his eyes as people are talking as if to be bored and more times than not has a disposition of arrogance, holier than thou, consecrated better and above the ordinary person, untouchable and unreceptive ugly immature self-conscience.

Jennifer Webster obviously holds qualms whenever anyone speaks other than a business committee member. It has been obvious to me that Jennifer Webster would rather be heard than have to have to listen to anyone other than other business committee members speak. Jennifer Webster is easily irritated, foreboding and prefiguring. More times than not Jennifer Webster will sit like a lump on a log



and put her time just so she can continue to get paid for doing nothing in the best interest of the safety, health and wellbeing of the people.

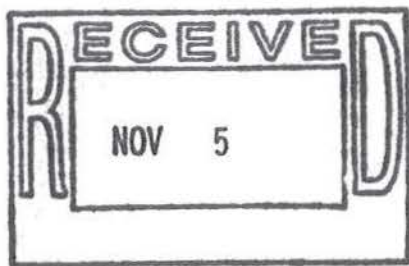
Fawn Billie is just another lump on the log, and spends more time on her laptop doing who knows what with whoever coaches her or is joking and laughing with her because she will laugh out loud out of the blue as if there's something funny when there's not. I can only imagine Fawn Billie is texting or emailing who knows who on what to say or do most of the time when she speaks she does not make sense.

Clearly immature, unprofessional, and inappropriate behavior by elected officials who do not understand or comprehend that they are servants to the people.

Some of those laws that appear to be targeted at taking services away from the people and/or punishing the people appear to being used to manipulated taking away changing language to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members :

1. Public Use of Tribal Land Law Amendments, needs to go to GTC
2. Removal Law, needs to go to GTC
3. Higher Education, needs to go to GTC
4. Community Support - being set-up to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members

End of Statement C.F.M.



DAM

I, Nancy Barton, hereby submit my written public comments regarding the following:

1. "Community Support" amendments. Upon reviewing these amendments it is apparent that those programs and entities who have budgets and inputs into these services have not completely or cooperatively worked together to insure that these services are not being duplicated.

Statistical information needs to be provided regarding each and every one of these services under the New Items not being covered, such as appliance repair & replacement is unclear. Exactly what appliances would you be repairing or replacing and to whom you would be replacing all 17,500 tribal members regardless of location and income?

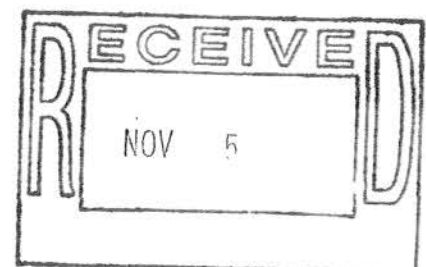
2. I was extremely saddened and disturbed that this fund will NOT be covering homeless lodging assistance. Again, historical statistical information needs to be provided from the Center for Self- Sufficiency regarding the number of people applying for lodging and assistance in fiscal 2015.

How could we as Oneida people turn our backs on the most vulnerable people? The homeless go hand-in-hand with a vast array of social problems including mental illness and unemployment. Although this is a complex and unaddressed issue, it exists within our nation. A tribal member was homeless and was found deceased behind Wal-Mart where many of our own tribal members along with other Native people congregate together as a homeless community. Do NOT ignore the homeless people, or deny them assistance for a warm place to sleep and something to eat. .

3. Department of Corrections – Re-entry

When you come out of incarceration, whether a man or a woman, the least we could do is to be able to offer those people who have already been punished a way to start over and let them know we are going to hold them up while they rebuild their lives and hope they don't go back.

4. INPATIENT Treatment – is an item that is going to be added to the New Items covered. Again, you are talking about Contract Health because Debbie Danforth get Indian Health Services money, they decide where that money is allocated. There SOP only covers 28 days of in-patient treatment. These specific things that changed were directly related to one individual's specific request, not the most amount of people.



5. Home Renovations Required for Handicap Accessibility – Why isn't this being covered in Elderly Services.

6. FMLA Wage Replacement – Non-Emergency Maternity

Social Security Disability Determination Rent and Utility Assistance –

The only people who can get help with rent and utilities are people who are pending Disability Determination and you cannot do that. That is discriminating against poor tribal people.

Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this?

Taking out of the "Community Support Fund" How can you justify denying tribal members food and personal care items such as shampoo and kotex? Stabilization Rent Assistance is also being cut out so if you come in with an Eviction Notice or utilities disconnection will get you kicked out of housing tomorrow. What you are creating is a homeless population of our most vulnerable people including single parents.

Instead of health insurance the fund may be used to cover Cobra Insurance payments and that is a change. I don't know what COBRA is and I don't know how I feel about this.

The former Director of the Center for Self-Sufficiency before she retired, she left a legacy that prevented the people who need the funds the most almost unable to access tribal funds due to a hateful disposition.

7. Public Use of Land Amendments – these proposed amendments need to come before General Tribal Council in their totality to be approved because they were created by the Environmental Resource Board (ERB) which was created by General Tribal Council. End of story!!

The Removal Law Amendments – Those need to come in their totality to General Tribal Council as submitted by the Trust & Enrollment Department at their semi-annual report, which they refused and have not done in several year but are required by the Memorandum of Agreement between the Trust Department and the Business Committee. Why are you hiding – we can add, subtract and read.

The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless' petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.



Legislative Operating Committee

November 18, 2015

Severance Law Emergency

Submission Date: October 21, 2015

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *This is a new law which provides a process for the Tribe's offering of severance agreements to employees when it is determined that the financial conditions of the Tribe warrant a need to reduce the workforce.*

10/21/15 LOC: Motion by David P. Jordan to add the Severance Law to the active files list and that this item be processed as an emergency; seconded by Fawn Billie. Motion carried unanimously.

Note: Fawn Billie will be the sponsor

Next Steps:

- Review and consider the memo from the sponsor requesting the emergency basis be removed and that the item be reclassified as one of the LOC's priority items. Also, review the draft of the Severance Law and send for the required analyses.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

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



Committee Members

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

Memorandum

To: Legislative Operating Committee
From: Fawn Billie, Councilwoman *FB*
Date: November 18, 2015
Re: Reconsideration of the Emergency Basis of the Severance Law

On October 14, 2015, a request to develop a Severance Law on an Emergency basis was submitted to the Legislative Operating Committee (LOC) on behalf of the Treasurer's office. On October 21, 2015, the LOC added the Severance Law to the active files list on an emergency basis, with myself as the sponsor. Pursuant to the Legislative Procedures Act (LPA), when an item is adopted based on an emergency, the legislation is not subject to a public meeting and is only effective for a period of six (6) months, provided that the effective period may be extended for another six (6) months at most.

While I understand and support the importance of developing this Law so that severance is an available tool of the Tribe as an employer, today I respectfully request that the LOC reconsider the emergency basis of this Law. Rather, than developing this Law on an emergency basis, I recommend that the LOC allow me to continue developing this Law under the LPA's normal procedures as a priority item.

After reviewing the law and having met with the Chief Financial Officer and his staff, the Treasurer and her staff, and the Legislative Reference Office I believe that there are numerous justifications for reconsidering the development of this Law on an emergency basis. First, severance has a long history with the Tribe and, given that history, I strongly advocate for using the LPA's regular procedures so that this Severance Law can be fully vetted. Secondly, given the impact that a severance offering would have on the Tribe's employees, I think it is important to conduct a public meeting regarding this law. Thirdly, I do not believe that passing this Law without a public meeting is essential to immediately preserve the "public health, safety, or general welfare of the reservation population" as required by the Legislative Procedures Act, mostly because, even if this was adopted on an emergency basis, it would not be used immediately; we do have time to follow the LPA's standard procedures. Lastly, given the importance of this Law and Tribe's severance history, I think pursuing the Law as permanent law rather than an emergency is the best strategic decision for the LOC because it would not subject this Law to review twice.

I have discussed changing the status of this item on the active files list from emergency to priority with the Treasurer and she is in support of the status change. Further, as evidence of my dedication to developing this Law as a priority item, along with this request for a status change, I

am also presenting the LOC with my office's draft of the Severance Law for review and to be sent for the required analyses.

Requested Action

Motion to change the status of the Severance Law on the active files list from Emergency to priority and to accept the draft of the Severance Law and forward for the required analyses.

Draft 3
2015 11 18

Chapter 397 SEVERANCE LAW

397.1. Purpose and Policy
397.2. Adoption, Amendment, Repeal
397.3. Definitions
397.4. Severance

397.5. Chief Financial Officer Responsibilities
397.6. Executive Managers Responsibilities
397.7. Human Resources Department Responsibilities
397.8. Severance Agreement

1 **397.1. Purpose and Policy**

2 397.1-1. *Purpose.* The purpose of this Law is to create a process for assessing the financial
3 condition of the Tribe for purpose of determining whether offering Severance Payments to
4 reduce labor costs is in the Tribe's best interest and further to provide the requirements for the
5 Tribe's offering of Severance Payments to Employees.

6 397.1-2. *Policy.* It is the policy of the Tribe to maximize the use of Tribal resources by offering
7 severance benefits to eligible employees in order to lower the costs of labor.
8

9 **397.2. Adoption, Amendment, Repeal**

10 397.2-1. This Law was adopted by the Oneida Business Committee by resolution BC #_____.

11 397.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to
12 the procedures set out in the Legislative Procedures Act.

13 397.2-3. Should a provision of this Law or the application thereof to any person or
14 circumstances be held as invalid, such invalidity does not affect other provisions of this Law
15 which are considered to have legal force without the invalid portions.

16 397.2-4. In the event of a conflict between a provision of this Law and a provision of another
17 law, the provisions of this Law control, provided that this Law repeals Resolution BC-09-14-94-
18 B (Prohibiting Severance Pay).

19 397.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians
20 of Wisconsin.
21

22 **397.3. Definitions**

23 397.3-1. This section governs the definitions of words and phrases used within this Law. All
24 words not defined herein are to be used in their ordinary and everyday sense.

25 (a) "At-Will Employee" means employees of the Tribe that are not hired through the
26 standard hiring procedures, including, but not limited to, Political Appointees, part-time,
27 seasonal, and volunteer workers, and Employees that have not yet completed their
28 probationary period as may be required by the Tribe.

29 (b) "Employee" means any individual who is hired by the Tribe through the normal
30 hiring process, works full-time (30 or more hours per week) or part-time (less than 30
31 hours per week) and is subject to the direction and control of the Tribe with respect to the
32 material details of the work performed. "Employee" includes, but is not limited to,
33 individuals employed by any Entity and individuals employed through an employment
34 contract as a limited-term employee, but does not include elected or appointed officials,
35 At-Will Employees or individuals employed by a Tribally chartered corporation..

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(c) "Entity" means any division of the Tribe having Employees and may include, but is not limited to, departments, areas, programs, enterprises, board, committees, commissions and the like.

(d) "Executive Manager" means someone employed by the Tribe that direct reports to the Oneida Business Committee as defined in resolution BC-10-22-14.

(e) "Resign" or "Resignation" means to give formal notification to an employer that the employee gives up his or her position within the Tribe

(f) "Severance Agreement" means an agreement between the Tribe and an Employee in which the Tribe agrees to pay a sum of money in exchange for the Employee's resignation.

(g) "Severance Payment" means the sum of money paid by the Tribe in exchange for an Employee's resignation.

(h) "Tribe" or "Tribal" means the Oneida Tribe of Indians of Wisconsin.

397.4. Declaring a Severance Period

397.4-1. Should the Chief Financial Officer, at any time, determine based on an assessment of the Tribe's financial condition that it is in the Tribe's best interest to offer Employees Severance Agreements to reduce the Tribe's labor costs, he or she shall provide the said determination to the Oneida Business Committee.

397.4-2. If, based on the Chief Financial Officer's determination, the Oneida Business Committee finds offering Employees Severance Agreements to be in Tribe's best interest, it shall adopt a resolution declaring a severance period. The resolution must:

(a) Set beginning and end dates for the severance period;

(b) Provide a range of acceptable Severance Payments;

(1) The Oneida Business Committee shall work with the Chief Financial Officer in providing the range of acceptable Severance Payments.

(c) Direct each Entity to work with the Human Resources Department to develop a strategic severance plan, which should include all items on the checklist developed by the Human Resources Department; and

(d) Require that the Severance Payment be assigned to work weeks rather than be issued as a lump sum payment.

397.5. Severance Eligibility

397.5-1. *Eligibility.* An Employee, excluding At-Will Employees, is eligible for a Severance Agreement if the Employee has not previously accepted a Severance Payment from the Tribe and the Employee either:

(a) Is full-time status, meaning the Employee works an average of at least thirty (30) hours per week; or

(b) Was terminated and is either actively seeking an appeal of the termination or, based on the appeal process, successfully had his or her termination overturned prior to the ending date of the severance period.

397.5-2. An Employee interested in entering into a Severance Agreement shall submit a request to the Human Resources Department which must contain the following:

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- (a) A severance application, which is available with the Human Resources Department;
- (b) The notice the Employee received under Section 397.5-1(a) confirming his or her eligibility to enter into a Severance Agreement; and
- (c) A resignation letter, which may only be considered effective if the Employee and Tribe in fact enter into a Severance Agreement.

397.6. Human Resources Department Responsibilities

397.6-1. When the Oneida Business Committee declares a severance period under Section 397.4-3, the Human Resources Department shall:

- (a) Inform all eligible Employees that a severance period has been declared and identify the beginning and end dates of the said period;

- (1) Notice of a severance period may not be provided to Employees until the Oneida Business Committee has approved the strategic severance plan required under Section 397.4-2(c).

- (b) Receive Employee's severance requests;

- (c) Forward all eligible Employees' severance requests and relevant severance information up the chain of command starting with the Employee's supervisor and ending with the Employee's Executive Manager;

- (1) For the purposes of this Section, relevant resignation information includes the Employee's:

- (A) name;

- (B) position and/or title;

- (C) average hours worked per week;

- (D) average hours worked per year; and

- (E) enrollment status in the Tribe's medical insurance plan.

- (d) Request and file the Executive Manager's decision to either approve or deny an Employee's severance application and resignation;

- (e) Notify the Employee of the Executive Manager's decision;

- (f) Require all Employees under the age of sixty-five (65) to undergo financial counseling offered by the Human Resources Department; and

- (g) In the event an Employee who entered into a Severance Agreement applies for unemployment benefits, contest the award of said benefits as the Employee waived all rights to collecting unemployment benefits in the Severance Agreement.

397.7. Executive Managers' Responsibilities

397.7-1. Executive Managers shall approve or deny Employees' severance requests. The Executive Manager may approve the severance request if any of the following conditions apply to the position that would be vacated by the requested severance:

- (a) It may be eliminated;

- (b) It may not be not eliminated, but the Executive Manager is able to demonstrate that the severance will result in a savings to the Tribe; and/or

- (c) It can be restructured into more than one (1) currently existing position.

397.7-2. The Executive Manager shall determine which Employee(s) may receive a Severance Agreement in the event multiple Employees within the same Entity submit a severance request.

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397.7-3. Upon approval of a severance request and the effective date of the resulting Severance Agreement, the Executive Manager shall take action to realize the conditions the severance request approval was based on under Section 397.7-1.

(a) The Human Resources Department shall ensure that eliminated and/or combined positions are not reinstated by the Entity, both based on the position's title and the position's job duties, for a period of five (5) years from the close of the severance period.

397.7-4. The Human Resources Department shall assume the responsibilities of the Executive Manager when an Employee working for an Entity without an Executive Manager submits a severance request.

397.6-5. The Executive Manager's or Human Resource Department's decision regarding all severance requests is final and may not be subject to appeal.

397.8. Severance Agreement

397.8-1. The Human Resources Department shall develop a Severance Agreement template, which must be approved by the Oneida Law Office. The Severance Agreement must:

(a) State that the agreement is entered into as a result of the Employee's voluntary resignation; that the severance was initiated by the Employee via his or her severance request submitted to the Human Resources Department; and that the Employee was not and is not in danger of losing his or her job in the event he or she did not apply for the severance;

(b) Provide that because the Severance Agreement was entered into based on the Employee's voluntary resignation, the Employee waives all rights to collect unemployment benefits;

(c) Identify how and when the Tribe shall make the Severance Payment;

(d) Release the Tribe from liability for existing claims;

(e) Specify that the Tribe shall pay the Employee for any unused paid time off and provide the timeline for said payment;

(f) Provide the effective date of the agreement;

(g) Provide that the Employee entering into the Severance Agreement is not eligible for re-employment with the Tribe for a period of three (3) years following the effective date of the agreement and that should he or she become re-employed with the Tribe at a later date his or her years of service will begin counting from zero (0) as of his or her re-hire date; and

(h) Provide that upon the effective date of the Severance Agreement, the Employee is not eligible for any future Severance Payments should he or she chose to reassume employment with the Tribe.

397.8-2. The Human Resource Department shall draft and forward Severance Agreements, using the template approved by the Oneida Law Office, to each Employee whose severance request was approved as required under this Law.

397.8-3. The Employee shall review the Severance Agreement and shall notify the Human Resources Department of whether he or she accepts or denies the Severance Agreement within twenty-one (21) business days from his or her receipt of the same.

(a) Employees accepting the Severance Agreement shall do so by signing the said

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165 agreement and returning it to the Human Resources Department to be signed by the
166 Tribe.

167 (b) The Tribe's severance offer expires if the Severance Agreement is not accepted
168 within the required timeframe. In such cases, the Employee shall remain employed by
169 the Tribe.

170 397.8-4. The effective date of the Severance Agreement must be the Employee's last day of
171 employment with the Tribe.

172
173
174
175 *End.*
176



Legislative Operating Committee

November 18, 2015

Community Support Fund

Policy Amendments

Submission Date: 6/25/15

☒ Public Meeting: 10/29/15

☐ Emergency Enacted:

LOC Sponsor: David P. Jordan

Summary: *This item was brought forward to add language found in BC Resolution 12-11-13-D into the policy to clarify that someone who receives assistance from the Fund program does not have to cost share if they are at or below the federal Poverty Guidelines.*

- 7/1/15 LOC:** Motion by David P. Jordan to add the Community Support Fund Policy Amendments to the active files list; seconded by Tehassi Hill. Motion carried unanimously.
- 7/22/15 OBC:** Direct LOC to make requested changes to the Community Support Fund. Item deferred to the next regular Business Committee meeting.
- 8/12/15 OBC:** Direct LOC to make requested changes to the Community Support Fund. Item sent to a Business Committee special meeting agenda at the adjournment of the meeting.
- 8/17/15 OBC:** Direct LOC to make requested changes to the Community Support Fund. Motion by Jennifer Webster to direct the requested changes to the Community Support Fund Policy to the Legislative Operating Committee and for proposed changes due back to the September 23, 2015 regular Business Committee meeting, seconded by David Jordan. Motion carried with one opposed and one abstention.
- 9/2/15 LOC:** Motion by Jennifer Webster to forward the current draft of the Community Support Fund (Policy) for the required analyses; seconded by Fawn Billie. Motion carried unanimously.
- 9/16/15 LOC:** Motion by David P. Jordan to accept the update on the Community Support Fund Policy Amendments and forward to the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.
- 9/23/15 OBC:** Motion by David Jordan to accept the update from the Legislative Operating Committee regarding the status of the Community Support Fund amendments, seconded by Brandon Stevens. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the Community Support Fund Policy Amendments to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** Public Meeting held.

Next Steps:

- Accept the public meeting comments and defer review to a work meeting to be held on November 23, 2015.

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

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Memorandum

TO: Legislative Operating Committee
FROM: Douglass A. McIntyre, Staff Attorney
DATE: November 18, 2015
RE: Community Support Fund Policy Amendments: Public Meeting Comment Review

On October 29, 2015, a public meeting was held regarding amendments to the Community Support Fund Policy. These amendments would:

- Clarify that the Fund is a fund of last resort;
- Now require an applicant to provide additional information including sufficient documentation of:
 - enrollment in the Tribe
 - household income for a period of thirty (30) days prior to the application
 - status of employment;
- Remove the cost share feature from the Fund;
- Add new items to the listed items covered by the Fund including Utility Disconnections, Inpatient Treatment, Fire recovery/natural disaster assistance, Home renovations required for handicap accessibility, Family Medical Leave Act Wage Replacement, Social Security Disability Determination rent/utility assistance;
- Add new items to the listed items not covered by the Fund including Appliance Repair/Replacement, Homeless lodging assistance, Stabilization rent assistance, Department of Correction re-entry assistance, Health membership fees, Food and personal care items;
- Only all enrolled members or individuals acting on behalf of enrolled members to seek assistance from the Fund.

This memorandum is submitted as a review of the comments received during the public meeting process, and written comments received before the comment period ended on November 5, 2015. The public meeting draft with comments, as well as the transcripts and written comments received, have been attached for your review.

Comments 1 & 2. General Statements on the Fund.

Comment 1.

Nancy Barton: The other part that I wanted to talk about is I think we have, we're very fortunate, we're lucky, this form, this fund was set up a long time ago because people were coming to the Business Committee with certain issues. They had medical issues, they had family issues, emergency issues and there was no fund and so it was created by the Business

Committee because they didn't want to keep hearing the request. A certain fund was established and was sent over to Center of Self-Efficiency. And it is a good thing and I think it should remain but I think that it needs a lot of work. I said two and a half, three years ago, when this policy came forward the last time, the original policy was in effect for many many years. And it worked. And then one person can come in and decide on any given day that they want to take a law and amend it and it can be crucial to Tribal members because based on that person's own personal views, they can chose to hinder and punish people that are eligible for programs. And so I felt like, and I brought it up to the LOC the last time but they didn't want to listen and so here we are and to me I feel like this whole issues here; bring it back, the first time when it got changed that it just a big waste of time and money when we do things like this. So I asked that last time it got changed to wait, stop can't see you what's going on here and it went forward. So I feel like it's a big long standing issue, we're going three and a half years now this is the second time it's been brought back and unfortunately because you can read through the lines. Ok.

Comment 2.

Cathy L. Metoxen-written: Community Support – being set-up to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members.

Response

The commenters give general statements on the Policy. There are no recommended changes based on this comment.

Comment 3. Prior Resolutions.

Bradley Graham: Ok, where you got line 144, no go under Article 2, sorry about that, I'm going by their, I didn't have the redline, blueline version right away so you'll have to give me a little time. I should have had all the BC amendments and added in with this, there's a 10/13 or whatever was missing.

Response

The commenter correctly points out that a resolution is missing from the draft. Section 2-1 should be amended to read:

2-1. This Policy is adopted by the Oneida Business Committee by resolution ~~#BC-5-15-96-A~~, **amended by resolution** ~~#BC-01-08-97-G~~, BC-12-1-13-D and amended by resolution #BC-_____.

Comments 4, 5, 6, 8, 9 & 10. Definitions.

Comment 4. Bradley Graham: Ok and them under definitions, Business Days you have as recognized holiday the official calendar of the Tribe. What is that? Where is it? If you do have an official calendar, and what you're going by other than a regular calendar, you should print it out in the paper so everyone knows what's going on. Cause otherwise if you go business days Monday through Friday, you know what do you consider official holidays so that should be something.

Comment 5. Bradley Graham-written: For 3-1(b), not everyone knows the tribe's holidays.

Economic Support should send out a list of days, post an article in the newspaper or include with the benefits book that should be send out.

(b) “Business days” ~~shall mean~~ means Monday through Friday ~~8:00 a.m. to 4:30 p.m.,~~ except ~~for those days~~ recognized as holidays ~~as listed~~ on the official calendar of the Tribe.

Response.

The Secretary’s Office, the Tribal website and various postings around the Tribe list the Tribal holidays. Suggested change to:

“Business day” means Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding Tribal holidays.

Comment 6. Bradley Graham: Case Manager, Employee is it just one case manager or is there more? And that would be under 174. I’d like that defined, you know how many there is.

Jennifer Webster: We can just add an “s” to that. . . we can just add an “s” to that in case there’s more than one.

(c) “Case Manager” ~~shall mean the~~ means a employee of the Social Economic Support Services Area responsible for administering Community Support Services Fund benefits ~~according to the established guidelines set forth below.~~

Response.

Generally a definition is used in the singular. Speaking to the Department operating the CSFP, there is only one case worker within the program. However, it is not recommended that this number be included in the law as it will likely be subject to change. There are no recommended changes based on this comment.

Comment 7. Cost Share Provision.

Bradley Graham-written: Cost share should be completely removed or those under the federal poverty guidelines should be exempt from the responsibility of cost sharing.

(f) ~~“Cost share” shall mean the request to have the applicant agree to contribute to the cost of the assistance given.~~

Response.

The comment dates back prior to cost share being removed from the draft. There are no recommended changes based on the comment.

Comment 8. Bradley Graham: Huh, and then on under line 198, is this Community Support or Economic? Because if you look back farther into it, it does have the next page 7 of 11 under Article 4 has does have Economic Support Services. So is this being changed from Community Support to Economic.

David P. Jordan: It says Community Support on the 198 that I’m looking at.

(h) “Fund” ~~shall mean~~ means the Community Support Services Fund ~~as originally established under # BC 5-15-96-A.~~

Response.

The new language is not needed as the original resolution is cited in Section 2-1 and at the very end of the Policy. Since it adds confusion it is recommended that the additional language be deleted. Additionally, the Fund should refer to the “Community Support Fund” as the fund is currently now know.

Comment 9. Melinda Danforth-written: I see the Community Support Fund policy is on the agenda. I would request the LOC look at the definition of family and who qualifies for funeral travel. Our family recently traveled to Montana for the loss of our niece, and while we were able to pay for our travels as a family, many tribal members cannot afford to do so. The only persons eligible are if the person who passed away was the mother, father, grandparents or siblings (immediate family) of the person requesting support. I find this conflicting culturally with our definition of family/extended family. Yaw^ko for taking this in to consideration.

(i) “Immediate family” ~~shall mean~~ means that group of persons who make up a family unit normally defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and grandchildren, and/or a person who has Legal responsibility for a member of their immediate family.

Response.

The commenter requests an expanded definition for “immediate family”. This is a Policy decision for the LOC.

Comment 10. Bradley Graham: Huh? Ok and then in the version now, page 6 of 11, 214 I’d like to see that kept in, the definition of the Reservation lands and waters. It’s in other policies too so I’d like to see it kept in this one.

(n) ~~“Reservation” shall mean all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.~~

Response.

The commenter requests that the term “Reservation” not be removed from the Policy. However, the term was removed from the definition section because it is not used anywhere in the body of policy. In the event that Reservation becomes part of the policy, the definition would be added. There are no recommended changes based on this comment.

Comment 11. Operators of the Fund.

Douglass McIntyre: I can briefly answer that. So as the fund is currently written it was under the Social Services and then it was switched to the Economic Support Services so that is the department that is currently running it. Actually that was the department that was currently

running it when Brad put in the request. I believe they have now switched it over to the Self-Sufficiency, Self-Sufficiency, I'm not sure what that department is called.

Jennifer Webster: Center for Self-Sufficiency.

Douglass McIntyre: Yes, I believe it is under that, certainly we'll get the whatever department it's under correct in there. I was going to make the change in this draft but I didn't want to sort of throw a curve ball out there confuse everybody and then have 20 people ask what's happening.

Jennifer Webster: And make the changes again, ok

Bradley Graham: Alright then let's get that changed and done right.

Jennifer Webster: That's what he's going to do. That's what he's going to do

Response.

The Community Support Fund is currently managed by the Economic Support Department which is under the umbrella of the Center for Self-Sufficiency which is under the umbrella of the Social Services Department. It is recommended that general terms be used to replace specific departments, such as "~~Social Service~~**Economic Support Services**". This would allow flexibility of management of the Fund without requiring the Policy to be changed. Suggested changes would be:

4-1. The Social Services Area of the Governmental Services Division shall ~~create and administer~~**be responsible for administration of the Fund, but may delegate the operation of the Fund to a Department within its control.**

Comment 12. Creation of the Fund

Bradley Graham: if you go under line 228 where it say the Governmental Service Division shall create, I'd like that "shall create" taken out and have them make suggestions. I don't think anybody under any of these policies shall have the right to create. And that goes for all the parts that are in here.

4-1. The ~~Social~~**Economic Support** Services Area of the Governmental Services Division shall create and administer the Fund

Response.

The commenter suggests that "create" be removed. This can be done without any effect to the Policy.

Comment 13 & 14. Reporting.

Comment 13. Bradley Graham: It's down a little further in there. Line 235, I'd like that changed to quarterly reports and annual and semiannual reports. For the under the 235 (b).

Comment 14. Bradley Graham-written: In 4-1(b) reporting should be quarterly.

(b) The Governmental Services Division Director shall report semi-annually to the Oneida Business Committee.

Response.

The commenter suggests that the reporting process be changed from the current semi-annual report found in 4-1(b) to quarterly reporting. This is a policy decision for the LOC.

Comment 15. Transparency.

Ed Delgado: In the last request as I mentioned before, transparency this is Tribal money. And I think the Tribal members deserve some measure of transparency. Now recently we had a Tribal elder who received \$5000 for implants whereas the average Tribal member would never get that. But this was a Tribal member who voluntarily told everyone because she thought that is wrong that she should get it, she could afford it but she got it anyway. But how many Tribal members in the past have gotten \$5000 worth of implants for their teeth? How many times it just seems like if you have transparency, transparency isn't there to for people to look in there and try to ridicule people that might need help. Transparency is there to identify those who might be abusing the system and not being held accountable for it. There are people who use abuse the system and they can do it more easily if they are able to hide under a veil of secrecy. Again that's Tribal money and the Tribe Tribal members should know how it's being spent, whose receiving it, if someone should wanna look that up. No normal person is going to publish that kind of stuff if it's fair and square, but it deserves to publish if someone or some people are abusing the system over and over again or some people might make a \$100,000 a year and you're getting rent assistance or utility assistance or food assistance. You might want to look into that too. Transparency in most places, governments provide for transparency. When people use our Government money. Yaw^ko.

Response

The commenter expresses a general concern for transparency concerning favoritism and income qualifications. There are no specific recommends for changes in the comment.

Comment 16. Benefits Book.

Bradley Graham-written: Is 4-1(c) going to take the form of the benefits book?

(c) The SocialEconomic Support Services area shall ensure that the Tribal membership is informed of what assistance is available through the Fund, how to apply for assistance, and specify who is eligible for assistance.

Response.

This law concerns the Community Support Fund Policy and not the broader benefits available to the membership. There are no changes to the Policy recommended from this comment.

Comments 17, 18 & 19. Fund of last resort.

Comment 17. Ed Delgado: I really don't know how much the Community Support fund is. My guess is \$500,000. I may be well off but I have heard a couple times you know that the Tribe can't be everything to everybody. It's a limited amount, we do have a lot of extreme poverty on this Reservation. I mean even on Site I there are some kids who go to one of the elders down

there and tell her that they're hungry and she cooks them meals. There's two or three kids like that. So there is extreme poverty on this Reservation. I think the housing presentation that General Tribal Council, that was given to GTC at one of the meetings, I think maybe the last meeting showed that in the Hobart side of the Oneida Reservation we are only about half, the average incomes in only about half of the non-Indian population of that area. So poverty still exists. There are a couple of items in here that could possibly be very expensive.

Comment 18. Nancy Barton: Ok so I guess that's where I'll start. On number 36 new items added to the list and we talked about this yesterday at the Business Committee meeting that someone should be here from Contract Health or from the Health Center. Those people that receive Indian health service dollars because my understanding and investigating these services or these items is that community support is a fund of last resort. We should not be using this money unless there are no other resources that exist. And so under Indian health service my understanding is the money comes to the Tribe and the Tribe can then decide how that money is to be spent. So hearing aids is one issue that I think the that Health Center needs to come forward with with what is their policy what is there funding line and so that that can be clarified.

Comment 19. Bradley Graham-written: In section 4-4, the fund should not be a "fund of last resort".

4-4. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available.

Response.

The commenters have mixed remarks on the issue of the Fund being a "fund of last resort". For Fiscal Year 2016, the Fund will have a budget of approximately \$380,500. Any changes based on these comments are a policy decision for the LOC.

Comment 20. Other Financial Assistance Available.

Bradley Graham-written: 4-4 what type of proof is needed should be listed.

4-4. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available.

Response.

A more specific description is provided in 8-2:

~~(b) No assistance shall be provided without~~(b) sufficient documentation that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies.

It is a policy decision if the LOC wishes to list more specific examples of documentation or leave to the discretion of the Fund operators. However, any changes should be made to Section 8-2.

Comment 21. Suggested Items to be Covered by the Fund.

Bradley Graham-written: Add in “All Tribal members who are on a fixed income or no income, who are below Federal and State Poverty Guidelines, shall have their bills paid.”

Response.

According to the June 23, 2015 enrollment statistics from the Enrollment Department, there are approximately 17,059 total members with approximately 25% (or 4,187 members) being baby boomers. It is unknown how many members are on fixed or no income. Any changes based on this comment are a policy decision for LOC.

Comment 22. General Comment Items Covered by Fund.

Nancy Barton-written: Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this? Taking out of the "Community Support Fund" How can you justify denying tribal members food and personal care items such as shampoo and kotex? Stabilization Rent Assistance is also being cut out so if you come in with an Eviction Notice or utilities disconnection will get you kicked out of housing tomorrow. What you are creating is a homeless population of our most vulnerable people including single parents.

Response.

The comment is a general comment on what is included and excluded in the policy. There have not been any financial analyses done on any of the items covered by the Fund to determine what is or isn't covered. Any changes based on this comment are a policy decisions best left to the LOC.

Comment 23 & 24. COBRA Payments.

Comment 23. Bradley Graham-written: 6-1(a) should include all health insurance that is not paid for by healthcare provider (Medicare, Medicaid, etc.) and not just COBRA payments.

Comment 24. Nancy Barton-written: Instead of health insurance the fund may be used to cover Cobra Insurance payments and that is a change. I don't know what COBRA is and I don't know how I feel about this.

6-1 (a) Health insurance, including COBRA Insurance Payments

Response.

COBRA (Consolidated Omnibus Budget Reconciliation Act) is a type of insurance that covers an individual or their family for a limited period of time after the individual is terminated or loses coverage because of reduced work hours. One of the commenters requests that all health insurance not paid by the healthcare provider be covered by the fund. Any changes based on the comment are policy decisions best left to the LOC.

Comment 25 & 26. Medical Equipment.

Comment 25. Nancy Barton: The next one over is rental of medical equipment and again, we're talking about the Health Center. There are resources available, there's a vast amount of resources in Brown and Outagamie County regarding medical equipment. And so adding this to

here to me looks like someone didn't do their homework and that needs to be further looked into too. There's an options program that is located on the campus of NWTC and you can go there anytime and borrow any kind of medical equipment that you need and when you're done with it you bring it back and I'm pretty sure they're nonprofit. But also this a Health Center related issue that needs to be looked over at them. The other thing that I wanted to note was, you know I'm aware of some of these policies that were created and designed specialized for the certain people at a certain time.

Comment 26. Bradley Graham: Nancy covered that medical equipment.

6-1 ~~(d) Rental of medical equipment~~
 (d) Medical-related equipment, supplies, or furniture, but must use rental equipment, supplies, or furniture when available

Response.

The commenters express concerns over having the current 6-1(d) or the suggested change for 6-1(d) in the Policy citing several available options local to the Brown/Outagamie area. The language in Section 4-4 makes this a "fund of last resort" which would indicate that other options (such as the ones cited) should be explored. Additionally, the Policy does not specifically limit this provision to those living in the Brown/Outagamie county area. Any changes are policy decisions best left to the LOC.

Comment 27, 28, 29. In-Patient Treatment

Comment 27 Nancy Barton: The other thing that I wanted to talk about on here and it's not on here, oh yes it is. Ok is the inpatient treatment and there's no one here from Behavioral Health or the Health Center and we talked about this yesterday was further defining that Indian health service is, yes David

David P. Jordan: We're just here to take comments, there's nobody here to hear any of this other than for the LOC to take the comments down and for us to consider the changes.

Nancy Barton: Ok so inpatient treatment I guess needs to further identified because also those funding sources come from Indian health services which our Tribe has put timelines or policies on the amount of time that a person can go to treatment. Which means either 10 days or it used to be 38 days, 30 days now it's only 28. So when you open the door to inpatient treatment, that is saying that a person could, if they chose to, go to a treatment facility and voluntarily select to stay there for 3 to 6 months or a year if they wanted too. So we have to I guess be careful with the funding line regarding inpatient treatment.

Comment 28. Nancy Barton-written: Pg 8 of 11, line 303 (h) inpatient treatment with a limit of once per lifetime. This is very unclear as contract health has policies that need to be looked at.

Comment 29. Nancy Barton-written: 4. INPATIENT Treatment- is an item that is going to be added to the New Items covered. Again, you are talking about Contract Health because Debbie Danforth get Indian Health Services money, they decide where that money is allocated. There SOP only covers 28 days of in-patient treatment. These specific things that changed were directly related to one individual's specific request, not the most amount of people

6-1 (h) Inpatient Treatment (with a limit of once per lifetime)

Response.

The commenter expresses concern with the inclusion of inpatient treatment due to the vagueness of the wording and concerns of the costs of long stays. Any changes based on the comments are policy decisions for the LOC.

Comment 30. Home Renovation for Handicap Accessibility

Nancy Barton-written: 5. Home Renovations Required for Handicap Accessibility-Why isn't this being covered in Elderly Services.

6-1 (j) Home renovations required for handicap accessibility (if written authorization from the landlord)

Response.

The commenter expresses concern with the suggested addition in (j). Speaking with Elderly Services, this is something that would not be covered by any of the Departments current programs. Additionally, Elderly Services are generally limited to the Reservation, which 6-1(j) is not in the Policy. Any changes are policy decisions best left to the LOC.

Comment 31 & 32. Family Medical Leave Act

Comment 31 Nancy Barton: The other thing that I wanted to talk about was the Family Medical Leave Act wage replacement that that specifically be identified as a catastrophic event or illness. That that cannot be used for maternity leave because it currently covers maternity leave but that is not considered a catastrophic or an emergency unless and I understand the case by case basis but you have be careful when you open the door when you say Family Medical Leave Acts so that needs to be further investigated.

Comment 32. Nancy Barton-written: 6. FMLA Wage Replacement- Non-Emergency Maternity

6-1 (k) Family Medical Leave Act Wage Replacement

Response.

It appears that the commenter expresses concern about including the Family Medical Leave Act because it covers maternity leave and the language could “open the door.” Any changes based on the comment are a policy decisions best left to the LOC.

Comment 33 & 34. Social Security Disability Determination Rent and Utility Assistance.

Comment 33. Ed Degado: One of them is social security disability determination, rent and utilities assistance with a maximum of 12 months. Now that could be a \$12,000 expense to the Community Support thing. I could see a very easily if I was a about five years younger and try to apply for disability or didn't have social security. That would be a good way to make some money or get my rent paid. Apply for disability and wait for a determination. Sometimes it does take a year sometimes it takes longer, sometimes maybe 3 or 4 months. But it could make a good way to make some to make some decent money or assistance while even knowing that you

probably won't qualify. So I think it needs to be clarified a little bit.

Comment 34. Nancy Barton-written: Social Security Disability Determination Rent and Utility Assistance - The only people who can get help with rent and utilities are people who are pending Disability Determination and you cannot do that. That is discriminating against poor tribal people.

6-1 **(l) Social Security Disability Determination rent/utility assistance (with a maximum of twelve (12) months per lifetime)**

Response.

One commenter asks for clarification on the provision citing the potential expense. The other commenter requests that this not be included but broader rent and utility assistance for the poor be provided. Any changes are policy decisions for the LOC.

Comment 35 & 22. Hearing Aids.

Comment 35. Nancy Barton: And so this one I have Doug, I'm not sure if this is the most updated because the one that I had in the new items to the list it did have hearing aids and this one doesn't.

Douglass McIntyre: I'm not sure why, yeah hearing aids should be included in the. . .

Nancy Barton: It should be

Douglass McIntyre: Yes

Comment 22 (partial comment, the full comment is above). Nancy Barton-written: Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this?

6-1 **(m) Purchase of hearing aids**

Response.

The commenter questions why hearing aids should be included. Any changes are policy decisions best left to the LOC.

Comment 36, 37, 38. Funeral Travel.

Comment 36. Nancy Barton: And one of them that I wanted to talk about is the emergency travel regarding funerals. And we talked about this on many occasions, had many meetings, tried to find the right entity to take care of it. And we know that emergencies that don't happen between 8 and 4:30 Monday through Friday, there are night and weekend situations and nobody wanted to take it. Enrollments didn't want to take it, Center for Self-Sufficiency didn't want it but I encourage that a off hours system be designed so that when Tribal members have an emergency other than the 8-4:30 that there was a place that they to call and that the systems would be set up so that if a person needed to travel to, I'll use Arizona again, on a Saturday because some family member died, there is no system put in place. So what the this fund said to do is to you figure out how to get there and when you get back we'll reimburse you. So to me if you found a way, whether you borrowed the money or however you got there, to me that's no longer considered an emergency. You found the resources to get there, we should not be reimbursing for funeral travel. We have a department and entity that handles all other funeral

issues. The burials, the cemetery and all of those other issues that needs to be collaborated and that it's really not serving the purpose that it needs to.

Comment 37. Luanne Green: Hi I want to talk about that funeral thing. I called Enrollments some time ago and when a family member passed I asked about the procedure for getting some relatives to funeral. And there really isn't any at that time, I don't know if that changed. Their response was in order to receive the life insurance, that \$15,000 life insurance, you have to go to Enrollments with a death certificate. And the death certificate isn't issued until like 10 days after the person expires. So even though we have that life insurance for funerals, there's still a gap in getting people to the funerals. We had people, I have relatives in Canada and Arizona and California and everywhere and not saying that they all need to come to my funeral or would come but if they wanted to, there's still that gap there that existed years ago and people wanted to come for the funeral, it's not just the funeral expenses, it's getting to the funeral. And so you know people aren't if they do have to borrow money to get there, maybe that should be repaid out of that \$15,000 but, but to me there is still that issue there when you have 2 or 3 days you know to get depending on where you're at, to get together some money to get to the funeral.

Comment 38. Nancy Barton-written: Pg 8 of 11, 269 – Reimbursement of funeral travel.

6-4. Travel expenses to arrange or attend a funeral for immediate family members outside the State of where an applicant resides ~~shall~~must be paid by the applicant first, and the Fund shall reimburse those applicants for mileage, lodging, or airfare expenses up to a maximum amount of five hundred dollars (\$500)

Response.

One commenter does not believe that funeral travel assistance should be covered citing that applicants have found a way to pay for the travel and therefore it is no longer an emergency. Another commenter suggests taking the expense out of the life insurance policy. However, each life insurance policy has a listed beneficiary and it is not likely that the Tribe can pull money away from the beneficiary to pay for the travel of others. However, this option can be explored in-depth at the LOC request. Any changes based on these comments are a policy decision for the LOC.

Comment 39. Appliance Repair/Replacement.

Nancy Barton: So then I guess I'll reword all of that, I agree with the appliance home repair replacement. I don't think that should be an item should be added.

Response.

The commenter agrees with the fund specifically not including appliance repair and replacement in 7-1(h).

Comment 40, 41, 42 & 43. Homeless Lodging Assistance.

Comment 40. Nancy Barton: In the next column over I'd like to say that I'm really happy that we have finally added that homeless lodging and that comes from the Department and I'm not sure what assistance they're offering but I'm glad that it's been added. I didn't have an opportunity to look at the Department. . .

David P. Jordan: Nancy, it says that it is not covered, that row

Nancy Barton: New items added to the list of things not covered by the fund so that means that it is being added

David P. Jordan: It's being added that they're not covering it.

Douglass McIntyre: It's specifically prohibited from being covered

Nancy Barton: Ok so then I would like to back up and I think that it should be added back in. I miss interpreted what it said. My understanding was that this was new items that weren't in the fund before but now are being added... but I would like see the fund cover homeless lodging assistance. We had a Tribal member who passed away earlier this year and he was homeless. We have homeless people in this, in our Tribe and we haven't dealt with that whole situation yet. We don't know what those numbers are and I think that this would be a good way to identify how many homeless people do we have and we don't have a way to identify those numbers until they come and ask for help. And so that's a way to track data and statistics. If they're coming in and say I'm living in my car and we need a place to stay whether it's individual or family, because we have a lot of families that are homeless that live with other families. And so I would like to see the homeless lodging assistance be added to this fund.

Comment 41. Ed Delgado: You are not covering homeless lodging assistance. When I was chair we had a lot of instances where Oneida Tribal members were homeless and they came here and tried to get assistance. Maybe you want to include that if they have children because it's it's devastating for Tribe not be able or not willing to take care of homeless children. And there are predicaments where people lose their homes. Single mothers, sometimes they live month to month. Hoping that the absent parent will provide that income that they're supposed to pay but sometimes don't. They don't pay it that family is in dire straits. And perhaps they should be able to go to their Tribe and their Tribe should provide that assistance. Again, we need to be careful and find out that we are serving those that are truly in need and not try and not fund those who are just using it to as an easy way out.

Comment 42. Nancy Barton-written: Pg 9 of 11 – 345 Items not covered by the Fund. Homeless lodging assistance – that being prejudice against homeless people

Comment 43. Nancy Barton-written: 2. I was extremely saddened and disturbed that this fund will NOT be covering homeless lodging assistance. Again, historical statistical information needs to be provided from the Center for Self- Sufficiency regarding the number of people applying for lodging and assistance in fiscal 2015.

How could we as Oneida people turn our backs on the most vulnerable people? The homeless go hand-in-hand with a vast array of social problems including mental illness and unemployment. Although this is a complex and unaddressed issue, it exists within our nation. A tribal member was homeless and was found deceased behind Wal-Mart where many of our own tribal members along with other Native people congregate together as a homeless community. Do NOT ignore the homeless people, or deny them assistance for a warm place to sleep and something to eat ..

Response.

7-1 includes items not covered by the fund and in part reads:

(i) Homeless lodging assistance

The commenters appear to be offering different perspective on whether the policy should cover homeless lodging assistance or not. Any changes based on these comments are a decision best left to the LOC.

Comment 44, 45 & 46. Department of Corrections Reentry Assistance

Comment 44. Nancy Barton: The other thing that was not added to the fund was the Department of Correction re-entry assistance. From my understanding, the Department of Correction assistance program that recently, it doesn't, it's not funded anymore. There's not a program within our Tribe, there really wasn't anything for them anyway. There was a person who was hired as an advocate or a resource person who could lead them around to other programs who also was not able to assist them. A person got a \$25 food card and was sent out the door and wished good luck. And so I think that this Department of Correction re-entry assistance is a way to identify how many of our Tribal members are coming out of prison. Men and women and what do we have to offer them when they come out of that situation to hold them up and to start all over. I feel a need to encourage them and let them know that there are things that are available to start all over that we don't continue to punish them, they've been punished. They're probably on probation with you know specific criteria that they need to meet and that the Tribe has the opportunity to help those people be successful in their endeavors.

Comment 45. Nancy Barton-written: Line 347 – Department of Correction re-entry assistance.

Comment 46. Nancy Barton-written: 3. Department of Corrections - Re-entry. When you come out of incarceration, whether a man or a woman, the least we could do is to be able to offer those people who have already been punished a way to start over and let them know we are going to hold them up while they rebuild their lives and hope they don't go back.

Response.

7-1 includes items not covered by the fund and in (k) includes **Department of Correction re-entry assistance**.

The commenter requests that Department of Correction re-entry assistance be removed from the list of items not covered by the Fund citing no other resources available. Any changes based on this comment are a decision best left to the LOC.

Comment 47. Healthcare Membership

Nancy Barton: Health membership fees should definitely not be covered. That means you are opening the door for 17,000 Tribal members. . .

Jennifer Webster: It's on the list not to be covered . . . so we're good there

Nancy Barton: Yes I saw that but it was on there before, it was a item that was previously approved because somebody said you well guys have the fitness center there and I have a doctor's slip in Arizona that says I wanna go to a membership, a fitness club then those funds were they were paid for. So you know a health membership is not a item. So I'm agreeing not to be to have it covered.

Response.

The commenter is in agreement with the inclusion of healthcare membership in the items specifically prohibited from coverage under this Policy. There are no recommended changes.

Comment 48. Food and Personal Items.

Nancy Barton: Under food and personal care items I disagree that that is an item that should be continued until something else comes along. I have a, for those of you that don't know, I have a General Tribal Council petition for an emergency food pantry that hopefully will come to the floor of General Tribal in the next budget year. But in between now and then, I don't believe that food, personal care that's a whole other subject. We had a closet over at Social Services where when people came if they said I need shampoo, I need laundry soap, those things were available. You could give that family or that individual a package and help them. And so food that's a whole another issue, we currently, my understanding is that we hand out, distribute Festival Food cards to the amount is \$25 per person per month and I don't feel that that is currently meeting the needs of any Tribal member. And there are provisions and restrictions on the food because if you don't bring your receipt back or perhaps you buy something by mistake, you could be punished in the future for not bringing your receipts back or possibly buying something that the person who handed you the food card thought you shouldn't be eating. So those are the things that I wanted to bring up on those two lines.

Response.

7-1 includes items not covered by the fund and (j) includes **Food and personal care items**.

The commenter request that this item not be included in the items specifically prohibited from coverage. Any changes based on this comment are best left to the LOC.

Comment 49. Documentation of Household Income

Bradley Graham-written: Article VIII 8-2(D) 551 and social security do not receive check stub or payroll printout, just a yearly statement. (Application checklist included) Add in "SSI and Social Security shall be excluded, along with all other income that does not receive a weekly or monthly statement"

8-2. Supporting documentation ~~shall be~~ is required in all cases. The applicant is responsible to provide all documentation requested by the Case Manager. **No assistance may be provided without:**

~~(a) No assistance shall be provided without~~ **(a)** sufficient documentation of the catastrophic event ~~or, illness or, injury~~ **or emergency event** as requested by the Case Manager.

~~(b) No assistance shall be provided without~~ **(b)** sufficient documentation that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies.

(c) sufficient documentation of enrollment in the Tribe

(d) sufficient documentation of all household income the thirty (30) Business days immediately prior to the submission of the application.

(e) sufficient documentation of status of employment is required and includes the following documentation:

(1) Leave of absence paperwork

(2) Balance of personal and vacation time accumulation

(3) Disability insurance or workmen's compensation coverage

(4) Check stubs

Response.

The commenter stats that certain people, citing people receiving social security, do not get a check stub and would not be able to show the proof in 8-2(d). He suggests making these and any other income that does not receive a weekly or monthly statement exempt from (d). Any changes are a policy decision for the LOC.

Comment 50. Time Since Event.

Bradley Graham: Ok line 281, it says amount of time elapse since catastrophic event. If you look at the back of this document under line 419 it's got 30 days after the event. I like that taken out. It'd be on page 11/11 line 419 completely removed, 419 through 421. Cause there's situations where if you do have a medical event and it's like on a Friday or a weekend, you can't contact Contract Health or nobody and by time they get done with it, it might take them a month or two, so that would take you past the 30 days so that's a violation of our rights to be denied them.

8-65. Application for assistance ~~shall~~must be made within a reasonable time period, not to exceed thirty (30) Business days of a catastrophic event or illness~~-or~~, injury~~-or~~ emergency event. Applications made after thirty (30) Business Days ~~shall~~will not be considered.

Response.

The commenter expresses concern over the thirty (30) day limitation on 8-5 citing the length of time it takes to get medical information. Any changes are a policy decision for the LOC.

Comment 51. Appeals

Bradley Graham: Skip back here quick, if you go back to line 426 where it says or 427 its says maybe appealed as a final decision to the Judiciary. I'd like the Judiciary taken out completely and GTC added. Judiciary should have nothing to do with any of this because they do not really exist because the Constitution has not been finalized. So therefore they're a [inaudible] body.

9-1. An appeal of the Case Manager's decision shall be made to the Case Manager's supervisor. If the supervisor upholds the decision, it may then be appealed to the Area Manager of the Social Services Division. If the decision is upheld by the Area Manager, the decision may be appealed as a final decision to the Judiciary.

Response.

The commenter requests removing the judiciary from the appeals process. Regardless of the pending finalization of the changes to the Constitution, the Judiciary is a body passed by GTC resolution and exists. However, it is a policy decision for the LOC if it wants to make changes based on this comment.

Comment 52 & 53. Miscellaneous**Comment 52.**

Nancy Barton-written: 1. Community Support" amendments. Upon reviewing these amendments it is apparent that those programs and entities who have budgets and inputs into these services have not completely or cooperatively worked together to insure that these services are not being duplicated.

Statistical information needs to be provided regarding each and every one of these services under the New Items not being covered, such as appliance repair & replacement is unclear. Exactly what appliances would you be repairing or replacing and to whom you would be replacing all 17,500 tribal members regardless of location and income?

Response.

The comment is a general comment on the Fund and suggest statistical information be provided on the new items not covered by the fund. This would be a requirement of the Fund operators and no changes to the policy are recommended. Additionally, appliance repair/replacement is not covered under the policy.

Comment 53.

Nancy Barton-written: The former Director of the Center for Self-Sufficiency before she retired, she left a legacy that prevented the people who need the funds the most almost unable to access tribal funds due to a hateful disposition.

Response.

The comment is a general comment on the Fund. There are no recommended changes based on the comment.

Conclusion

There were multiple comments provided on the Community Support Fund Policy Amendments at public meeting and in writing which the LOC should consider and incorporate as appropriate. It is recommended that a work meeting be scheduled with invitations to the interested parties to review the comments and provide direction to any changes necessary based on the comments.

Community Support Fund Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Repeal
Article III. Definitions
Article IV. Economic Support Services
Responsibilities; Eligibility and Qualifications

Article V. Priorities for Consideration
Article VI. Items Covered by the Fund
Article VII. Items not Covered by the Fund
Article VIII. Application Requirements
Article IX. Appeal

<i>Analysis by the Legislative Reference Office</i>					
Title	Community Support Fund Policy (the Policy) Amendments				
Requester	Councilman Brandon Stevens	Drafter	Douglass McIntyre	Analyst	Tani Thurner
Reason for Request	To clarify an inconsistency between the Policy and the adopting resolution. Additional changes have also been made to update and streamline the Policy.				
Purpose	The adopting resolution states that persons below the federal poverty level do not have to cost-share when receiving benefits; however the Policy does not state this. Amendments were requested to reconcile the two documents.				
Authorized/ Affected Entities	Governmental Services Division Director must report semi-annually to the OBC. Economic Support Services Area, instead of the Social Services Area, administers the Fund, creates SOPs, and notifies the membership.				
Due Process	Case Manager decisions appealable to his/her supervisor. If upheld, they can be appealed to Area Manager, and if upheld; then to the Judiciary.				
Related Legislation	There are various policies which identify how funds would be disbursed, for example the Children's Burial Fund Policy or the Trust Scholarship Fund Policy; however nothing is directly related.				
Policy Mechanism	Process for applying for emergency funding; eligibility requirements.				
Enforcement	N/A				

Overview

When amendments were adopted to the Community Support Fund Policy (the Policy) in December 2013, the adopting Resolution (OBC #12-11-13-D) stated:

“the amendments to the Policy also [...] specifically states (sic) that someone who receives assistance from the Fund program does not have to cost share if they are at or below the Federal Poverty Guidelines”

However the Policy, as adopted, did not state that someone who receives funds would not have to cost share if below Federal Poverty Guidelines. Amendments have been requested to reconcile the Policy with the adopting resolution, and additional changes have also been made to the Policy.

Cost Sharing

These proposed amendments do not add a provision stating that persons are not required to cost-share if they fall under federal poverty guidelines. Instead, all references to “cost sharing” are deleted entirely from the Policy. The provisions that would be deleted include:

- A definition for cost sharing. [Current Policy, 3-1(f)]

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- A general provision stating that all applicants will be asked to contribute a percentage of the assistance being requested. [Current Policy, 4-4]
- A requirement that case managers consider “the ability of the applicant to cost-share” as one of the factors used to determine the level of assistance an applicant may receive. [Current Policy, 5-1(b)]
- A requirement that persons who receive assistance in paying their utilities must repay 50% of the funds received within 4 months, or else their per capita payments may be garnished. [Current Policy, 6-3]

Other Changes to the Policy

In addition to deleting references to cost-sharing, the following changes are also being proposed for the Policy:

- The Policy contains lists that specifically identify certain things as being covered by the Fund, and other things as not being covered by the Fund. Several new items were added to each of those list, and there were also changes made to items already listed as being covered by the Fund:

New Items added to the list of things covered by the Fund [6-1]	New Items added to the list of things NOT covered by the Fund [7-1]	Changes to items already listed as being covered by the Fund [6-1]
<ul style="list-style-type: none"> • Utility Disconnections • Inpatient Treatment • Fire recovery/natural disaster assistance • Home renovations required for handicap accessibility • Family Medical Leave Act Wage Replacement • Social Security Disability Determination rent/utility assistance 	<ul style="list-style-type: none"> • Appliance Repair/Replacement • Homeless lodging assistance • Stabilization rent assistance • Department of Correction re-entry assistance • Health membership fees • Food and personal care items 7-1. 	<ul style="list-style-type: none"> • Instead of “rental of medical equipment”, the Fund may cover medical- related equipment, supplies, or furniture, “but must use rental equipment, supplies, or furniture when available” • Instead of “health insurance”, the Fund may be used to cover “COBRA insurance payments”. • The fund not only covers medical transportation / emergency medical travel, but also vehicle repairs for those.

- A new provision is added to clarify that the Community Support Fund (the “Fund”) is a fund of last resort. [4-4]
- The definition of “applicant” is revised to clarify that the person applying for assistance must be an enrolled Tribal member or applying for assistance on behalf of an enrolled Tribal member. [3-1(a)]
- Minors who are eligible for enrollment but not enrolled are no longer eligible for assistance under this fund. Eligibility is exclusively reserved for enrolled Tribal members. [4-2]

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- 46 • Currently, the Fund may be used for a “catastrophic event, illness, or injury.” The
47 amendments clarify that assistance also covers an “emergency event”. The definition for
48 “emergency” is changed to a definition for “emergency event”. [3-1(f)]
- 49 • A new factor is also added that case managers must use to determine the level of
50 assistance that may be provided to an applicant - case managers must now consider the
51 Fund’s “appropriate standard operating procedures.” [5-1(d)]
- 52 • Currently, the Social Services Area is responsible for administering the Fund. Under the
53 amendments, references to the Social Services Area are replaced with references to the
54 Economic Support Services Area. [4-1]
- 55 • The Policy lists examples of a catastrophic illness or injury that would involve continuing
56 treatment due to a chronic serious health condition. Currently, asthma, diabetes and
57 epilepsy, are listed as examples, but under the amendments, “chemotherapy/radiation,
58 dialysis, daily/weekly therapy resulting from trauma” are listed instead. [3-1(e)(2)]
- 59 • Case managers may still deny benefits to applicants who have elected not to be covered
60 by employer benefits such as disability or health insurance, but the amendments also give
61 case managers the option of limiting benefits, instead of completely denying them. [4-6]
- 62 • Currently, non-tribal parents and legal guardians may apply for assistance from the Fund
63 on behalf of an enrolled Tribal member. Under the amendments persons with “legal
64 responsibility” for a Tribal member may also apply on behalf of the Tribal member. [4-2]
- 65 • Under the amendments, no assistance may be provided without sufficient documentation
66 of Tribal enrollment and of all household income for the 30 business days immediately
67 before the application of the submission. [8-2]
- 68 • An applicant may be reimbursed for lodging as part of travel expenses related to a
69 funeral, in addition to mileage and airfare expenses. [6-4]
- 70 • Instead of prohibiting applicants from reapplying for the same reason more than twice,
71 the amended Policy would instead prohibit applicants from reapplying for the same
72 reason more than the limit stated within the Policy or the Fund Standard Operating
73 Procedures (SOPs). [8-4(e)] There are only three limits specifically identified in the
74 Policy, so unless there are additional limits set out in the SOPs, there would be very few
75 limits to how often a person could reapply for the same reason.
- 76 The three limits in the Policy include:
 - 77 • Assistance with paying utility bills - once every two years (currently it is once every
78 three years, but the amendments reduce it to two years). [6-3]
 - 79 • Inpatient treatment has a limit of once per lifetime. [6-1(h)]
 - 80 • Social Security Disability determination rent/utility assistance – maximum of 12
81 months per lifetime. [6-1(l)]

Other

84 Various minor revisions were made to improve the language and flow of the document,
85 and to ensure this document complies with Tribal drafting practices. These changes do not affect
86 the content of the law.

87 A public meeting has not been held.

Considerations

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The following are issues the LOC may want to consider:

- The definition of “applicant” is revised to clarify that the person applying for assistance must be an enrolled Tribal member or applying for assistance on behalf of an enrolled Tribal member. [3-1(a)] It is not clear why a Tribal membership requirement is added to the definition, because 4-2 already states that only Enrolled Tribal members are eligible for assistance. Further, since “applicant” is now defined as a person applying for assistance on behalf of an enrolled Tribal member, there is confusion because 4-2 states that applications may be made by a non-Tribal member “provided the [...] non-tribal member has one of the following relationships to the applicant.” however, the applicant would be the non-Tribal member, not the Tribal member who s/he is applying on behalf of, according to the definition.
- 6-2(c) states that, for assistance with a security deposit, “Only one request per household will be considered.” However, no time limit is placed on this – does this mean only one request will be considered at a time? Once every five years?
- 9-1 states that appeals are made to the area manager of the Social Services Division. This is the same provision as there is under the current law, where the program is administered by the Social Services Division. Since the Social Services Division no longer administers this Policy, it may not be the intent to have appeals go to the Area Manager of that Division.
- 7-1 – the list of things not covered by the Fund now includes: “stabilization rent assistance” and “Department of Correction re-entry assistance.” Neither of these terms is defined, and it may not be clear what is meant by either.
- “Immediate family” is defined as “that group of persons who make up a family unit normally defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and grandchildren, **and/or a person who has Legal responsibility for a member of their immediate family.**”
 - This is a circular definition because it uses the term within the definition. Also, it is not clear why the above bolded language is included, because it is not needed. If a person has legal responsibility for a member of their immediate family then they are already “immediate family.”
- The Fund as an Entity. Various provisions refer to the Fund as though it is an individual person, capable of taking actions. Among other things, this could make enforcement difficult. It is recommended that the language throughout the Policy be revised to identify a specific person (i.e. Case Manager, Division Director, etc) who would be administering the Fund. For example:
 - 7-2 and 4-6 both state “The **Fund reserves the right to** deny or limit benefits...” – however, the Fund is a source of money; it cannot reserve a right to do anything.
 - 7-2 states: “If the **Fund chooses to** approve, deny, or limit benefits”
 - 6-2 states: “The **Fund will only provide assistance...** The **Fund shall not co-sign** any lease.”
 - 6-4. “The **Fund shall reimburse** those applicants...”
- This may not need to be addressed with these amendments, however it may be beneficial to note this for future revisions – this Law does not identify a consistent list of what is a qualifying event, and there are numerous provisions scattered throughout the Policy which

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reference what qualifies and what does not. There are different lists of qualifying events and separate examples identified in the definitions section, Article IV, Article VI; and Article VII identifies what is not covered. It may be beneficial to review all of these provisions and establish one consistent list of what is covered and what is not, for clarity.

- Additional minor, typographical and drafting issues were noted during the legislative analysis, and will be discussed with the sponsor for this item.

Community Support Fund Policy

Article I. Purpose and Policy

1-1. Purpose.^{1 2} The purpose of this Policy is to assist the greatest number of Tribal members of the Oneida Tribe of Indians of Wisconsin who apply for assistance to the Community Support Services Fund in times of a Catastrophic event, illness~~or~~, injury or emergency event when no other resources for assistance exist.

1-2. Policy. It is the policy of the Oneida Tribe of Indians of Wisconsin to assist their people in a time of need after a Catastrophic event, illness~~or~~, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

Article II. Adoption, Amendment, Repeal

2-1. This Policy is adopted by the Oneida Business Committee by resolution # BC-5-15-96-A, amended by resolution³ # BC-01-08-97-G, and amended by resolution #BC-_____.

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

2-3. Should a provision of this Policy or the application thereof to any person or circumstances

1 **Nancy Barton:** The other part that I wanted to talk about is I think we have, we're very fortunate, we're lucky, this form, this fund was set up a long time ago because people were coming to the Business Committee with certain issues. They had medical issues, they had family issues, emergency issues and there was no fund and so it was created by the Business Committee because they didn't want to keep hearing the request. A certain fund was established and was sent over to Center of Self-Efficiency. And it is a good thing and I think it should remain but I think that it needs a lot of work. I said two and a half, three years ago, when this policy came forward the last time, the original policy was in effect for many many years. And it worked. And then one person can come in and decide on any given day that they want to take a law and amend it and it can be crucial to Tribal members because based on that person's own personal views, they can chose to hinder and punish people that are eligible for programs. And so I felt like, and I brought it up to the LOC the last time but they didn't want to listen and so here we are and to me I feel like this whole issues here; bring it back, the first time when it got changed that it just a big waste of time and money when we do things like this. So I asked that last time it got changed to wait, stop can't see you what's going on here and it went forward. So I feel like it's a big long standing issue, we're going three and a half years now this is the second time it's been brought back and unfortunately because you can read through the lines. Ok.

2 **Cathy L. Metoxen-written:** Community Support – being set-up to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members.

3 **Bradley Graham:** Ok, where you got line 144, no go under Article 2, sorry about that, I'm going by their, I didn't have the redline, blueline version right away so you'll have to give me a little time. I should have had all the BC amendments and added in with this, there's a 10/13 or whatever was missing.

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be held as invalid, such invalidity shall not affect other provisions of this Policy which are considered to have legal force without the invalid portion(s).

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

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

Article III. Definitions

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

(a) "Applicant" ~~shall mean~~ means the ~~person applying for assistance~~ subject of the application for assistance. ~~themselves or on behalf of another person who is otherwise unable to do so due to age or incapacity.~~

(b) "Business days" ~~shall mean~~ means Monday through Friday ~~8:00 a.m. to 4:30 p.m.,~~ except for those days recognized as holidays ~~as listed~~ on the official calendar of the Tribe.^{4 5}

(c) "Case Manager" ~~shall mean~~ means a employee of the Social Economic Support Services Area responsible for administering Community Support Services Fund benefits according to the established guidelines set forth below.⁶

(d) "Catastrophic event" ~~shall mean~~ means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover (i.e. house fire, tornado, flood, or other disaster).

(e) "Catastrophic illness or injury" ~~shall mean~~ means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:

(1) in-patient care; or

(2) a period of continuing treatment due to a chronic serious health condition (~~asthma, diabetes, epilepsy, etc.~~); such as chemotherapy/radiation, dialysis, daily/weekly therapy resulting from trauma, etc.); or

(3) a period of illness or injury that is long-term due to a condition for which treatment may be ineffective (stroke, terminal disease, etc.); or

(4) receipt of multiple treatments either for restorative surgery after an accident or other injury, or for a chronic condition. (i.e. cancer or kidney disease)

(f) ~~"Cost share" shall mean the request to have the applicant agree to contribute to the~~

4 **Bradley Graham:** Ok and then under definitions, Business Days you have as recognized holiday the official calendar of the Tribe. What is that? Where is it? If you do have an official calendar, and what you're going by other than a regular calendar, you should print it out in the paper so everyone knows what's going on. Cause otherwise if you go business days Monday through Friday, you know what do you consider official holidays so that should be something.

5 **Bradley Graham-written:** For 3-1(b), not everyone knows the tribe's holidays. Economic Support should send out a list of days, post an article in the newspaper or include with the benefits book that should be send out.

6 **Bradley Graham:** Case Manager, Employee is it just one case manager or is there more? And that would be under 174. I'd like that defined, you know how many there is.

Jennifer Webster: We can just add an "s" to that. . . we can just add an "s" to that in case there's more than one.

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~~cost of the assistance given.~~⁷

~~(g)~~ “Emergency” ~~shall mean~~ event means a situation that poses an immediate risk to health, life, safety, property or environment. Emergencies require urgent intervention to prevent further illness, injury, death, or other worsening of the situation.

~~(h)~~ “Emergency medical travel” ~~shall mean~~ means an unexpected serious health situation or occurrence, requiring the immediate presence of immediate family. (i.e., end of life situation, life support, etc.)

~~(i)~~ “Fund” ~~shall mean~~ means the Community Support Services Fund as originally established under # BC 5-15-96-A.⁸

~~(j)~~ “Immediate family” ~~shall mean~~ means that group of persons who make up a family unit normally defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and grandchildren, and/or a person who has Legal responsibility for a member of their immediate family.⁹

~~(k)~~ “Legal guardian” ~~shall mean~~ means a person who has the legal authority to care for the personal and property interests of another person granted through Court order.

~~(l)~~ “Legal responsibility” ~~shall mean~~ means specific duties imposed upon a person to care or provide for another including liability for personal obligations as granted through a Power of Attorney or Court order.

~~(m)~~ “Major medical surgery” ~~shall mean~~ means a surgical procedure that carries a degree of risk to the patient’s life, or the potential for severe disability if something goes wrong during surgery. It is a surgical procedure that usually requires a patient to be put under general anesthesia and given respiratory assistance because he or she cannot breathe independently.

~~(n)~~ “Reservation” ~~shall mean all the lands and waters within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.~~¹⁰

~~(o)~~ ~~(m)~~ “Severity” ~~shall mean~~ means the verified rate or level of need.

~~(p)~~ “Shelter” ~~shall mean~~ means mortgage payments or rent payments.

7 Bradley Graham-written: Cost share should be completely removed or those under the federal poverty guidelines should be exempt from the responsibility of cost sharing.

8 Bradley Graham: Huh, and then on under line 198, is this Community Support or Economic? Because if you look back farther into it, it does have the next page 7 of 11 under Article 4 has does have Economic Support Services. So is this being changed from Community Support to Economic.

David P. Jordan: It says Community Support on the 198 that I’m looking at.

9 Melinda Danforth-written: I see the Community Support Fund policy is on the agenda. I would request the LOC look at the definition of family and who qualifies for funeral travel. Our family recently traveled to Montana for the loss of our niece, and while we were able to pay for our travels as a family, many tribal members cannot afford to do so. The only persons eligible are if the person who passed away was the mother, father, grandparents or siblings (immediate family) of the person requesting support. I find this conflicting culturally with our definition of family/extended family.

Yaw^ko for taking this in to consideration.

10 Bradley Graham: Huh? Ok and then in the version now, page 6 of 11, 214 I’d like to see that kept in, the definition of the Reservation lands and waters. It’s in other policies too so I’d like to see it kept in this one.

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(~~eo~~) “Tribal” or “Tribe” ~~shall mean~~means the Oneida Tribe of Indians of Wisconsin.

(~~fp~~) “Verification” ~~shall mean~~means the evidence or proof that confirms the accuracy or truth of the alleged catastrophic event, illness ~~or~~injury or emergency event and of Tribal membership (i.e., estimates, photographs, doctor statements/report, check stubs, tribal identification card/letter, etc.).

Article IV. ~~Social Service~~Economic Support Services¹¹ Responsibilities; Eligibility and Qualifications

4-1. The ~~Social~~Economic Support Services Area of the Governmental Services Division shall create and administer the Fund¹²

(a) The ~~Social~~Economic Support Services Area shall create standard operating procedures for the administration of the Fund. The standard operating procedures ~~shall~~must include the list of categories the Fund covers and a cap that set the amount of assistance per event/ per household, except for funeral expenses which ~~shall~~will be set per event/ per person.

(b) The Governmental Services Division Director shall report semi-annually to the Oneida Business Committee.^{13 14 15} The report ~~shall~~must include, the amount of funds

11 **Douglass McIntyre:** I can briefly answer that. So as the fund is currently written it was under the Social Services and then it was switched to the Economic Support Services so that is the department that is currently running it. Actually that was the department that was currently running it when Brad put in the request. I believe they have now switched it over to the Self-Sufficiency, Self-Sufficiency, I’m not sure what that department is called.

Jennifer Webster: Center for Self-Sufficiency.

Douglass McIntyre: Yes, I believe it is under that, certainly we’ll get the whatever department it’s under correct in there. I was going to make the change in this draft but I didn’t want to sort of throw a curve ball out there confuse everybody and then have 20 people ask what’s happening.

Jennifer Webster: And make the changes again, ok

Bradley Graham: Alright then let’s get that changed and done right.

Jennifer Webster: That’s what he’s going to do. That’s what he’s going to do

12 **Bradley Graham:** if you go under line 228 where it say the Governmental Service Division shall create, I’d like that “shall create” taken out and have them make suggestions. I don’t think anybody under any of these policies shall have the right to create. And that goes for all the parts that are in here.

13 **Bradley Graham:** It’s down a little further in there. Line 235, I’d like that changed to quarterly reports and annual and semiannual reports. For the under the 235 (b).

14 **Bradley Graham-written:** In 4-1(b) reporting should be quarterly.

15 **Ed Delgado:** In the last request as I mentioned before, transparency this is Tribal money. And I think the Tribal members deserve some measure of transparency. Now recently we had a Tribal elder who received \$5000 for implants whereas the average Tribal member would never get that. But this was a Tribal member who voluntarily told everyone because she thought that is wrong that she should get it, she could afford it but she got it anyway. But how many Tribal members in the past have gotten \$5000 worth of implants for their teeth? How many times it just seems like if you have transparency, transparency isn’t there to for people to look in there and try to ridicule people that might need help. Transparency is there to identify those who might be abusing the system and not being held accountable for it. There are people who use abuse the system and they can do it more easily if they are able to hide under a veil of secrecy. Again that’s Tribal money and the Tribe Tribal members should know how it’s being spent, whose receiving it, if someone should wanna look that up. No normal person is going to publish that kind of stuff if it’s fair and square, but it deserves to publish if someone or some people are abusing the system over and over again or some people might make a \$100,000 a year and you’re getting rent assistance or utility assistance or food assistance. You might want to look into that too. Transparency in most places, governments provide for

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238 paid out under each category.

239 (c) The ~~Social~~Economic Support Services area shall ensure that the Tribal membership is
240 informed of what assistance is available through the Fund, how to apply for assistance,
241 and specify who is eligible for assistance.¹⁶

242 4-2. Eligibility for assistance provided under the Fund is reserved for enrolled Tribal members.
243 Applications may be made by a non-tribal ~~parent or legal guardian~~member on the behalf of an
244 enrolled Tribal member, ~~or minor eligible for enrollment~~, provided the requested funds will
245 benefit the Tribal member ~~or child~~only and the non-tribal member has one of the following
246 relationships to the applicant.:

247 (a) is a non-Tribal parent of the applicant

248 (b) is the Legal guardian of the applicant

249 (c) has Legal responsibly for the applicant

250 4-3. Residency within the State of Wisconsin is not a prerequisite for assistance, except for
251 requests for a security deposit in Sectionaccordance with 6-2.

252 4-4. The Fund is a fund of last resort and provides assistance when there is no other financial
253 assistance available.^{17 18 19 20}

254 ~~(a) Applicants will be asked to contribute a percentage of the~~ or all other assistance ~~being~~
255 ~~requested.~~

256 ~~(b) has been exhausted.~~ Applicants shall first seek out other resources that can meet the needs of
257 their request. Proof of requesting assistance from other sources ~~shall~~must be provided
258 with the application.

259 4-5. The following types of catastrophic events, illnesses or injuries qualify an applicant for
260 assistance:

261 (a) Terminally ill

transparency. When people use our Government money. Yaw^ko.

16 **Bradley Graham-written:** Is 4-1(c) going to take the form of the benefits book?

17 **Ed Delgado:** I really don't know how much the Community Support fund is. My guess is \$500,000. I may be well off but I have heard a couple times you know that the Tribe can't be everything to everybody. It's a limited amount, we do have a lot of extreme poverty on this Reservation. I mean even on Site I there are some kids who go to one of the elders down there and tell her that they're hungry and she cooks them meals. There's two or three kids like that. So there is extreme poverty on this Reservation. I think the housing presentation that General Tribal Council, that was given to GTC at one of the meetings, I think maybe the last meeting showed that in the Hobart side of the Oneida Reservation we are only about half, the average incomes in only about half of the non-Indian population of that area. So poverty still exists. There are a couple of items in here that could possibly be very expensive.

18 **Nancy Barton:** Ok so I guess that's where I'll start. On number 36 new items added to the list and we talked about this yesterday at the Business Committee meeting that someone should be here from Contract Health or from the Health Center. Those people that receive Indian health service dollars because my understanding and investigating these services or these items is that community support is a fund of last resort. We should not be using this money unless there are no other resources that exist. And so under Indian health service my understanding is the money comes to the Tribe and the Tribe can then decide how that money is to be spent. So hearing aids is one issue that I think the that Health Center needs to come forward with with what is their policy what is there funding line and so that that can be clarified.

19 **Bradley Graham-written:** In section 4-4, the fund should not be a "fund of last resort".

20 **Bradley Graham-written:** 4-4 what type of proof is needed should be listed.

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- (b) Physically challenged or incapacitated
- (c) Major medical surgery
- (d) Life threatening (i.e. Cancer, AIDS, Stroke, disabling injuries due to motor vehicle accident, etc.)
- (e) Natural disaster (i.e. Tornado, fire, flood, etc.)
- (f) Death in immediate family

4-6. ~~A Case Manager~~ The Fund reserves the right to deny or limit benefits to applicants who have elected not to be covered by employer benefits such as disability or health insurance.

4-7. All payments ~~shall~~ must be provided directly to the service provider. However, payments awarded for funeral travel ~~shall~~ will be reimbursed to the applicant.

4-8. Assistance available under the Fund is subject to change according to fiscal year funding levels.

4-9. Tribal Programs and Enterprises are not eligible for these funds.

Article V. Priorities for Consideration

5-1. The Case ~~Managers~~ Manager shall determine the level of assistance to be provided based on:

- (a) Severity of event, illness ~~or~~ injury or emergency event
- (b) ~~Ability of applicant to cost share~~
- ~~(c)~~ Cost (usual and customary fees)
- ~~(d)~~ Amount of time elapsed since catastrophic event, illness ~~or~~ injury or emergency event occurred
- (d) The Fund's appropriate standard operating procedures

5-2. The Case Manager shall assess each individual case, prioritize and assist with immediate needs. Priorities are as follows:

- (a) Life-threatening emergency requests
- (b) Emergency medical travel
- (c) Other needs

Article VI. **Items Covered by the Fund**^{21 22}

6-1. Requests for assistance from the Fund must be tied to or be a result of a catastrophic event, illness ~~or~~ injury or emergency event. Upon verification of a catastrophic event, illness ~~or~~ injury or emergency event, the Fund may be used for the following:

- (a) ~~Health insurance, including COBRA~~ **Insurance Payments**^{23 24}

21 **Bradley Graham-written:** Add in "All Tribal members who are on a fixed income or no income, who are below Federal and State Poverty Guidelines, shall have their bills paid."

22 **Nancy Barton-written:** Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this? Taking out of the "Community Support Fund" How can you justify denying tribal members food and personal care items such as shampoo and kotex? Stabilization Rent Assistance is also being cut out so if you come in with an Eviction Notice or utilities disconnection will get you kicked out of housing tomorrow. What you are creating is a homeless population of our most vulnerable people including single parents.

23 **Bradley Graham-written:** 6-1(a) should include all health insurance that is not paid for by healthcare provider (Medicare, Medicaid, etc.) and not just COBRA payments.

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- 296 (b) Prescriptions not available through an IHS Clinic
- 297 (c) Medical transportation/emergency medical travel (including vehicle repairs)
- 298 ~~(d) Rental of medical equipment~~
- 299 (d) Medical-related equipment, supplies, or furniture, but must use rental equipment,
- 300 supplies, or furniture when available^{25 26}
- 301 (e) Medical bills (dental, optical, hospital) not covered by insurance
- 302 (f) Shelter and utilities where no other resources exist (including security deposits)
- 303 (g) Utility disconnections
- 304 (h) Inpatient Treatment (with a limit of once per lifetime)^{27 28 29}
- 305 (i) Fire recovery/natural disaster assistance
- 306 (j) Home renovations required for handicap accessibility (if written authorization from
- 307 the landlord)³⁰
- 308 (k) Family Medical Leave Act Wage Replacement^{31 32}

24 **Nancy Barton-written:** Instead of health insurance the fund may be used to cover Cobra Insurance payments and that is a change. I don't know what COBRA is and I don't know how I feel about this.

25 **Nancy Barton:** The next one over is rental of medical equipment and again, we're talking about the Health Center. There are resources available, there's a vast amount of resources in Brown and Outagamie County regarding medical equipment. And so adding this to here to me looks like someone didn't do their homework and that needs to be further looked into too. There's an options program that is located on the campus of NWTC and you can go there anytime and borrow any kind of medical equipment that you need and when you're done with it you bring it back and I'm pretty sure they're nonprofit. But also this a Health Center related issue that needs to be looked over at them. The other thing that I wanted to note was, you know I'm aware of some of these policies that were created and designed specialized for the certain people at a certain time.

26 **Bradley Graham:** Nancy covered that medical equipment.

27 **Nancy Barton:** The other thing that I wanted to talk about on here and it's not on here, oh yes it is. Ok is the inpatient treatment and there's no one here from Behavioral Health or the Health Center and we talked about this yesterday was further defining that Indian health service is, yes David

David P. Jordan: We're just here to take comments, there's nobody here to hear any of this other than for the LOC to take the comments down and for us to consider the changes.

Nancy Barton: Ok so inpatient treatment I guess needs to further identified because also those funding sources come from Indian health services which our Tribe has put timelines or policies on the amount of time that a person can go to treatment. Which means either 10 days or it used to be 38 days, 30 days now it's only 28. So when you open the door to inpatient treatment, that is saying that a person could, if they chose to, go to a treatment facility and voluntarily select to stay there for 3 to 6 months or a year if they wanted too. So we have to I guess be careful with the funding line regarding inpatient treatment.

28 **Nancy Barton-written:** Pg 8 of 11, line 303 (h) inpatient treatment with a limit of once per lifetime. This is very unclear as contract health has policies that need to be looked at.

29 **Nancy Barton-written:** 4. INPATIENT Treatment- is an item that is going to be added to the New Items covered. Again, you are talking about Contract Health because Debbie Danforth get Indian Health Services money, they decide where that money is allocated. There SOP only covers 28 days of in-patient treatment. These specific things that changed were directly related to one individual's specific request, not the most amount of people

30 **Nancy Barton-written:** 5. Home Renovations Required for Handicap Accessibility-Why isn't this being covered in Elderly Services.

31 **Nancy Barton:** The other thing that I wanted to talk about was the Family Medical Leave Act wage replacement that that specifically be identified as a catastrophic event or illness. That that cannot be used for maternity leave because it currently covers maternity leave but that is not considered a catastrophic or an emergency unless and I understand the case by case basis but you have be careful when you open the door when you say Family Medical Leave Acts so that needs to be further investigated.

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(l) Social Security Disability Determination rent/utility assistance (with a maximum of twelve (12) months per lifetime)^{33 34}

(m) Purchase of hearing aids³⁵

6-2. ~~Requests for~~ The Fund will only provide assistance for a security deposit ~~shall~~will be tied to or be a result of, a catastrophic event, illness ~~injury~~ or ~~injury~~emergency event and are limited to Tribal members who are Wisconsin residents only.

(a) The ~~Tribal member~~Applicant shall demonstrate the ability to fulfill the terms of the rental lease. The Fund ~~does~~shall not co-sign any lease.

(b) Security deposits are non-transferable and the amount paid for a security deposit ~~shall~~must be paid back to the Fund Program before another security deposit is issued at any time in the future.

(c) Only one (1) request per household will be considered.

(d) Security deposits shall be issued on an emergency basis which shall include, but is not limited to, pending eviction and homelessness.

6-3. ~~Requests for~~ Assistance for the payment of utilities shall only be allowed once every ~~three~~ (2) years by the person listed as responsible to pay with the utility company. ~~Those who receive assistance in paying their utilities shall cost share those expenses by paying back fifty percent (50%) of the funds received within four (4) months. If those funds are not reimbursed to the fund by the required date, the Community Support Program may garnish the individual's per capita payments.~~

6-4. Travel expenses to arrange or attend a funeral for immediate family members outside the State of where an applicant resides ~~shall~~must be paid by the applicant first, and the Fund shall reimburse those applicants for mileage, lodging, or airfare expenses up to a maximum amount of five hundred dollars (\$500).^{36 37 38}

32 **Nancy Barton-written:** 6. FMLA Wage Replacement- Non-Emergency Maternity

33 **Ed Degado:** One of them is social security disability determination, rent and utilities assistance with a maximum of 12 months. Now that could be a \$12,000 expense to the Community Support thing. I could see a very easily if I was a about five years younger and try to apply for disability or didn't have social security. That would be a good way to make some money or get my rent paid. Apply for disability and wait for a determination. Sometimes it does take a year sometimes it takes longer, sometimes maybe 3 or 4 months. But it could make a good way to make some to make some decent money or assistance while even knowing that you probably won't qualify. So I think it needs to be clarified a little bit.

34 **Nancy Barton-written:** Social Security Disability Determination Rent and Utility Assistance - The only people who can get help with rent and utilities are people who are pending Disability Determination and you cannot do that. That is discriminating against poor tribal people.

35 **Nancy Barton:** And so this one I have Doug, I'm not sure if this is the most updated because the one that I had in the new items to the list it did have hearing aids and this one doesn't.

Douglass McIntyre: I'm not sure why, yeah hearing aids should be included in the. . .

Nancy Barton: It should be

Douglass McIntyre: Yes

36 **Nancy Barton:** And one of them that I wanted to talk about is the emergency travel regarding funerals. And we talked about this on many occasions, had many meetings, tried to find the right entity to take care of it. And we know that emergencies that don't happen between 8 and 4:30 Monday through Friday, there are night and weekend situations and nobody wanted to take it. Enrollments didn't want to take it, Center for Self-Sufficiency didn't want

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10/7/15**Article VII. Items not Covered by the Fund**

7-1. The Fund does not cover payments that are not for a catastrophic event, illness ~~or~~, injury or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list:

- (a) Car payments
- (b) Taxes
- (c) Credit card or Charge accounts
- (d) Commercial loans
- (e) Defaults/fines/bankruptcy charges
- (f) Expenses not tied to basic needs (Cable, internet, memberships, etc.)
- (g) Legal fees/court costs/judgments
- (h) Appliance Repair/Replacement³⁹
- (i) Homeless lodging assistance^{40 41 42 43}

it but I encourage that a off hours system be designed so that when Tribal members have an emergency other than the 8-4:30 that there was a place that they to call and that the systems would be set up so that if a person needed to travel to, I'll use Arizona again, on a Saturday because some family member died, there is no system put in place. So what the this fund said to do is to you figure out how to get there and when you get back we'll reimburse you. So to me if you found a way, whether you borrowed the money or however you got there, to me that's no longer considered an emergency. You found the resources to get there, we should not be reimbursing for funeral travel. We have a department and entity that handles all other funeral issues. The burials, the cemetery and all of those other issues that needs to be collaborated and that it's really not serving the purpose that it needs to.

37 **Luanne Green:** Hi I want to talk about that funeral thing. I called Enrollments some time ago and when a family member passed I asked about the procedure for getting some relatives to funeral. And there really isn't any at that time, I don't know if that changed. Their response was in order to receive the life insurance, that \$15,000 life insurance, you have to go to Enrollments with a death certificate. And the death certificate isn't issued until like 10 days after the person expires. So even though we have that life insurance for funerals, there's still a gap in getting people to the funerals. We had people, I have relatives in Canada and Arizona and California and everywhere and not saying that they all need to come to my funeral or would come but if they wanted to, there's still that gap there that existed years ago and people wanted to come for the funeral, it's not just the funeral expenses, it's getting to the funeral. And so you know people aren't if they do have to borrow money to get there, maybe that should be repaid out of that \$15,000 but, but to me there is still that issue there when you have 2 or 3 days you know to get depending on where you're at, to get together some money to get to the funeral.

38 **Nancy Barton-written:** Pg 8 of 11, 269 – Reimbursement of funeral travel.

39 **Nancy Barton:** So then I guess I'll reword all of that, I agree with the appliance home repair replacement. I don't think that should be an item should be added.

40 **Nancy Barton:** In the next column over I'd like to say that I'm really happy that we have finally added that homeless lodging and that comes from the Department and I'm not sure what assistance they're offering but I'm glad that it's been added. I didn't have an opportunity to look at the Department. . .

David P. Jordan: Nancy, it says that it is not covered, that row

Nancy Barton: New items added to the list of things not covered by the fund so that means that it is being added

David P. Jordan: It's being added that they're not covering it.

Douglass McIntyre: It's specifically prohibited from being covered

Nancy Barton: Ok so then I would like to back up and I think that it should be added back in. I miss interpreted what it said. My understanding was that this was new items that weren't in the fund before but now are being added... but I would like see the fund cover homeless lodging assistance. We had a Tribal member who passed away earlier this year and he was homeless. We have homeless people in this, in our Tribe and we haven't dealt

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- 348 | (j) Stabilization rent assistance
- 349 | (k) Department of Correction re-entry assistance^{44 45 46}
- 350 | (l) Health membership fees⁴⁷

with that whole situation yet. We don't know what those numbers are and I think that this would be a good way to identify how many homeless people do we have and we don't have a way to identify those numbers until they come and ask for help. And so that's a way to track data and statistics. If they're coming in and say I'm living in my car and we need a place to stay whether it's individual or family, because we have a lot of families that are homeless that live with other families. And so I would like to see the homeless lodging assistance be added to this fund.

41 **Ed Delgado:** You are not covering homeless lodging assistance. When I was chair we had a lot of instances where Oneida Tribal members were homeless and they came here and tried to get assistance. Maybe you want to include that if they have children because it's it's devastating for Tribe not be able or not willing to take care of homeless children. And there are predicaments where people lose their homes. Single mothers, sometimes they live month to month. Hoping that the absent parent will provide that income that they're supposed to pay but sometimes don't. They don't pay it that family is in dire straits. And perhaps they should be able to go to their Tribe and their Tribe should provide that assistance. Again, we need to be careful and find out that we are serving those that are truly in need and not try and not fund those who are just using it to as an easy way out.

42 **Nancy Barton-written:** Pg 9 of 11 – 345 Items not covered by the Fund. Homeless lodging assistance – that being prejudice against homeless people

43 **Nancy Barton-written:** 2. I was extremely saddened and disturbed that this fund will NOT be covering homeless lodging assistance. Again, historical statistical information needs to be provided from the Center for Self-Sufficiency regarding the number of people applying for lodging and assistance in fiscal 2015.

How could we as Oneida people turn our backs on the most vulnerable people? The homeless go hand-in-hand with a vast array of social problems including mental illness and unemployment. Although this is a complex and unaddressed issue, it exists within our nation. A tribal member was homeless and was found deceased behind Wal-Mart where many of our own tribal members along with other Native people congregate together as a homeless community. Do NOT ignore the homeless people, or deny them assistance for a warm place to sleep and something to eat ..

44 **Nancy Barton:** The other thing that was not added to the fund was the Department of Correction re-entry assistance. From my understanding, the Department of Correction assistance program that recently, it doesn't, it's not funded anymore. There's not a program within our Tribe, there really wasn't anything for them anyway. There was a person who was hired as an advocate or a resource person who could lead them around to other programs who also was not able to assist them. A person got a \$25 food card and was sent out the door and wished good luck. And so I think that this Department of Correction re-entry assistance is a way to identify how many of our Tribal members are coming out of prison. Men and women and what do we have to offer them when they come out of that situation to hold them up and to start all over. I feel a need to encourage them and let them know that there are things that are available to start all over that we don't continue to punish them, they've been punished. They're probably on probation with you know specific criteria that they need to meet and that the Tribe has the opportunity to help those people be successful in their endeavors.

45 **Nancy Barton-written:** Line 347 – Department of Correction re-entry assistance.

46 **Nancy Barton-written:** 3. Department of Corrections - Re-entry. When you come out of incarceration, whether a man or a woman, the least we could do is to be able to offer those people who have already been punished a way to start over and let them know we are going to hold them up while they rebuild their lives and hope they don't go back.

47 **Nancy Barton:** Health membership fees should definitely not be covered. That means you are opening the door for 17,000 Tribal members. . .

Jennifer Webster: It's on the list not to be covered . . . so we're good there

Nancy Barton: Yes I saw that but it was on there before, it was a item that was previously approved because somebody said you well guys have the fitness center there and I have a doctor's slip in Arizona that says I wanna go to a membership, a fitness club then those funds were they were paid for. So you know a health membership is not a item. So I'm agreeing not to be to have it covered.

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10/7/15**(j) Food and personal care items⁴⁸**

7-2. The Fund reserves the right to deny or limit benefits if evidence is found regarding the applicant as to the following:

(a) The catastrophic event, illness ~~or~~, injury or emergency event is the result of a violation of the law as proven by a citation or criminal conviction.

(b) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of other tribal programs, policies or laws (i.e. Zoning, etc.)

(c) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of the Fund.

If the Fund chooses to approve, deny, or limit benefits ~~under this section~~, an explanation of the decision ~~shall~~must be in writing and provided to the applicant with a copy placed in the Fund's file.

Article VIII. Application Requirements

8-1. To be considered for assistance and before receiving assistance the applicant must complete the full application process. All applicants shall cooperate with the Case Manager to assist the Case Manager in comprehensively addressing the needs of the applicant ~~(s)~~.

8-2. Supporting documentation ~~shall be~~is required in all cases. The applicant is responsible to provide all documentation requested by the Case Manager. No assistance may be provided without:

~~(a) No assistance shall be provided without~~(a) sufficient documentation of the catastrophic event ~~or~~, illness ~~or~~, injury or emergency event as requested by the Case Manager.

~~(b) No assistance shall be provided without~~(b) sufficient documentation that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies.

(c) sufficient documentation of enrollment in the Tribe

(d) sufficient documentation of all household income the thirty (30) Business days immediately prior to the submission of the application.

(e) sufficient documentation of status of employment is required and includes the following documentation:

⁴⁸ **Nancy Barton:** Under food and personal care items I disagree that that is an item that should be continued until something else comes along. I have a, for those of you that don't know, I have a General Tribal Council petition for an emergency food pantry that hopefully will come to the floor of General Tribal in the next budget year. But in between now and then, I don't believe that food, personal care that's a whole other subject. We had a closest over at Social Services where when people came if they said I need shampoo, I need laundry soap, those things were available. You could give that family or that individual a package and help them. And so food that's a whole another issue, we currently, my understanding is that we hand out, distribute Festival Food cards to the amount is \$25 per person per month and I don't feel that that is currently meeting the needs of any Tribal member. And there are provisions and restrictions on the food because if you don't bring your receipt back or perhaps you buy something by mistake, you could be punished in the future for not bringing your receipts back or possibly buying something that the person who handed you the food card thought you shouldn't be eating. So those are the things that I wanted to bring up on those two lines.

Draft 2
10/7/15(1) Leave of absence paperwork(2) Balance of personal and vacation time accumulation(3) Disability insurance or workmen's compensation coverage(4) Check stubs⁴⁹

8-3. Documentation includes, but is not limited to:

- (a) Medical reports
- (b) Bills or statements
- (c) Estimates
- (d) Letters
- (e) Police or fire reports
- (f) Obituary or formal notice of death
- (g) Check stubs
- (h) Pictures or photographs
- (i) Applications for assistance from other agencies
- (j) Approval of assistance or denial of assistance letters from other agencies

8-4. ~~Verification of status of employment is required and includes the following documentation:~~ Requests submitted without supporting documentation must be kept on file for thirty (30) Business days.

- (a) ~~Leave of absence paperwork~~
- (b) ~~Balance of personal and vacation time accumulation~~
- (c) ~~Disability insurance or workmen's compensation coverage~~
- (d) ~~Check stubs~~

~~8-5. Requests submitted without supporting documentation shall be kept on file for thirty (30) business days.~~

(a) ~~A~~ The Case Manager shall request ~~for~~ additional information ~~by a Case Manager shall be made~~ be provided when an application contains insufficient information to make an informed decision.

(b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

(c) Failure to submit the requested information within the thirty (30) Business days will result in closing the application file, with no further action taken in regard to that application.

(d) Applicant ~~shall~~ must be sent a notice that the file has been closed and reason(s) for the file being closed.

(e) After the file is closed, the applicant ~~shall~~ must start the application process over again in order to be considered for assistance from the Fund. However, no applicant may re-apply for the same catastrophic event, illness ~~or~~, injury or emergency event more than ~~twice~~ the limit stated within this Policy or the Fund's standard operating procedures.

~~8-6.5. Application for assistance shall~~ must be made within a reasonable time period, not to exceed thirty (30) Business days of a catastrophic event or illness ~~or~~, injury or emergency event.

⁴⁹ **Bradley Graham-written:** Article VIII 8-2(D) 551 and social security do not receive check stub or payroll printout, just a yearly statement. (Application checklist included) Add in "SSI and Social Security shall be excluded, along with all other income that does not receive a weekly or monthly statement"

Draft 2
10/7/15

Applications made after thirty (30) Business Days ~~shall~~will not be considered.⁵⁰

Article IX. Appeal

9-1. An appeal of the Case Manager's decision shall be made to the Case Manager's supervisor. If the supervisor upholds the decision, it may then be appealed to the Area Manager of the Social Services Division. If the decision is upheld by the Area Manager, the decision may be appealed as a final decision to the Judiciary.⁵¹

End.^{52 53}

Adopted - BC-5-15-96-A
Amended - BC-1-8-97-G
Amended- BC-12-11-13-D

50 **Bradley Graham:** Ok line 281, it says amount of time elapse since catastrophic event. If you look at the back of this document under line 419 it's got 30 days after the event. I like that taken out. It'd be on page 11/11 line 419 completely removed, 419 through 421. Cause there's situations where if you do have a medical event and it's like on a Friday or a weekend, you can't contact Contract Health or nobody and by time they get done with it, it might take them a month or two, so that would take you past the 30 days so that's a violation of our rights to be denied them.

51 **Bradley Graham:** Skip back here quick, if you go back to line 426 where it says or 427 its says maybe appealed as a final decision to the Judiciary. I'd like the Judiciary taken out completely and GTC added. Judiciary should have nothing to do with any of this because they do not really exist because the Constitution has not been finalized. So therefore they're a [inaudible] body.

52 **Nancy Barton-written:** 1. Community Support" amendments. Upon reviewing these amendments it is apparent that those programs and entities who have budgets and inputs into these services have not completely or cooperatively worked together to insure that these services are not being duplicated.

Statistical information needs to be provided regarding each and every one of these services under the New Items not being covered, such as appliance repair & replacement is unclear. Exactly what appliances would you be repairing or replacing and to whom you would be replacing all 17,500 tribal members regardless of location and income?

53 **Nancy Barton-written:** The former Director of the Center for Self-Sufficiency before she retired, she left a legacy that prevented the people who need the funds the most almost unable to access tribal funds due to a hateful disposition.

Legislative Reference Office

P.O. Box 365
Oneida, WI 54155
(920) 869-4375
(800) 236-2214

**Committee Members**

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

LEGISLATIVE OPERATING COMMITTEE

Public Meeting on Oneida Higher Education Scholarship, Community Support Fund Policy Amendments,
Removal Law Amendments and Public Use of Tribal Land Amendments
Business Committee Conference Room-2nd Floor
Norbert Hill Center
October 29, 2015 12:15 p.m.

PRESENT: David P. Jordan, Fawn Billie, Jennifer Webster, Candice Skenandore, Tani Thurner, Douglass McIntyre, Rae Skenandore, Eliz Somers, Paula Rippl, Brad Graham, Bill Graham, Mitch Metoxen, Julie Barton, Sherry King, Misty Herzog, Trina Schuyler, Michelle Mays, Mike Debraska, Bonnie Pigman, Ed Delgado, Debra Powless, Nic Reynolds, Norbert Hill, Don White, Luanne Green, Nancy Barton, RC Metoxen, Danelle Wilson, Chad Wilson, Pat Garvey, JoAnne House

Community Support Fund Policy Amendments [30:09]

David P. Jordan: Ok Community Support, anybody have comments on Community Support? Nancy.

Nancy Barton: Ok I have a copy and I where is Doug, oh there he goes. He knows that was in there every day getting more and more copies. I tried to getting as many people as I could to get up here to testify or give written comments regarding these four specific amendments or laws. And so this one I have Doug, I'm not sure if this is the most updated because the one that I had in the new items to the list it did have hearing aids and this one doesn't.

Douglass McIntyre: I'm not sure why, yeah hearing aids should be included in the. . .

Nancy Barton: It should be

Douglass McIntyre: Yes

Nancy Barton: Ok so I guess that's where I'll start. On number 36 new items added to the list and we talked about this yesterday at the Business Committee meeting that someone should be here from Contract Health or from the Health Center. Those people that receive Indian health service dollars because my understanding and investigating these services or these items is that community support is a fund of last resort. We should not be using this money unless there are no other resources that exist. And so under Indian health service my understanding is the money comes to the Tribe and the Tribe can then decide how that money is to be spent. So hearing aids is one issue that I think the that Health Center needs to come forward with with what is their

policy what is there funding line and so that that can be clarified. The other thing that I wanted to talk about on here and it's not on here, oh yes it is. Ok is the inpatient treatment and there's no one here from Behavioral Health or the Health Center and we talked about this yesterday was further defining that Indian health service is, yes David

David P. Jordan: We're just here to take comments, there's nobody here to hear any of this other than for the LOC to take the comments down and for us to consider the changes.

Nancy Barton: Ok so inpatient treatment I guess needs to further identified because also those funding sources come from Indian health services which our Tribe has put timelines or policies on the amount of time that a person can go to treatment. Which means either 10 days or it used to be 38 days, 30 days now it's only 28. So when you open the door to inpatient treatment, that is saying that a person could, if they chose to, go to a treatment facility and voluntarily select to stay there for 3 to 6 months or a year if they wanted too. So we have to I guess be careful with the funding line regarding inpatient treatment. The other thing that I wanted to talk about was the Family Medical Leave Act wage replacement that that specifically be identified as a catastrophic event or illness. That that cannot be used for maternity leave because it currently covers maternity leave but that is not considered a catastrophic or an emergency unless and I understand the case by case basis but you have be careful when you open the door when you say Family Medical Leave Acts so that needs to be further investigated. In the next column over I'd like to say that I'm really happy that we have finally added that homeless lodging and that comes from the Department and I'm not sure what assistance they're offering but I'm glad that it's been added. I didn't have an opportunity to look at the Department. . .

David P. Jordan: Nancy, it says that it is not covered, that row

Nancy Barton: New items added to the list of things not covered by the fund so that means that it is being added

David P. Jordan: It's being added that they're not covering it.

Douglass McIntyre: It's specifically prohibited from being covered

Nancy Barton: Ok so then I would like to back up and I think that it should be added back in. I miss interpreted what it said. My understanding was that this was new items that weren't in the fund before but now are being added. So then I guess I'll reword all of that, I agree with the appliance home repair replacement. I don't think that should be an item should be added but I would like see the fund cover homeless lodging assistance. We had a Tribal member who passed away earlier this year and he was homeless. We have homeless people in this, in our Tribe and we haven't dealt with that whole situation yet. We don't know what those numbers are and I think that this would be a good way to identify how many homeless people do we have and we don't have a way to identify those numbers until they come and ask for help. And so that's a way to track data and statistics. If they're coming in and say I'm living in my car and we need a place to stay whether it's individual or family, because we have a lot of families that are homeless that live with other families. And so I would like to see the homeless lodging assistance be added to this fund. The other thing that was not added to the fund was the Department of Correction re-entry assistance. From my understanding, the Department of

Correction assistance program that recently, it doesn't, it's not funded anymore. There's not a program within our Tribe, there really wasn't anything for them anyway. There was a person who was hired as an advocate or a resource person who could lead them around to other programs who also was not able to assist them. A person got a \$25 food card and was sent out the door and wished good luck. And so I think that this Department of Correction re-entry assistance is a way to identify how many of our Tribal members are coming out of prison. Men and women and what do we have to offer them when they come out of that situation to hold them up and to start all over. I feel a need to encourage them and let them know that there are things that are available to start all over that we don't continue to punish them, they've been punished. They're probably on probation with you know specific criteria that they need to meet and that the Tribe has the opportunity to help those people be successful in their endeavors. Health membership fees should definitely not be covered. That means you are opening the door for 17,000 Tribal members. . .

Jennifer Webster: It's on the list not to be covered . . . so we're good there

Nancy Barton: Yes I saw that but it was on there before, it was a item that was previously approved because somebody said you well guys have the fitness center there and I have a doctor's slip in Arizona that says I wanna go to a membership, a fitness club then those funds were they were paid for. So you know a health membership is not a item. So I'm agreeing not to be to have it covered. Under food and personal care items I disagree that that is an item that should be continued until something else comes along. I have a, for those of you that don't know, I have a General Tribal Council petition for an emergency food pantry that hopefully will come to the floor of General Tribal in the next budget year. But in between now and then, I don't believe that food, personal care that's a whole other subject. We had a closet over at Social Services where when people came if they said I need shampoo, I need laundry soap, those things were available. You could give that family or that individual a package and help them. And so food that's a whole another issue, we currently, my understanding is that we hand out, distribute Festival Food cards to the amount is \$25 per person per month and I don't feel that that is currently meeting the needs of any Tribal member. And there are provisions and restrictions on the food because if you don't bring your receipt back or perhaps you buy something by mistake, you could be punished in the future for not bringing your receipts back or possibly buying something that the person who handed you the food card thought you shouldn't be eating. So those are the things that I wanted to bring up on those two lines. The next one over is rental of medical equipment and again, we're talking about the Health Center. There are resources available, there's a vast amount of resources in Brown and Outagamie County regarding medical equipment. And so adding this to here to me looks like someone didn't do their homework and that needs to be further looked into too. There's an options program that is located on the campus of NWTC and you can go there anytime and borrow any kind of medical equipment that you need and when you're done with it you bring it back and I'm pretty sure they're nonprofit. But also this a Health Center related issue that needs to be looked over at them. The other thing that I wanted to note was, you know I'm aware of some of these policies that were created and designed specialized for the certain people at a certain time. And one of them that I wanted to talk about is the emergency travel regarding funerals. And we talked about this on many occasions, had many meetings, tried to find the right entity to take care of it. And we know that emergencies that don't happen between 8 and 4:30 Monday through Friday, there are night and weekend situations and nobody wanted to take it. Enrollments didn't want to take it, Center for

Self-Sufficiency didn't want it but I encourage that a off hours system be designed so that when Tribal members have an emergency other than the 8-4:30 that there was a place that they to call and that the systems would be set up so that if a person needed to travel to, I'll use Arizona again, on a Saturday because some family member died, there is no system put in place. So what the this fund said to do is to you figure out how to get there and when you get back we'll reimburse you. So to me if you found a way, whether you borrowed the money or however you got there, to me that's no longer considered an emergency. You found the resources to get there, we should not be reimbursing for funeral travel. We have a department and entity that handles all other funeral issues. The burials, the cemetery and all of those other issues that needs to be collaborated and that it's really not serving the purpose that it needs to. The other part that I wanted to talk about is I think we have, we're very fortunate, we're lucky, this form, this fund was set up a long time ago because people were coming to the Business Committee with certain issues. They had medical issues, they had family issues, emergency issues and there was no fund and so it was created by the Business Committee because they didn't want to keep hearing the request. A certain fund was established and was sent over to Center of Self-Efficiency. And it is a good thing and I think it should remain but I think that it needs a lot of work. I said two and a half, three years ago, when this policy came forward the last time, the original policy was in effect for many many years. And it worked. And then one person can come in and decide on any given day that they want to take a law and amend it and it can be crucial to Tribal members because based on that person's own personal views, they can chose to hinder and punish people that are eligible for programs. And so I felt like, and I brought it up to the LOC the last time but they didn't want to listen and so here we are and to me I feel like this whole issues here; bring it back, the first time when it got changed that it just a big waste of time and money when we do things like this. So I asked that last time it got changed to wait, stop can't see you what's going on here and it went forward. So I feel like it's a big long standing issue, we're going three and a half years now this is the second time it's been brought back and unfortunately because you can read through the lines. Ok

David P. Jordan: Thank you, anybody else for Community Support? We're trying to keep it at a five minute minimum if possible, I'm sorry I didn't mention it before but. . . Lu, Lu and then Brad.

Luanne Green: Hi I want to talk about that funeral thing. I called Enrollments some time ago and when a family member passed I asked about the procedure for getting some relatives to funeral. And there really isn't any at that time, I don't know if that changed. Their response was in order to receive the life insurance, that \$15,000 life insurance, you have to go to Enrollments with a death certificate. And the death certificate isn't issued until like 10 days after the person expires. So even though we have that life insurance for funerals, there's still a gap in getting people to the funerals. We had people, I have relatives in Canada and Arizona and California and everywhere and not saying that they all need to come to my funeral or would come but if they wanted to, there's still that gap there that existed years ago and people wanted to come for the funeral, it's not just the funeral expenses, it's getting to the funeral. And so you know people aren't if they do have to borrow money to get there, maybe that should be repaid out of that \$15,000 but, but to me there is still that issue there when you have 2 or 3 days you know to get depending on where you're at, to get together some money to get to the funeral.

David P. Jordan: Brad.

Bradley Graham: Ok, where you got line 144, no go under Article 2, sorry about that, I'm going by their, I didn't have the redline, blueline version right away so you'll have to give me a little time. I should have had all the BC amendments and added in with this, there's a 10/13 or whatever was missing.

David P. Jordan: Yup.

Bradley Graham: Ok and then under definitions, Business Days you have as recognized holiday the official calendar of the Tribe. What is that? Where is it? If you do have an official calendar, and what you're going by other than a regular calendar, you should print it out in the paper so everyone knows what's going on. Cause otherwise if you go business days Monday through Friday, you know what do you consider official holidays so that should be something. Case Manager, Employee is it just one case manager or is there more? And that would be under 174. I'd like that defined, you know how many there is.

Jennifer Webster: We can just add an "s" to that. . . we can just add an "s" to that in case there's more than one

Bradley Graham: Huh, and then on under line 198, is this Community Support or Economic? Because if you look back farther into it, it does have the next page 7 of 11 under Article 4 has does have Economic Support Services. So is this being changed from Community Support to Economic.

David P. Jordan: It says Community Support on the 198 that I'm looking at.

Douglass McIntyre: I can briefly answer that. So as the fund is currently written it was under the Social Services and then it was switched to the Economic Support Services so that is the department that is currently running it. Actually that was the department that was currently running it when Brad put in the request. I believe they have now switched it over to the Self-Sufficiency, Self-Sufficiency, I'm not sure what that department is called.

Jennifer Webster: Center for Self-Sufficiency.

Douglass McIntyre: Yes, I believe it is under that, certainly we'll get the whatever department it's under correct in there. I was going to make the change in this draft but I didn't want to sort of throw a curve ball out there confuse everybody and then have 20 people ask what's happening.

Jennifer Webster: And make the changes again, ok

Bradley Graham: Alright then let's get that changed and done right.

Jennifer Webster: That's what he's going to do. That's what he's going to do

Bradley Graham: Huh? Ok and then in the version now, page 6 of 11, 214 I'd like to see that kept in, the definition of the Reservation lands and waters. It's in other policies too so I'd like to

see it kept in this one. We just talked about the changing of the name, if you go under line 228 where it say the Governmental Service Division shall create, I'd like that "shall create" taken out and have them make suggestions. I don't think anybody under any of these policies shall have the right to create. And that goes for all the parts that are in here. It's down a little further in there. Line 235, I'd like that changed to quarterly reports and annual and semiannual reports. For the under the 235 (b)

Jennifer Webster: Ok

Bradley Graham: I see the other one was changed. Let's see you'll have to give me time here because I'm going under two different ones.

Jennifer Webster: I'm sorry what?

Bradley Graham: Ok line 281, it says amount of time elapse since catastrophic event. If you look at the back of this document under line 419 it's got 30 days after the event. I like that taken out. It'd be on page 11/11 line 419 completely removed, 419 through 421. Cause there's situations where if you do have a medical event and it's like on a Friday or a weekend, you can't contact Contract Health or nobody and by time they get done with it, it might take them a month or two, so that would take you past the 30 days so that's a violation of our rights to be denied them.

David P. Jordan: Any others?

Bradley Graham: Yeah I got more, like I said I going, I had this one I went through first before I was given this one.

David P. Jordan: You got a lot more? Because if you do it might be better to submit it in writing. We're trying to. . . it might be better to submit it in writing. How do you have. . . I mean. . .

Bradley Graham: Huh? Let me go through this quick, I only got a few more David.

David P. Jordan: Alright.

Bradley Graham: Skip back here quick, if you go back to line 426 where it says or 427 its says maybe appealed as a final decision to the Judiciary. I'd like the Judiciary taken out completely and GTC added. Judiciary should have nothing to do with any of this because they do not really exist because the Constitution has not been finalized. So therefore they're a [inaudible] body.

David P. Jordan: That's personnel issues stuff so that's the thing.

Bradley Graham: Nancy covered that medical equipment. If there is anything else I'll submit it in writing then.

David P. Jordan: Ok thanks Brad.

Jennifer Webster: Any other comments?

David P. Jordan: Ed.

Ed Delgado: I really don't know how much the Community Support fund is. My guess is \$500,000. I may be well off but I have heard a couple times you know that the Tribe can't be everything to everybody. It's a limited amount, we do have a lot of extreme poverty on this Reservation. I mean even on Site I there are some kids who go to one of the elders down there and tell her that they're hungry and she cooks them meals. There's two or three kids like that. So there is extreme poverty on this Reservation. I think the housing presentation that General Tribal Council, that was given to GTC at one of the meetings, I think maybe the last meeting showed that in the Hobart side of the Oneida Reservation we are only about half, the average incomes in only about half of the non-Indian population of that area. So poverty still exists. There are a couple of items in here that could possibly be very expensive. One of them is social security disability determination, rent and utilities assistance with a maximum of 12 months. Now that could be a \$12,000 expense to the Community Support thing. I could see a very easily if I was a about five years younger and try to apply for disability or didn't have social security. That would be a good way to make some money or get my rent paid. Apply for disability and wait for a determination. Sometimes it does take a year sometimes it takes longer, sometimes maybe 3 or 4 months. But it could make a good way to make some to make some decent money or assistance while even knowing that you probably won't qualify. So I think it needs to be clarified a little bit. You are not covering homeless lodging assistance. When I was chair we had a lot of instances where Oneida Tribal members were homeless and they came here and tried to get assistance. Maybe you want to include that if they have children because it's it's devastating for Tribe not be able or not willing to take care of homeless children. And there are predicaments where people lose their homes. Single mothers, sometimes they live month to month. Hoping that the absent parent will provide that income that they're supposed to pay but sometimes don't. They don't pay it that family is in dire straits. And perhaps they should be able to go to their Tribe and their Tribe should provide that assistance. Again, we need to be careful and find out that we are serving those that are truly in need and not try and not fund those who are just using it to as an easy way out. In the last request as I mentioned before, transparency this is Tribal money. And I think the Tribal members deserve some measure of transparency. Now recently we had a Tribal elder who received \$5000 for implants whereas the average Tribal member would never get that. But this was a Tribal member who voluntarily told everyone because she thought that is wrong that she should get it, she could afford it but she got it anyway. But how many Tribal members in the past have gotten \$5000 worth of implants for their teeth? How many times it just seems like if you have transparency, transparency isn't there to for people to look in there and try to ridicule people that might need help. Transparency is there to identify those who might be abusing the system and not being held accountable for it. There are people who use abuse the system and they can do it more easily if they are able to hide under a veil of secrecy. Again that's Tribal money and the Tribe Tribal members should know how it's being spent, whose receiving it, if someone should wanna look that up. No normal person is going to publish that kind of stuff if it's fair and square, but it deserves to publish if someone or some people are abusing the system over and over again or some people might make a \$100,000 a year and you're getting rent assistance or utility assistance or food assistance. You might want to look into that too. Transparency in most places, governments provide for transparency. When people use our Government money. Yaw^ko.

David P. Jordan: Thanks Ed. Ok I'm going to close this one out. If there is anymore you can actually submit it in writing on November 5 at 4:30. Thanks for your comments. Next one is the Removal Law.

Brad Graham suggested edits

--Cost share should be completely removed or those under the federal poverty guidelines should be exempt from the responsibility of cost sharing.

--In section 4-4, the fund should not be a "fund of last resort".

--6-1(a) should include all health insurance that is not paid for by healthcare provider (Medicare, Medicaid, etc.) and not just COBRA payments.

--In 4-1(b) reporting should be quarterly.

--Is 4-1(c) going to take the form of the benefits book?

--4-4 what type of proof is needed should be listed

--For 3-1(b), not everyone knows the tribe's holidays. Economic Support should send out a list of days, post an article in the newspaper or include with the benefits book that should be send out.

Article VIII 2-2(D) SSI and Social Security do not receive a check stub or payroll printout, just a yearly statement. (Application Check List included) Add in "SSI and Social Security shall be excluded, along with all other income that does not receive a weekly or monthly statement."

ADD IN: "All tribal members who are on a fixed income or no income, who are at or below Federal and State Poverty Guidelines, shall have their bills paid."

10-30-15 Bradley A. Graham DWS



Oneida Community Support Services Fund

Application Check List

If verification is not attached to application the application will be considered incomplete and will be returned or placed in pending status until all verifications are received. If not received within 30 days must re-apply.

APPLICANT NAME: _____ DATE: _____

PLEASE CHECK ASSISTANCE APPLYING FOR:

☐ Rent ☐ Utilities ☐ Security Deposit ☒ Medical Bills ☐ Medical Travel ☐ Funeral Travel
☐ Other: Specify _____

YOU MUST PROVIDE THE FOLLOWING VERIFICATION WITH EACH APPLICATION:

- ☒ Oneida Tribal Enrollment Verification (Tribal ID card or letter)
- ☒ Submit ALL household income for past 60 days - including unearned income (child support, SSI, etc.) with verification of **check stubs or payroll printout from employer**

APPLICATION FOR RENT/SECURITY DEPOSIT AND UTILITIES YOU MUST PROVIDE:

- _____ Landlord Verification Form – **COMPLETED AND SIGNED BY LANDLORD**
(MUST INCLUDE YOUR LANDLORD'S FEDERAL TAX ID NUMBER, OR SOCIAL SECURITY NUMBER)
- _____ Rental Lease Agreement
- _____ Eviction Notice or statement of amount owed and for which month
- _____ Utility requests you must provide complete current bill with payment history and disconnect notice**Please note, you must first apply to your County Energy Assistance Program
- _____ Police or Fire Report - (If applies), proof of renter/home owner loss claim

MEDICAL TRAVEL/MEDICAL BILLS YOU MUST PROVIDE:

- _____ Medical Documentation from Physician of critical illness or medical appointment verification
- _____ Valid driver's license
- ☒ Current medical bills showing dates of service and balances
- _____ Copy of insurance card and explanation of benefits from your Health/Dental Insurance

**Please note for all non-insured medical bills you will be required to apply for community care or financial assistance before services will be considered.



ONEIDA TRIBE COMMUNITY SUPPORT SERVICES FUND

Community Support Application

Phone (800) 216-3216 • (920) 490-6800 • Fax: (920) 490-6803

To be determined eligible for assistance from Community Support the applicant must be an enrolled member of the Oneida Tribe of Indians of Wisconsin. Applications for assistance for minors must be made by the parent or legal guardian.

NAME _____ TODAY'S DATE _____
ADDRESS _____ SOC SEC # _____
CITY _____ STATE _____ ZIP _____ COUNTY _____
MAILING ADDRESS _____ CITY _____ ZIP _____
DATE OF BIRTH _____ ENROLLMENT # _____ TELEPHONE # _____

Maiden Name or any other name you may be listed as: _____ Veteran: ☐ Yes ☐ No

Marital Status: ☐ Single/Never Married ☐ Married/Living Together ☐ Married/Separated ☐ Widowed ☐ Divorced

SOURCE OF INCOME: _____ TANF/W2 _____ SSI _____ Social Security _____ Disability _____ Pension
_____ Employment _____ Unemployment _____ Child Support _____ Other _____

INCOME: List **ALL GROSS** past monthly income, include Child Support and Unemployment

<u>Name</u>	<u>Source of Income</u>	<u>Amount</u>	<u>Verification</u>

Do You: _____ Rent _____ Own Monthly Rent: \$ _____ Do you live with someone if so, Who: _____

TOTAL MONTHLY INCOME FROM ALL SOURCES: _____ TOTAL NUMBER IN HOUSEHOLD: _____

HOUSEHOLD: List **ALL** persons living in your household

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>SOCIAL SECURITY #</u>	<u>RELATIONSHIP</u>

Have you applied to the Food Distribution Program? YES _____ NO _____

Have you applied to the Emergency Food Pantry? YES _____ NO _____

Have you applied for WIC? YES _____ NO _____

Have you applied for Food Share? YES _____ NO _____

Do you have Medical Insurance? YES _____ NO _____

Do you receive rent assistance through the County or Tribal Housing Allowance office? YES _____ NO _____

Please list other agencies you have contacted for assistance: _____

When filing out application ALWAYS provide explanation of your crisis situation and what you are requesting from the program. Check the services you are applying for and briefly describe the emergency situation:

☐ Rent ☐ Utilities ☐ Security Deposit ☐ Medical Bills ☐ Medical Travel ☐ Other: Specify _____

Provide an estimate for the cost needed: \$ _____ Provide amount you can contribute: \$ _____

DISCLAIMER

Application for financial assistance from the Oneida Tribe Community Support Services Fund (CSSF) may be delayed and/or denied based on availability of funding. The CSSF is a payer of last resort, exhausting all other resources prior to consideration for assistance. Should it be determined that benefits have been obtained through fraudulent behavior or misrepresentation, repayment of all benefits or services will be required and the applicant shall become ineligible for further services for one (1) year from the date of application. Funds owed to the program as a result of fraudulent activity or misrepresentation may be recovered through garnishment of per capita payment(s).

I hereby certify the information contained in this application is true and correct. I understand that by signing this application, I will be responsible for providing the program with receipts for goods or services I receive and that any amount not having supporting documentation is to be returned to the program. I also understand that this application may be referred to another agency or program which could assist me further if necessary. I further waive my rights to confidentiality should I choose to take my request to management levels above the program's administrative structure.

CONSENT TO RELEASE INFORMATION

I consent to release any and all information necessary for the determination of benefits to be made on my behalf to the Community Support Services Fund. I understand this release may include any information regarding income, salary, medical records, benefits and disability.

APPLICANT SIGNATURE: _____ DATE: _____

OFFICE USE ONLY

☐ Tribal Id Verified ☐ Income Verified ☐ SD Agreement Received ☐ Rental Lease Verified ☐ Other _____

APPROVED: ☐ Yes ☐ No AMOUNT _____ SERVICES APPROVED _____

STAFF INITIALS: _____ DATE _____

**ONEIDA COMMUNITY SUPPORT SERVICES FUND****LANDLORD VERIFICATION FORM**

NOTE: Verification to be completed ONLY by landlord, if applying for rent or security deposit.

TENANT NAME: _____

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

NUMBER OF OCCUPANT'S: _____ ADULTS _____ CHILDREN

AMOUNT OF: RENT \$ _____ SECURITY DEPOSIT \$ _____

HAS A PAYMENT BEEN RECEIVED FOR RENT/SECURITY: \$ _____ RENT \$ _____ SECURITY

HAS THE TENANT BEEN APPROVED FOR RENTAL UNIT: ☐ YES ☐ NO

(CURRENT RENTER) AMOUNT OF RENT PAST DUE: \$ _____ MONTHS: _____

LANDLORD'S NAME: _____

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

PHONE: _____ FAX NUMBER: _____

LANDLORDS TAX ID # OR SOCIAL SECURITY #: _____

(A check cannot be disbursed until the Landlord Federal Tax Id # or Social Security number is provided. The Landlord may provide information directly by calling (920) 490-3710 or fax form directly to (920) 490-6803 for strict confidentiality)

By signing below you are agreeing with the stipulation that the rental unit be in such condition as to allow the return of any part of the security deposit, paid on behalf of the tenant, to the Oneida Tribe Social Services upon my vacating the premises. I understand that funding for this benefit is provided through a grant from the Oneida Tribe or Federal TANF Programs. This is to assist persons currently in need, and that any misuse of these funds constitutes fraud and subjects me to criminal punishments.

NOTE: SECURITY DEPOSITS ARE NOT TRANSFERRABLE UNTIL A NEW SECURITY DEPOSIT AGREEMENT HAS BEEN AUTHORIZED.

TENANT SIGNATURE: _____ DATE: _____

LANDLORD SIGNATURE: _____ DATE: _____

AUTHORIZED PROGRAM REPRESENTATIVE: _____ DATE: _____

Douglass A. McIntyre

From: Melinda J. Danforth
Sent: Tuesday, September 01, 2015 11:39 AM
To: Douglass A. McIntyre; Brandon L. Yellowbird-Stevens; David P. Jordan
Subject: RE: LOC Meeting Packet for September 2, 2015

I see the Community Support Fund policy is on the agenda. I would request the LOC look at the definition of family and who qualifies for funeral travel. Our family recently traveled to Montana for the loss of our niece, and while we were able to pay for our travels as a family, many tribal members cannot afford to do so. The only persons eligible are if the person who passed away was the mother, father, grandparents or siblings (immediate family) of the person requesting support. I find this conflicting culturally with our definition of family/extended family.

Yaw^ko for taking this in to consideration.

From: Douglass A. McIntyre
Sent: Friday, August 28, 2015 3:18 PM
To: LOC; Barbara J. Dickson; Barbara J. Reynolds; Brandon L. Yellowbird-Stevens; Brenda L. Skenandore; Brian A. Doxtator; Candice E. Skenandore; Christopher G. Johns; Colleen M. Cottrell; Collette E. Lanser; Cristina S. Danforth; Dale P. Wheelock; Danelle A. Wilson; David P. Jordan; David W. Bischoff; Dawn M. Moon-Kopetsky; Debbie J. Melchert; Debra J. Danforth; Denice E. Beans; Denise J. Vigue; Dianne-Lynn L. McLester Heim; Donald R. White; Dorothy Krull; Fawn J. Billie; Fawn L. Cottrell; Gerald L. Hill; Geraldine R. Danforth; Gina D. Buenrostro; Jennifer A. Webster; Jennifer Hill-Kelley; Jessalyn M. Harvath; Jessica L. Wallenfang; Jo A. House; Joanie L. Buckley; Judith A. Skenandore; Kathleen M. Metoxen; Kaylynn Gresham; Krystal John; Lawrence E. Barton; Leyne C. Orosco; Lisa A. Liggins; Lisa M. Summers; Lorena M. Metoxen; Lori A. Elm; Loucinda K. Conway; Louise C. Cornelius; Mark W. Powless; Mary C. Graves; Matthew J. Denny; Maureen A. Metoxen; Melanie H. Burkhart; Melinda J. Danforth; Mercie L. Danforth; Michele M. Doxtator; Nicolas A. Reynolds; Norma M. Brzezinski; Patricia M. King; Patrick J. Pelky; Paul W. Stenzel; Paula M. King Dessart; Phillip L. Wisneski; Rae M. Skenandore; Raeann Skenandore; Ralinda R. Ninham-Lamberies; Ravinder Vir; Rebecca J. Schommer; Rhiannon R. Metoxen; Robert J. Collins; Ronald W. Hill; Sandra M. Schuyler; Scott J. Denny; Susan M. House; Tami J. Hill; Taniquelle J. Thurner; Terry A. Cornelius
Cc: oneidacornelius@yahoo.com; Racquel L. Hill; Tamara J. Vanschyndel; Stephen R. Webster; breuningerjohn@gmail.com; Kerry R. Metoxen; Chris Cornelius (chriscornelius1@gmail.com); Carol Silva; Loretta Metoxen; Gerald B. Cornelius; Michelle L. Mays; Cathy L. Bachhuber; Lorena M. Metoxen; northern62@yahoo.com; Marsha M. Skenandore; Trina B. Schuyler; Debra L. Powless; Mark A. Powless; Matthew W. Denny; Loucinda K. Conway
Subject: LOC Meeting Packet for September 2, 2015

Good Afternoon,

Attached is the LOC meeting packet for September 2, 2015. For those with access, the packet can be obtained on the G:Drive (*G:\LOC\Agenda_Backup\LOC Meeting Packets\2015*). The packet will also be available on the Tribal website shortly.

Have a great weekend

These are my comments and changes that I would like changed to the Community Support Fund Policy,

~~Page 10 of 11 line 348 Health memberships fees should be deleted. The Fitness is free. Health memberships means any Tribal Member anywhere could get documentation for Health Memberships fees. We cannot afford this.~~

line
Pg. 8 of 11 - 303 (h) inpatient treatment with a limit of once per lifetime. This is very unclear as Contract Health has policies that need to be looked at.

Pg 8 of 11 - 269 - Reimbursement of funeral
travel

9
Pg 10 of 11 - 345 Items not covered by Fund

Homeless lodging assistance - That's being prejudice against Homeless people.

line 347 - Dept. of Corrections re-entry assistance

10-2-10
Tanya Dalton

I, Nancy Barton, hereby submit my written public comments regarding the following:

1. "Community Support" amendments. Upon reviewing these amendments it is apparent that those programs and entities who have budgets and inputs into these services have not completely or cooperatively worked together to insure that these services are not being duplicated.

Statistical information needs to be provided regarding each and every one of these services under the New Items not being covered, such as appliance repair & replacement is unclear. Exactly what appliances would you be repairing or replacing and to whom you would be replacing all 17,500 tribal members regardless of location and income?

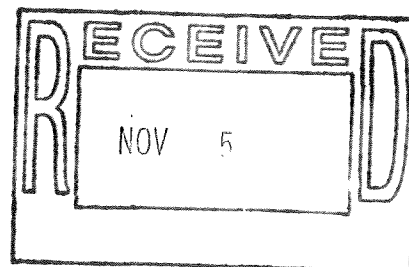
2. I was extremely saddened and disturbed that this fund will NOT be covering homeless lodging assistance. Again, historical statistical information needs to be provided from the Center for Self- Sufficiency regarding the number of people applying for lodging and assistance in fiscal 2015.

How could we as Oneida people turn our backs on the most vulnerable people? The homeless go hand-in-hand with a vast array of social problems including mental illness and unemployment. Although this is a complex and unaddressed issue, it exists within our nation. A tribal member was homeless and was found deceased behind Wal-Mart where many of our own tribal members along with other Native people congregate together as a homeless community. Do NOT ignore the homeless people, or deny them assistance for a warm place to sleep and something to eat. .

3. Department of Corrections – Re-entry

When you come out of incarceration, whether a man or a woman, the least we could do is to be able to offer those people who have already been punished a way to start over and let them know we are going to hold them up while they rebuild their lives and hope they don't go back.

4. INPATIENT Treatment – is an item that is going to be added to the New Items covered. Again, you are talking about Contract Health because Debbie Danforth get Indian Health Services money, they decide where that money is allocated. There SOP only covers 28 days of in-patient treatment. These specific things that changed were directly related to one individual's specific request, not the most amount of people.



5. Home Renovations Required for Handicap Accessibility – Why isn't this being covered in Elderly Services.

6. FMLA Wage Replacement – Non-Emergency Maternity

Social Security Disability Determination Rent and Utility Assistance –

The only people who can get help with rent and utilities are people who are pending Disability Determination and you cannot do that. That is discriminating against poor tribal people.

Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this?

Taking out of the "Community Support Fund" How can you justify denying tribal members food and personal care items such as shampoo and kotex? Stabilization Rent Assistance is also being cut out so if you come in with an Eviction Notice or utilities disconnection will get you kicked out of housing tomorrow. What you are creating is a homeless population of our most vulnerable people including single parents.

Instead of health insurance the fund may be used to cover Cobra Insurance payments and that is a change. I don't know what COBRA is and I don't know how I feel about this.

The former Director of the Center for Self-Sufficiency before she retired, she left a legacy that prevented the people who need the funds the most almost unable to access tribal funds due to a hateful disposition.

7. Public Use of Land Amendments – these proposed amendments need to come before General Tribal Council in their totality to be approved because they were created by the Environmental Resource Board (ERB) which was created by General Tribal Council. End of story!!

The Removal Law Amendments – Those need to come in their totality to General Tribal Council as submitted by the Trust & Enrollment Department at their semi-annual report, which they refused and have not done in several year but are required by the Memorandum of Agreement between the Trust Department and the Business Committee. Why are you hiding – we can add, subtract and read.

The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless' petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.

From: Cathy L. Motop

Thursday, November 5, 2015

Public Hearing Deadline – LOC

To Whom It May Concern

Due to recent legislative proposals of the numerous changes taking place by way of the Legislative Operating Committee (hereafter LOC), that may include simple language usage such as the words, "shall," "must," and "may;" I feel a general statement to cover all or 'most,' of the wording and or change of words are diligent and necessary to put a stop to the Legislative Operating Committee and it's staff is detrimental in protecting the safety, health and wellbeing of the services and laws to protect the people's simple basic human rights.

What I believe to be due to the appearance of, impropriety by way of, "abuse of Authority," and unethical behavior(s) by Council Member, Brandon L. Stevens.

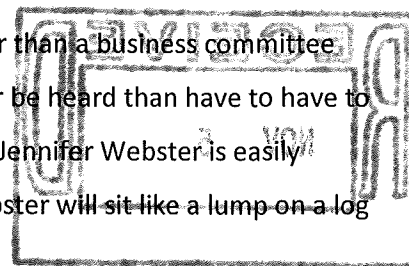
Brandon L. Stevens has a predictable trait. Arrogant, snotty, discriminating inequity, appears to think he can do whatever he wants, is biased, has a tendency to make faces, roll his eyes, make fun of things that are serious. As the time I asked LOC Chair, Brandon L. Stevens why are you changing the word "shall?" I stated, "is it because the young people don't understand what the word "shall," means?

LOC Chair Brandon L. Stevens, replied, "Basicly, YES." This type of response lacks leadership qualities and screams immaturity.

I believe due to Lack of professionalism by Council Members, Ron Tehassi Hill, Jennifer Webster, and Fawn Billy; there are personal agendas, personal favors and/or violation(s) of the people's rights as according to the constitution.

Ron Tehassi Hill is more apt to sit and roll back and forth in his chair as he has a nature of staring at the ceiling, rolling his eyes as people are talking as if to be bored and more times than not has a disposition of arrogance, holier than thou, consecrated better and above the ordinary person, untouchable and unreceptive ugly immature self-conscience.

Jennifer Webster obviously holds qualms whenever anyone speaks other than a business committee member. It has been obvious to me that Jennifer Webster would rather be heard than have to have to listen to anyone other than other business committee members speak. Jennifer Webster is easily irritated, foreboding and prefiguring. More times than not Jennifer Webster will sit like a lump on a log



and put her time just so she can continue to get paid for doing nothing in the best interest of the safety, health and wellbeing of the people.

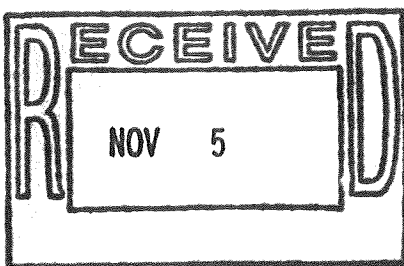
Fawn Billie is just another lump on the log, and spends more time on her laptop doing who knows what with whoever coaches her or is joking and laughing with her because she will laugh out loud out of the blue as if there's something funny when there's not. I can only imagine Fawn Billie is texting or emailing who knows who on what to say or do most of the time when she speaks she does not make sense.

Clearly immature, unprofessional, and inappropriate behavior by elected officials who do not understand or comprehend that they are servants to the people.

Some of those laws that appear to be targeted at taking services away from the people and/or punishing the people appear to being used to manipulated taking away changing language to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members :

1. Public Use of Tribal Land Law Amendments, needs to go to GTC
2. Removal Law, needs to go to GTC
3. Higher Education, needs to go to GTC
4. Community Support - being set-up to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members

End of Statement C.F.M.



DAM



Legislative Operating Committee

November 18, 2015

Removal Law Amendments

Submission Date: December 17, 2014

✓ Public Meeting: 10/29/15
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *These amendments will give the OBC the ability to remove elected members of boards, committees and commissions upon petition or request by the board, committee or commission. The OBC removal process will not be amended.*

- 12/17/14 LOC:** Motion by Fawn Billie to add the Removal Law Amendments to the active files list with herself as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.
- 02/18/15 LOC:** Motion by Fawn Billie defer the Removal Law Amendments for a legislative analysis and a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.
- 4/3/15 LOC:** Motion by Jennifer Webster to forward the Removal Law Amendments to an April 30th, 2015 Public Meeting; seconded by Tehassi Hill. Motion carried unanimously.
- 4/30/15:** Public Meeting Held.
- 7/1/15 LOC:** Motion by David P. Jordan to defer the Removal Law Amendments to a work meeting; seconded by Tehassi Hill. Motion carried unanimously.
- 7/1/15:** Work Meeting Held. Attendees include: Brandon Stevens, Tehassi Hill, David P. Jordan, Danelle Wilson, Leyne Orosco, Ed Delgado, Douglass McIntyre, Candice Skenandore, Taniquelle Thurner, Daril Peters, Jordyn Rassmussen.
- 9/4/15:** Strategy meeting held. Attendees include: Brandon Stevens, Jennifer Webster, Fawn Billie, Douglass McIntyre.
- 9/16/15 LOC:** Motion by David P. Jordan to defer the Removal Law Amendments to the Legislative Reference Office to bring back with a proposed date for a Public Meeting; seconded by Fawn Billie. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the revised Removal Law Amendments to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** Public Meeting held.

Next Steps:

- Accept the public meeting comments and defer review to a work meeting to be held on November 23, 2015.

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

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquelle J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



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

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

Memorandum

TO: Legislative Operating Committee
FROM: Douglass A. McIntyre, Staff Attorney
DATE: November 18, 2015
RE: Removal Law Amendments: Public Meeting Comment Review

On October 29, 2015, a public meeting was held regarding proposed amendments to the Removal Law (Law). Amendments to the Law include:

- Establish two separate processes for removing an elected official from office: one process for Oneida Business Committee members and one for all other elected officials. The separate processes differentiate between boards, committees and commissions and the OBC.
- As the final step in the removal process, General Tribal Council would still vote on the removal of an OBC member, but for all other elected officials, the OBC would make the final decision, and the official would be removed from office if six OBC members voted in favor of removal;
- The amendments enable Tribal boards, committees, and commissions to submit a formal removal request for one of their elected members, without having to collect signatures for a petition. In order to submit a removal request, the entity would only need to approve, by majority vote, of taking such action;
- A new provision adds that if elected officials of a board, committee or commission violate their entity's bylaws, operating agreements, laws, regulations or SOPs; it is grounds for removal.

This memorandum is submitted as a review of the oral comments received during the public meeting process; no written comments were received. The public meeting draft with comments, as well as the comments received, have been attached for your review.

Comments 1 & 2. General Comment on the Amendments

Comment 1. Bradley Graham: and everything and just make this a simple Removal Law. Take it before GTC period. Let them decide. We're the ones that elect you, we're the ones that hold you accountable.

Jennifer Webster: We know that.

Bradley Graham: So it's, this law here should be thrown out period. And rewritten. Don't even bring this forward to GTC, don't even waste our time and money. Let's just make this a good law, a simple law. Let the people take care of it. Thank you.

Comment 2. Mike Debraska: Thank you, I listened to quite a few of the comments and I'm actually in agreement with several with them. I think this entire law needs to be scrapped and

brought back. I look at this and saying we're creating a tri-part system here where you're going to have all these multiple laws when this really should not be happening. I believe that GTC, by drafting something like this and this being brought forward by another body to bring it forward, they should be here to answer the questions at the at the very least.

Response.

The commenters give general statements and request that the draft should be re-written. There are no specific recommended changes based on the comments.

Comment 3. Intent of the Amendments.

Nancy Barton: Ok well if you submit you know to change something at least you can do is show up so that you could hear what other people had to say. I feel like this entire Removal Law amendment once again we don't know what the underlying cause was regarding why this was brought forward.

Comment 4. Michelle Mays: Michelle Mays with the Oneida Law Office. I guess I would ask and I understand where Mr. Debraska is coming from, but I guess I would as if there if they have issues with the proposals that they perhaps come up with alternatives. And the reason being is right now if we have an elected official who is not attending meetings as required the bylaws of the committee or commission that they were elected too, there's nothing that the board, committee or commission can do in regards to that particular member short of removal. These terms usually are only for a period of three years. So if this occurs during the second year of their term and you have to go through the prior removal process and take it to General Tribal Council, as we all know, that could take the full year, year and a half to get to General Tribal Council to even get to the removal process. So that poses a problem to actually be able to handle the issue of nonattendance. Or the not even the necessarily meeting the requirements. For example, Trust and Enrollment Committee, if someone, and this is clearly hypothetical, if someone should for some reason be arrested for a financial crime of some sort, that stops them from meeting their requirements to sit on the Trust and Enrollment Committee. But there's nothing in the bylaws and there's nothing in any law that the Trust and Enrollment Committee can actually take action to suspend them from the Trust/Enrollment Committee while that action is pending. The only option is to take it General Tribal Council right now through the removal process and that just isn't a good process. It takes an enormous amount of time and in the meantime you could have someone sitting on the committee that potentially is a danger to the committee in that financial way. Or you have an empty spot, a voting spot, where you, you're having nonparticipation when that participation is really important. So I understand the sentiment of trying to, having, because they're elected, to go to Tribal Council but the process to get there is just too long at this point. So, thank you.

Response.

One commenter asks the intent behind the changes. The second commenter explains the reasoning. Additionally, the Agenda Request Form from the Trusts and Enrollment Committee states "Currently, in order to remove an elected person from a board or committee the extensive process of the removal law must be followed. The Trust and Enrollment Committee is asking that the Removal Law be amended to give Boards and Committees the ability to remove a member if that member is failing to attend meetings or violates the bylaw of the board or

committee. The removal process is too costly.” However, once a law or policy is on the active files list it is open to changes beyond the original request. There are no recommended changes based on the comments.

Comment 5. Policy.

Bradley Graham: Just be forewarned I never even got through the whole thing but, let’s get right into this here. Line 171, it says removal of persons selected to serve on the BC, take that one out and it should be, all persons elected and appointed to on serve boards, committees and commissions of the Oneida Tribe of Indians.

4.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide an orderly and fair process for the removal of persons elected to serve on the Oneida Business Committee and on boards, committees and commissions.

Response.

The commenter requests the added language be removed. There are no effects to the law if the requested language is removed. Any changes based on this comment should also be made to 4.-1.

Comment 6. Authority to Amend and Repeal.

Nancy Barton: And so I would caution that this law before it goes forward, that it needs to go to the General Tribal Council for a final vote.

4.2-2. This Law may be amended or repealed by the General Tribal Council only pursuant to the procedures set out in the Legislative Procedures Act.

Response

Any changes to the Removal Law require a majority of GTC support to pass. There are no recommended changes based on this comment.

Comment 7. Authority of GTC.

Nancy Barton: I have a pretty good idea, I went to talk to several people regarding it but I just feel like, they’re trying to take the authority once again away from GTC. This Department, the Trust and Enrollment Committee, they function because of GTC. Their bylaws their memorandum of agreement, all the rules that govern the functions that they do are a direct result of GTC directive. And so when you add certain things to those GTC directives then I’m feeling you’re taking GTC’s power away and that you’re trying to give it back to the Business Committee.

Response

Any changes to the Removal Law require a majority of GTC support to pass. GTC is free to amend this law and delegate its authority. There are no recommended changes based on this comment.

Comment 8. Section 4.2-3.

Bradley Graham: And then you go down to the next one, the appointed, 4.2-3, if you go on line 180 and line 1 through 183 and take that all out, that conflict or whatever it is.

4.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

Response

The commenter requests that Section 4.2-3 be removed. The Legislative Procedures Act was adopted by the General Tribal Council in resolution GTC #01-07-13-A to ensure that there is a standard process followed in the creation and amendment of new laws. This language is consistent with Section 6.121 (b) of the Legislative Procedures Act which states:

“The following shall be the wording of Section 2, unless other sections are necessary to convey needed information on a law:

...

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

There are no recommended changes based on the comment.

Comment 9. Ground for Removal.

Bradley Graham (partial comment, full comment in Comment 1): We can add more in for ground for removal...

Response.

The commenter appears to state that more should be added to the grounds for removal section, but does not give specifics. Any changes are a policy decision for the LOC.

Comment 10. Separate Processes.

Bradley Graham: Like I said, it should just be all, everybody should be included under one. The grounds for removal, I think that, in fact actually let me just put it this way. This whole law needs to be totally rewritten and done right period. There should be no separation because the way you're looking at this, the way I look at this and read this law, you're gonna have to create three different removal processes. You're having one for the Business Committee only, you're going to have one for appointed positions which are going to go before the Business Committee and then you're going to have one for the Judiciary. I just think it should be plain and simple. Every elected and appointed person in this Tribe should go before General Tribal Council like it used to be. You do a petition, it goes before GTC, each party does their grievance and then GTC does a secret ballot vote period. There shouldn't be a law like this. All this redline version in

here, everything in here is just BS. Plain and simple, we the people elect the people. You work for us. So we should have the right and the determination to do the removals. The Judiciary should not be involved in anything, period. Because they're not really legal, they can't remain unbiased and it's just plain and simple. Just, if you want me, I'll work with you, we can make this a one page, two page at the most.

Response.

The commenter suggests that all elected officials go through the same process. The intent behind the suggested changes is to create two separate but similar paths that allow the individual facing removal due process. Additionally, it avoids the cost of a GTC meeting and allows an individual to be removed quicker than the current law provides. Any changes are policy decision for the LOC.

Comment 11. Enrollment Department.

Bonnie Pigman: Good afternoon. I am looking at lines 273-285. And the section starting at 273, I just wanted to clarify what Enrollment Department roles are in regards to petitions. The Enrollment Department verifies the persons listed on the petition are eligible voters. They also provide a cover sheet that shows the results of the information regarding those that have signed the petition and then they notify the Secretary's Office when the verification is complete. So there would be, subsections underneath (a) for the two different, the three different things that we do in the Enrollment Office. And then you would have to strike out on lines 280 it should read if the petition does not contain the requisite number signatures the Enrollment Department verifies that would have to be stricken out. And then the same language on line 285, strike out the Enrollment Department determines that. . .

Jennifer Webster: 285 you said?

Bonnie Pigman: Mmhmm, cause we do not, we do not tell anyone whether or not the petition contains a requisite number of signature, we just provide the results of whether or not the individuals who put their name to the petition are eligible voters and that's information is shared on that covered sheet. That's it.

Response.

The commenter wishes for Section 4.5-5 to be clarified. Her suggested changes beginning in 4.5-5 at line 274:

(a) Submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, ~~determine-verify whether the petition contains the requisite number of the~~ signatures of eligible voters on the Petition and notify the Tribal Secretary of the verified petition; and

And at 4.5-6 and 4.5-7.

4.5-~~5~~6. If ~~the Enrollment Department determines that~~ the petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, ~~and~~ the matter

shall be at an end- for lack of requisite signatures. No additional names may be added to the petition, and the petition ~~shall~~may not be used in any other proceeding.

4.5-~~67~~. If ~~the Enrollment Department determines that~~ the petition contains the requisite number of signatures, then the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the ~~elected official~~Oneida Business Committee member sought to be removed and forward a copy of the same to the Judiciary.

Similar changes should be made at the corresponding sections in Section 4.9.

Comments 12 & 13. Judiciary.

Comment 12. Julie Barton: We have a lot of young new people. And since, in the ten years I've been gone so I think there's a lot to be learned yet from our experiences. And we know who, I guess some of you haven't been there, like I said the last time I was here you were probably in high school when these things happened or you were in grade school even. But they were very very traumatic. Very very long lasting and because some of our systems didn't work and be taking it to General Tribal Council, I don't quite agree. I do agree that we are the governing body of this Tribe and I will always uphold that but in this case, this is one incident where we should not have General Tribal try somebody to remove them because there are so many facts that need to be found in a case like this. And from again, the past experiences, people get very emotional and we could have a lot of liabilities. We did have one, it wasn't quite a removal, it could have gone to that but it was very emotional, it was liability. It was carried out through the outside courts and it was won. And so, you know we have to be, we have to protect our General Tribal Council people, they could have very well had misinformation and stand before a quorum and have something said that's not true. Those facts have to be there and this is what our Judiciary system is all about. Or even another body who can review facts. Because without those, people do not deserve to be removed until you know as the saying goes, they should be, our system on the outside goes by you're innocent until proven guilty. Well we must prove that and if its proven on the floor of GTC, I don't think that works very well just from my experiences. So I would hope that we have a system that will protect all of us if and when the time comes and it doesn't happen very often but it needs to be there. And we also need to look at the Constitution that it doesn't, that this law does not violate that. Thank you.

Comment 13. Ed Delgado: When this law was passed it was for the intent of providing due process for someone accused or under being removed. Julie was right, General Tribal Council doesn't necessarily provide due process. Whoever says or has the loudest voice in General Tribal Council would prevail in the removal and it could be all lies. So to have a Judiciary trained in law, trained in our due process rights was the intent to creating it, putting the Judiciary in here. And I support that. And as far as I know, we have a building called Tribal Judiciary down on Mason Street, we do have Judiciary elected by General Tribal Council, created by General Tribal Council and anyone that says otherwise you need to go down Mason Street or look in the Tribal record and see when General Tribal Council decided to create a Judiciary to replace the Appeals Commission. So we need to look at that.

Response.

The commenters here appear to support the involvement of the judiciary in the process citing a

number of reasons including due process and concerns over the evidence submitted to GTC if it was the fact finder. The intent behind the changes are to have a neutral body that could ensure due process instead of holding a hearing before GTC. No changes are recommended based on these comments.

Comment 14, 15, 16, 17 & 18. GTC Final Determination

Comment 14. Mike Debraska: But be that as it may, if if they want to bring this forward, this should be brought to GTC and GTC ultimately should be the one that decides whether or not someone should be removed from office. I look at that and say to me we're the ones who elected you guys, we should be the ones to hear the fights and arguments that are going on. If someone has a beef, GTC should be able to determine whether or not that beef is personal or if there is something else going on. Something behind the scenes. And that would be, that would all be brought out. Again, during those arguments. I think having the Judiciary involved in this, bad idea, very bad idea. I think, I think it starts with GTC who votes you in, it should end with GTC and GTC making those decisions. Additionally, I look at this and say I've got some serious concerns because other laws that are being pushed forward right now, currently within the Tribe, are excluding certain bodies, certain certain boards, committees and commissions. And I look at that and I say when you start doing things like this, this excludes or can include certain groups but exclude others. And I look at that and say that's where we start running into serious problems. I think we need one cohesive law that can be done very easily. Thank you.

Comment 15. Ed Delgado: Regarding the request to remove elected officials. It was said earlier that the people elected them. So it should be the people who remove them. And that's true after due process. After the Judiciary, I don't support this part where the Business Committee would remove an elected official. What it will create is Tribal members on these various boards, committees and commissions afraid to really speak up, afraid to rock the boat, afraid to get a bad name with that, with their individual council or individual board or committee and we're not talking about the Business Committee here, we're talking about various boards. Cause if you do well then the board can get together and recommend your removal. And then you go before the Business Committee and that's politics too often times. I've seen it for 9 years. We're not we weren't above politics. That's why the intent was that the people, the General Tribal Council would be the final say and I do believe it should be 2/3 majority vote, just like the Business Committee.

Comment 16. Ed Delgado: The final comment is that a lot of this was created because around 15 years ago a Tribal, a young Tribal member was on a committee that she felt was doing wrong. So she told General Tribal Council about what that committee was doing. Now she went back to that committee and she was removed. So part of that but it was an appointed position so, part of the reasoning behind the creation of the original removal law, creating the Judiciary, was the attempt to create a process in between the two political bodies. The elected or appointed, no the elected body and the General Tribal Council. One that would provide due process but I do support that evidentially, the final say, for everyone, except for appointed positions. All elected officials should evidentially go before General Tribal Council. If depending on what the Judiciary says, if the Judiciary says there's no basis to this, this doesn't rise to a removal well then it wouldn't go to GTC. So that's the part I support but I would not like to see boards, committees or commissions, elected, other than the BC, even the BC for members to be afraid to be the odd ball. To be afraid to speak up when something you feel is wrong because we need

that. When something is wrong, we want those various boards, committees and commissions to speak up. And we don't want them to fear removal by their comrades. Because that was what was happening before we created a Judiciary and then the final say going to General Tribal Council. So I don't support that part of this law

Comment 17. Nancy Barton-written: The Removal Law Amendments- Those need to come in their totality to General Tribal Council as submitted by the Trust & Enrollment Department at their semi-annual report, which they refused and have not done in several year but are required by the Memorandum of Agreement between the Trust Department and the Business Committee. Why are you hiding- we can add, subtract and read.

Comment 18. Cathy L. Metoxen-written: 2. Removal Law, needs to go to GTC.

Response.

The commenters state that all final determinations should go to GTC citing a number of reasons including creating timid officials afraid to "rock the boat" and it is the broader membership that elects officials. The intent behind the changes are to avoid the large cost and long time needed to take a matter to GTC. Any changes based on these comments is a LOC decision.

Comment 19. Representation of the Petitioner.

Ed Delgado: but if you do pass it or if General Tribal Council does pass it, there's a provision in here where the board, committee or commission goes to Court to try and prove or they have to prove that the person they want to remove deserves removal. It doesn't say anything about representation. Who, now the the accused person has to provide their own counsel if they wish so. I just want to make sure that if the various boards, committees and commissions are requesting a person's removal that they have to prove it, they have to provide their own counsel and they shouldn't be able to use a Tribal lawyer or get paid for it. If the accused has to bear the burden of counsel so should the accuser. Yaw^ko

4.11-2. Burden of Proof. A party seeking the removal of an Elected Official has the burden of proving by clear and convincing evidence that ground(s) for removal exist.

Response.

The commenter is referring to the provision in 4.11-2 and suggests that any board, committee or commission asking for the removal of a member not be able to use the Tribal attorney. The law is currently silent to the issue. Any changes based on the comment are policy decisions for the LOC.

Conclusion

There were multiple comments provided on the Law, both at the public meeting and in writing which the LOC should consider and incorporate as appropriate. After the LOC reviews the comments and provides direction as to any changes necessary based on the comments, the draft and analysis should be updated and may be prepared for OBC consideration.

Chapter 4 REMOVAL LAW

Kwah Oná Aluwalihutákwás Kayanl'hsla

Just when they will remove him our kind of laws

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|--|---|
| 4.1. Purpose and Policy
4.2. Adoption, Amendment, Repeal
4.3. Definitions
4.4. Grounds for Removal
4.5. Removal – Oneida Business Committee
4.6. Preliminary Review – Oneida Business Committee
4.7. Hearing – Oneida Business Committee | 4.8. Final Determination of General Tribal Council Meeting – Oneida Business Committee
4.9. Removal – Elected Official
4.10. Preliminary Review – Elected Official
4.11. Hearing – Elected Official
4.12. Final Determination of Oneida Business Committee Meeting – Elected Official |
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Analysis by the Legislative Reference Office					
Title	The Removal Law (the Law)				
Requester	Oneida Law Office; Trust/Enrollment Committee	Drafter	Lynn Franzmeier	Analyst	Tani Thurner
Reason for Request	Stating that the current removal process is too costly, the Trust & Enrollment Committee requested changes to the Removal Law that would enable Tribal boards, committees and commissions (entities) to remove elected members who fail to attend meetings or violate the entity's bylaws.				
Purpose	These proposed amendments do not enable an entity to directly remove its' own elected officials; but do enable those entities to avoid the current petition process by instead filing a formal removal request. Also, the process is changed so that for all elected officials <u>except</u> Oneida Business Committee (OBC) members; the OBC would have the final vote on whether to remove the member, instead of the General Tribal Council.				
Authorized/ Affected Entities	Judiciary, OBC, elected officials and the entities on which they serve.				
Due Process	Elected officials can request that the Judiciary review the validity of removal petition signatures or the action taken for a removal request. The official is also entitled to both a preliminary and a formal hearing before the Judiciary; and then the GTC (for OBC members) or OBC (for all other elected officials) vote on whether to remove the elected official.				
Related Legislation	Comprehensive Policy Governing Boards, Committees and Commissions				
Policy Mechanism	Removal process				
Enforcement	Dismissal of the removal request/petition.				

Overview

The proposed amendments to the Removal Law (the Law) change the current process for removing elected officials from office. Instead of one single removal process for all elected officials, the amendments split this Law into two separate parts – one sets out a process for removing Oneida Business Committee (OBC) members from office, and the other sets out the removal process for all other elected officials serving on a Tribal board, committee or commission (hereinafter: “entity”). The proposed amendments distinguish the OBC - which was established by the Tribal Constitution; from other entities - which were created by Tribal law.

Removal of an OBC Member

OBC members would still be subject to the same basic removal process established under the current law - *i.e.* a signed petition is submitted; a preliminary and then formal hearing are held before the Judiciary; and if the petitioner proves with clear and convincing evidence that grounds for removal exist, then a GTC meeting is called within 45 days where GTC votes on whether to remove the elected official. [4.5 to 4.8]

Removal of all other Elected Officials

All other elected Officials (non-OBC members) would still be subject to the same removal process established under the current Law, but with two major changes:

1. The OBC, instead of the GTC, would have the final vote on whether to remove an elected official. After the Judiciary conducts a hearing and forwards its decision, a special OBC meeting must be called, and if six members of the OBC vote for removal, then the official is removed from office. Like GTC meetings held for the removal of an OBC member, the OBC meeting must be held within 45 days after receiving the Judiciary's decision; and the removal request/petition must be dismissed if there is no quorum at the special OBC meeting. [4.12]
2. There are now two ways (instead of one) to begin the removal process:
 - **Petition.** The current petition process would continue to be available. [4.9-3]
 - **Removal Request.** The amendments would enable a Tribal entity to submit a formal request to remove one of its elected officials, instead of submitting a petition. In order to do this; the entity must, by majority vote, approve taking such action. [4.9-4]
 - A removal request is treated much the same as a signed petition - for example, the official may request that the Judiciary review the validity of the action taken by the entity, just as s/he would be able to request that the Judiciary review the validity of the signatures on a petition. [4.10-3] For the preliminary and formal hearings before the Judiciary; the entity is deemed to be the other party to the action (instead of the petitioner), and is responsible for proving the allegations against the elected Official at the formal hearing. [4.11-2 and 4.11-3]

Grounds for Removal

A few changes are made to the grounds for removal set out in the Law – *i.e.* the reasons OBC members and other elected officials can be removed from office:

- Any official can still be removed from office for failing to attend four regularly scheduled meetings without a written explanation; but the amendments clarify that this only applies if the official misses all four meetings within a single term; without an excused written explanation. [4.4-1(a) and 4.4-2(a)]
- Any official can still be removed if s/he no longer meets the qualifications for office, but the amendments clarify that OBC members, this means the qualifications for office as identified in the Oneida Constitution; and for all other officials, it means the qualifications for office as identified in by-laws and Tribal law. [4.4-1(a) and 4.4-2(a)]
- OBC members can still be removed for violating a Tribal law which specifies removal as a penalty; but a new provision adds that all other elected officials, except OBC members, can be removed from office for violating:
 - their entity's by-laws, operating agreements, or standard operating procedures, or
 - laws, policies or regulations of the Tribe. [4.4-1(c)]

This means OBC members would be the only elected officials that could only be removed from office for violating a Tribal law if that law specified removal as a penalty. All other elected officials could be removed from office for violating any Tribal law, or

their entities' bylaws, operating agreements, or standard operating procedures, or any other Tribal policies or regulations.

Other Changes

The following are additional changes that would be made to the Law:

- Currently, the Law states that a petition may not be amended after it is filed with the Tribal Secretary. Under the amendments, new language adds that the first signature on a petition must be done in the presence of the Secretary's Office staff, and that once a petition has the first signature, it cannot be amended. [4.5-3 and 4.9-3]
- Petitioners would be required to use an official petition form, obtained through the Tribal Secretary's Office, instead of creating their own form. Petitions are no longer required to include an oath verifying that the circulator witnessed each person sign the petition, that each signature is genuine, and that the petition was signed in the presence of the witness on the date indicated. [4.5-2 and 4.9-3(a)]
- Currently, a petition must state the facts and grounds for removal in 200 words or less. Under the amendments, the limit is increased to 300 words or less, and this requirement also applies to removal requests. [4.5-3 and 4.9-3]
- After a hearing, the Judiciary issues a decision, instead of "findings". The Judiciary would still forward their decision to the Tribal Chair, but the amendments appear to authorize the Chair to designate another person to whom the decision must be sent instead. [4.7-3 and 4.11-3]
- The Law no longer specifically requires the Tribal Chair to call a GTC meeting within 45 days of receiving the Judiciary's findings; instead it states that a GTC meeting shall be held within 45 days after receiving the Judiciary's decision. [4.8-1]
- New language adds that the OBC and GTC determinations (about whether to remove an OBC member or elected official) are not appealable. [4.8-5 and 4.12-5]
- Currently, the Law addresses what must happen if the elected official sought to be removed is a member of the Judiciary - the Clerk of Courts must convene a panel of three judges who are members of the Wisconsin Tribal Judges Association to carry out the Judiciary's responsibilities. That language is deleted.

Miscellaneous

Various language and formatting changes are made to reflect the fact that the OBC officials are subject to different removal requirements; and the Adoption; Amendment; Repeal language (Section 2) was revised to comply with the Legislative Procedures Act. Except as described above; these changes do not affect the content of the Law.

A public meeting was held for this item on April 30, 2015. The comments received by the LOC during that public meeting and following public comment period have been reviewed and considered for this draft.

Considerations

The following are issues the LOC may want to consider:

- **Application to the Judiciary.** The Law no longer specifically addresses what would happen if removal of a Judge of the Judiciary is sought. Removal of Judges raises a few issues:
 - There may be confusion as to whether or how this Law applies to Judges of the Judiciary. The Removal Law defines (and applies to) an elected official as any person elected to a position; or appointed to vacancies on an elected position; on a Tribal board, committee or commission. [4.3-1(b)] Judges are generally elected officials, but the Judiciary is not typically considered a Tribal Board, Committee or Commission. Also, the Judiciary Law sets out a disciplinary process for

Judges, stating that “Where a disciplinary report recommends that a Judge be removed from office, removal proceedings shall be commenced in accordance with applicable removal law.” [Judiciary Law, 150.12-6(d)(3)] If this Law does not apply to Judges, then there is no existing removal law to govern removal of judges.

Recommendation: Add language to this Law clarifying whether this Law applies to Judges of the Judiciary; or whether a separate removal law would need to be established for Judges.

- Under the Judiciary Law, there is a separate disciplinary process for its judges. This process includes an initial and then formal hearing before a disciplinary panel. The panel ultimately issues a disciplinary report; and the Judiciary is required to immediately carry out the disciplinary action ordered in that report. If removal is recommended, “removal proceedings are commenced in accordance with applicable removal law.” [Judiciary Law, 150.12-6(d)(3)] Under the Removal law, this would mean that the Judiciary would then either need to petition, or submit a removal request - the Removal Law does not mention anything about a separate process for Judges. This would also mean that a Judge would be subject to multiple, repetitive hearings – the disciplinary panel would first conduct an initial hearing to determine if probable cause exists; and then a full hearing (where the Judge can present testimony/evidence, and cross-examine witnesses) to determine an appropriate penalty (removal is only one penalty that could be imposed). After both of those hearings, if removal is ordered, this Law would again require the same hearings for a Judge as for all other elected officials. Nearly duplicative hearings may not be the most efficient use of Tribal resources – not to mention it would be a substantial burden for a Judge.

Recommendation: There are various options that could resolve this issue. First, it is recommended that the Law specifically state that the Law also applies to Judges of the Judiciary. Then, one suggestion would be to add language to this Law and/or to the Judiciary law, to clarify that when a disciplinary panel orders removal of a Judge, then the hearings required under the Removal law are bypassed, and the Disciplinary Report shall be forwarded directly to the Tribal Chair who must then call a special OBC/GTC meeting.

- **Preliminary Review and Motions to Challenge Validity.** The Judiciary is required to schedule a preliminary review, which must take place within 20 days after the Judiciary receives a petition or removal request from the Tribal Secretary. [4.6-1 and 4.10-1] Also, an official can file a motion to challenge the validity of a petition’s signatures or the entity’s action that authorized a removal request – which must be filed within 20 days after the Official is served with the petition or removal request. [4.6-3 and 4.10-3]

- There is no timeline for the motion to challenge the validity of the signatures or entity action. Also, it appears that the motion is unrelated to the preliminary review.

Recommendation: In the interest of judicial economy, it may be beneficial to require the respondent to file the motion in time to have it heard during the preliminary review. Otherwise, at a minimum, it is recommended that a timeline be added for when the motion must be heard and decided by.

- When a person files a motion challenging the authenticity of signatures or validity of an entity’s action in making a removal request; it is not clear who has the burden of proof or what that burden of proof might be. By comparison, at a hearing, the party seeking the removal of an Elected Official has the burden of

proving by clear and convincing evidence that ground(s) for removal exist. [4.11-2]

Recommendation: Identify legal standards and/or burden of proof so that the Judiciary may more easily interpret this Law and not have to develop their own standards for determining what either party must show or prove in order to prevail on such a motion.

Chapter 4

REMOVAL LAW^{1 2}

1 Bradley Graham: We can add more in for ground for removal and everything and just make this a simple Removal Law. Take it before GTC period. Let them decide. We're the ones that elect you, we're the ones that hold you accountable.

Jennifer Webster: We know that.

Bradley Graham: So it's, this law here should be thrown out period. And rewritten. Don't even bring this forward to GTC, don't even waste our time and money. Let's just make this a good law, a simple law. Let the people take care of it. Thank you.

2 Mike Debraska: Thank you, I listened to quite a few of the comments and I'm actually in agreement with several with them. I think this entire law needs to scrapped and brought back. I look at this and saying we're creating a tri-part system here where you're going to have all these multiple laws when this really should not be happening. I believe that GTC, by drafting something like this and this being brought forward by another body to bring it forward, they should be here to answer the questions at the at the very least. But be that as it may, if if they want to bring this forward, this should be brought to GTC and GTC ultimately should be the one that decides whether or not someone should be removed from office. I look at that and say to me we're the ones who elected you guys, we should be the ones to hear the fights and arguments that are going on. If someone has a beef, GTC should be able to determine whether or not that beef is personal or if there is something else going on. Something behind the scenes. And that would be, that would all be brought out. Again, during those arguments. I think having the Judiciary involved in this, bad idea, very bad idea. I think, I think it starts with GTC who votes you in, it should end with GTC and GTC making those decisions. Additionally, I look at this and say I've got some serious concerns because other laws that are being pushed forward right now, currently within the Tribe, are excluding certain bodies, certain certain boards, committees and commissions. And I look at that and I say when you start doing things like this, this excludes or can include certain groups but exclude others. And I look at that and say that's where we start running into serious problems. I think we need one cohesive law that can be done very easily. Thank you.

167 **4.1. Purpose^{3 4} and Policy**

168 4.1-1. The purpose of this Law is to govern the removal of persons elected to serve on the
169 Oneida Business Committee and on boards, committees and commissions of the Oneida Tribe of
170 Indians of Wisconsin.

171 4.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide an orderly and fair
172 process for the removal of persons elected to serve on the Oneida Business Committee and on
173 boards, committees and commissions.⁵

174
175 **4.2. Adoption, Amendment, Repeal**

176 4.2-1. This Law is adopted by the General Tribal Council by ~~GTC~~ Resolution #1GTC-01-09-06-
177 A and amended by Resolution BC-05-28-14-B, and by Resolution GTC.

178 4.2-2. This Law may be amended or repealed by the General Tribal Council only pursuant to the
179 procedures set out in the Legislative Procedures Act.^{6 7}

180 4.2-3. Should a provision of this Law or the application thereof to any person or circumstances
181 be held as invalid, such invalidity shall not affect other provisions of this Law which are
182 considered to have legal force without the invalid portions.⁸

3 **Nancy Barton:** Ok well if you submit you know to change something at least you can do is show up so that you could hear what other people had to say. I feel like this entire Removal Law amendment once again we don't know what the underlying cause was regarding why this was brought forward.

4 **Michelle Mays:** Michelle Mays with the Oneida Law Office. I guess I would ask and I understand where Mr. Debraska is coming from, but I guess I would as if there if they have issues with the proposals that they perhaps come up with alternatives. And the reason being is right now if we have an elected official who is not attending meetings as required the bylaws of the committee or commission that they were elected too, there's nothing that the board, committee or commission can do in regards to that particular member short of removal. These terms usually are only for a period of three years. So if this occurs during the second year of their term and you have to go through the prior removal process and take it to General Tribal Council, as we all know, that could take the full year, year and a half to get to General Tribal Council to even get to the removal process. So that poses a problem to actually be able to handle the issue of nonattendance. Or the not even the necessarily meeting the requirements. For example, Trust and Enrollment Committee, if someone, and this is clearly hypothetical, if someone should for some reason be arrested for a financial crime of some sort, that stops them from meeting their requirements to sit on the Trust and Enrollment Committee. But there's nothing in the bylaws and there's nothing in any law that the Trust and Enrollment Committee can actually take action to suspend them from the Trust/Enrollment Committee while that action is pending. The only option is to take it General Tribal Council right now through the removal process and that just isn't a good process. It takes an enormous amount of time and in the meantime you could have someone sitting on the committee that potentially is a danger to the committee in that financial way. Or you have an empty spot, a voting spot, where you, you're having nonparticipation when that participation is really important. So I understand the sentiment of trying to, having, because they're elected, to go to Tribal Council but the process to get there is just so long at this point. So, thank you.

5 **Bradley Graham:** Just be forewarned I never even got through the whole thing but, let's get right into this here. Line 171, it says removal of persons selected to serve on the BC, take that one out and it should be, all persons elected and appointed to on serve boards, committees and commissions of the Oneida Tribe of Indians.

6 **Nancy Barton:** And so I would caution that this law before it goes forward, that it needs to go to the General Tribal Council for a final vote.

7 **Nancy Barton:** I have a pretty good idea, I went to talk to several people regarding it but I just feel like, they're trying to take the authority once again away from GTC. This Department, the Trust and Enrollment Committee, they function because of GTC. Their bylaws their memorandum of agreement, all the rules that govern the functions that they do are a direct result of GTC directive. And so when you add certain things to those GTC directives then I'm feeling you're taking GTC's power away and that you're trying to give it back to the Business Committee.

8 **Bradley Graham:** And then you go down to the next one, the appointed, 4.2-3, if you go on line 180 and line 1 through 183 and take that all out, that conflict or whatever it is.

4.2-4. ~~All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this law. Specifically, the following resolutions are repealed by this law~~In the event of a conflict between a provision of this Law and a provision of another law, the provisions of this Law shall control. Provided that, this Law repeals the following:

- (a) GTC-6-13-79 (Adoption of Ordinance for the Removal of Oneida Tribal Business Committee Members)
- (b) BC-3-8-85-A (Adoption of Legislatively Appointed Committee Removal Ordinance)
- (c) BC-1-03-96-B (BC Adoption of Removal Law)
- (d) GTC-1-17-98-A (GTC Adoption of Removal Law)

4.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

4.3. Definitions

4.3-1. This section shall govern the definitions of words or phrases ~~as used herein~~within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Counsel" means an attorney or advocate.

~~(b)~~(b) "Elected Official" means, for the purposes of this Law, any person elected to a position on a board, committee or commission of the Oneida Tribe of Indians of Wisconsin and those appointed to vacancies in elected position on a board, committee or commission. For the purpose of this Law, this definition will exclude members of the Oneida Business Committee who are subject to separate removal provisions under this Law.

(c) "Eligible voter" means a person able to vote under the Constitution of the Oneida Tribe of Indians of Wisconsin.

(d) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-~~#1-01~~-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

(e) "Tribe or Tribal" means the Oneida Tribe of Indians of Wisconsin.

4.4. Grounds for Removal^{9 10}

~~4.4-1.~~4.4-1. Oneida Business Committee. A member of the Oneida Business Committee may be removed from office for any of the following reasons:

⁹ Bradley Graham: We can add more in for ground for removal...

¹⁰ Bradley Graham: Like I said, it should just be all, everybody should be included under one. The grounds for removal, I think that, in fact actually let me just put it this way. This whole law needs to be totally rewritten and done right period. There should be no separation because the way you're looking at this, the way I look at this and read this law, you're gonna have to create three different removal processes. You're having one for the Business Committee only, you're going to have one for appointed positions which are going to go before the Business Committee and then you're going to have one for the Judiciary. I just think it should be plain and simple. Every elected and appointed person in this Tribe should go before General Tribal Council like it used to be. You do a petition, it goes before GTC, each party does their grievance and then GTC does a secret ballot vote period. There shouldn't be a law like this. All this redline version in here, everything in here is just BS. Plain and simple, we the people elect the people. You work for us. So we should have the right and the determination to do the removals. The Judiciary should not be involved in anything, period. Because they're not really legal, they can't remain unbiased and it's just plain and simple. Just, if you want me, I'll work with you, we can make this a one page, two page at the most.

- (a) failure to attend four (4) regularly scheduled meetings per term without an excused written explanation;
- (b) intentional mis-use of Tribal funds;
- (c) alcohol use while performing official responsibilities or use of illegal drugs at any time;
- (d) failure to continue to meet the qualifications for office as identified in the Oneida Constitution;
- (e) violating a Tribal law which specifies removal as a penalty; or
- (f) felony conviction while in office.

4.4-2. Elected Official. An Elected Official may be removed from office for any of the following reasons:

- (a) failure to attend four (4) regularly scheduled meetings per term without an excused written explanation;
- (b) failure to attend fifty percent (50%) of an entity's regular scheduled meetings within a twelve (12) month period for any reason ~~provided that this subsection shall not apply to the Oneida Business Committee;~~
- (c) violation of the by-laws, operating agreements, or Standard Operating Procedures of the board, committee or commission and laws, policies or regulations of the Tribe;
- (d) intentional mis-use of Tribal funds;
- (~~e~~) alcohol use while performing official responsibilities or use of illegal drugs at any time;
- (~~e~~) ~~if he or she no longer meets~~ (f) failure to continue to meet the qualifications for office as identified in by-laws and Tribal law;
- (~~f~~) violating a Tribal law which specifies removal as a penalty; or
- (~~g~~) felony conviction while in office.

4.5. Petition Removal – Oneida Business Committee

4.5-1. Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an ~~elected official.~~ Oneida Business Committee member. No petition ~~shall~~ may request the removal of more than one (1) ~~elected official.~~ Oneida Business Committee member.

4.5-2. The petitioner shall use an official petition shall form as designated by this Law, which may be obtained through the Tribal Secretary's Office. The petition must, at a minimum, include appropriate lines for the eligible voters':

- (a) printed name;
- (b) signature;
- (c) street address; and
- (d) Oneida Tribal Enrollment Number.

4.5-3. The petition must state with particularity the facts upon which it is based and the specific grounds for removal, in not more than ~~two~~ three hundred (~~200~~ 300) words, and must be signed by ~~fifty (50) or more eligible voters or a number~~ of eligible voters equal to at least thirty (~~30~~) percent (30%) of the ~~vote~~ votes cast in the previous general election, ~~whichever is greater. A petition may not be amended after it is filed with the Tribal Secretary.~~ The first signature on a petition must be done in the presence of the Secretary's Office staff. Once a petition has the first signature, it cannot be amended.

4.5-24. The petition ~~shall~~ must be filed with the Tribal Secretary's Office within thirty (30) calendar days after the date the first signature is obtained on the petition.

~~4.5-3. The petition shall contain, in ink:~~

(a) ~~The appropriate lines for the eligible voter's:~~

(1) ~~Printed name~~

(2) ~~Signature~~

(3) ~~Street address~~

(4) ~~Enrollment number~~

(b) ~~An oath verifying the fact that:~~

(1) ~~The circulator witnessed each person sign the petition,~~

(2) ~~Each signature appearing thereon is the genuine signature of the person it purports to be, and~~

(3) ~~The petition was signed in the presence of the witness on the date indicated.~~

4.5-~~54~~. Upon receipt of a petition, the Tribal Secretary shall promptly:

(a) Submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, ~~determine~~ verify whether the petition contains the requisite number of signatures of eligible voters; and¹¹

(b) Notify the ~~elected official~~ Oneida Business Committee member sought to be removed that a petition has been filed seeking his or her removal by providing a copy of the uncertified petition.

4.5-~~56~~. If the Enrollment Department ~~determines~~ verifies that the petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, ~~and~~ the matter shall be at an end for lack of requisite signatures. No additional names may be added to the petition, and the petition ~~shall~~ may not be used in any other proceeding.

4.5-~~67~~. If the Enrollment Department determines that the petition contains the requisite number of signatures, then the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the ~~elected official~~ Oneida Business Committee member sought to be removed and forward a copy of the same to the Judiciary.

4.5-~~78~~. In the event the removal of the Tribal Secretary is sought, the Tribal Vice Chairperson shall perform the duties assigned to the Secretary under this Law.

4.6. Preliminary Review – Oneida Business Committee

4.6-1. The Judiciary^{12 13}, upon receipt of the petition, shall schedule a preliminary review, to take place within twenty (20) calendar days, to determine whether the allegations set forth in the

11 **Bonnie Pigman:** Good afternoon. I am looking at lines 273-285. And the section starting at 273, I just wanted to clarify what Enrollment Department roles are in regards to petitions. The Enrollment Department verifies the persons listed on the petition are eligible voters. They also provide a cover sheet that shows the results of the information regarding those that have signed the petition and then they notify the Secretary's Office when the verification is complete. So there would be, subsections underneath (a) for the two different, the three different things that we do in the Enrollment Office. And then you would have to strike out on lines 280 it should read if the petition does not contain the requisite number signatures the Enrollment Department verifies that would have to be stricken out. And then the same language on line 285, strike out the Enrollment Department determines that. . .

Jennifer Webster: 285 you said?

Bonnie Pigman: Mmhmm, cause we do not, we do not tell anyone whether or not the petition contains a requisite number of signature, we just provide the results of whether or not the individuals who put their name to the petition are eligible voters and that's information is shared on that covered sheet. That's it.

12 **Julie Barton:** We have a lot of young new people. And since, in the ten years I've been gone so I think there's a lot to be learned yet from our experiences. And we know who, I guess some of you haven't been there, like I said the last time I was here you were probably in high school when these things happened or you were in grade school even. But they were very very traumatic. Very very long lasting and because some of our systems didn't work and

petition would constitute sufficient grounds for removal. The Judiciary may request that the parties submit arguments in writing, and the parties may be represented by Counsel.

4.6-2. If the Judiciary determines that a petition does not allege sufficient grounds for removal, the petition shall be dismissed. If the Judiciary determines that the petition alleges sufficient grounds for removal, the Judiciary shall conduct a hearing under 4.7.

4.6-3. The Tribal ~~Secretary's~~Secretary's certification of the sufficiency of the number of signatures on the petition may be reviewed by the Judiciary upon motion of the ~~elected official~~Oneida Business Committee member whose removal is sought. The motion ~~shall~~must be filed within twenty (20) calendar days of service of the certified copy of the petition upon the ~~elected official sought to be removed. The motion shall be in writing and the grounds limited to:~~Oneida Business Committee member sought to be removed. The motion must be in writing and the grounds limited to the authenticity of the signatures.

4.6-4. This motion must be heard in the presence of the parties, who may be represented by Counsel during the review. The Judiciary shall provide the parties the opportunity to present evidence and testimony only as to the authenticity of the signatures. If the Judiciary determines that a petition contains less than the required number of valid signatures, the petition shall be dismissed and the matter shall be at an end.

(a) the authenticity of the signatures, and

(b) whether the signature is that of an eligible voter.

~~4.6-4. The Judiciary review shall be conducted in the presence of the parties, who may be represented by counsel during the inspection. Opportunity to present evidence and testimony shall be provided. If the Judiciary determines that a petition contains less than the required number of valid signatures, the petition shall be dismissed.~~

~~4.6-5. In the event the removal of a member of the Judiciary is sought, the Clerk of Courts shall convene a panel of three (3) judges who are members of the Wisconsin Tribal Judges Association to carry out the Judiciary's responsibilities under this law.~~

be taking it to General Tribal Council, I don't quite agree. I do agree that we are the governing body of this Tribe and I will always uphold that but in this case, this is one incident where we should not have General Tribal try somebody to remove them because there are so many facts that need to be found in a case like this. And from again, the past experiences, people get very emotional and we could have a lot of liabilities. We did have one, it wasn't quite a removal, it could have gone to that but it was very emotional, it was liability. It was carried out through the outside courts and it was won. And so, you know we have to be, we have to protect our General Tribal Council people, they could have very well had misinformation and stand before a quorum and have something said that's not true. Those facts have to be there and this is what our Judiciary system is all about. Or even another body who can review facts. Because without those, people do not deserve to be removed until you know as the saying goes, they should be, our system on the outside goes by you're innocent until proven guilty. Well we must prove that and if its proven on the floor of GTC, I don't think that works very well just from my experiences. So I would hope that we have a system that will protect all of us if and when the time comes and it doesn't happen very often but it needs to be there. And we also need to look at the Constitution that it doesn't, that this law does not violate that. Thank you.

13 Ed Delgado: When this law was passed it was for the intent of providing due process for someone accused or under being removed. Julie was right, General Tribal Council doesn't necessarily provide due process. Whoever says or has the loudest voice in General Tribal Council would prevail in the removal and it could be all lies. So to have a Judiciary trained in law, trained in our due process rights was the intent to creating it, putting the Judiciary in here. And I support that. And as far as I know, we have a building called Tribal Judiciary down on Mason Street, we do have Judiciary elected by General Tribal Council, created by General Tribal Council and anyone that says otherwise you need to go down Mason Street or look in the Tribal record and see when General Tribal Council decided to create a Judiciary to replace the Appeals Commission. So we need to look at that.

4.7. Hearing – Oneida Business Committee

4.7-1. *Rights of ~~Elected Official~~ Oneida Business Committee Member at Hearing.* An ~~elected official~~ Oneida Business Committee member whose removal is sought ~~shall have~~ has the right to present witnesses on his or her behalf; to cross-examine adverse witnesses; ~~and~~ to, at his or her expense, be represented by Counsel of his or her choice.

4.7-2. *Burden of Proof.* A person seeking the removal of an ~~elected official~~ shall have Oneida Business Committee member has the burden of proving by clear and convincing evidence that ground(s) for removal exist.

4.7-3. *Findings Decision.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, schedule a hearing to determine whether each allegation of the petition has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-1. If the Judiciary determines that sufficient grounds have not been proven, the Judiciary shall dismiss the petition. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forward the written findings decision to the Tribal ~~Chair~~ Chairperson and or designee.

4.8. Final Determination at General Tribal Council Meeting – Oneida Business Committee

4.8-1. *Special Meeting.* ~~Upon receipt of~~ Within forty-five (45) calendar days of receiving the findings decision from the Judiciary, ~~the Tribal Chair shall call~~ a special General Tribal Council meeting must be held to consider the ~~findings to be held within forty-five (45) calendar days after receipt of the Judiciary findings decision.~~

4.8-2. *Right to address the Council.* An ~~elected official~~ Oneida Business Committee member whose removal is sought ~~shall have~~ has the right to address the General Tribal Council personally.

4.8-3. *Determination.* An ~~elected official~~ Oneida Business Committee member may only be removed from office upon the affirmative vote of a two-thirds (2/3) majority of the General Tribal Council at a meeting called for the purpose of considering the removal.

4.8-4. *Quorum.* If the meeting of the General Tribal Council fails to obtain a quorum, the removal petition ~~shall~~ must be dismissed.

End.

4.8-5. Non-appealable. There is no appeal from the determination of the General Tribal Council.

4.9. Removal – Elected Official^{14 15 16 17 18}

4.9-1. An Elected Official may be subject to removal either by petition or by request of the board, committee or commission, which must be filed with the Tribal Secretary's Office within thirty (30) calendar days after:

(a) the date the first signature is obtained on the petition; or

(b) the board, committee or commission adopts the removal request.

4.9-2. Upon receipt of a petition or removal request, the Tribal Secretary shall promptly notify the Elected Official sought to be removed that a petition or removal request has been filed seeking his or her removal by providing a copy of the uncertified petition or removal request.

4.9-3. Petitions. Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an Elected Official. No petition may request the removal of more than one (1)

14 **Mike Debraska:** But be that as it may, if if they want to bring this forward, this should be brought to GTC and GTC ultimately should be the one that decides whether or not someone should be removed from office. I look at that and say to me we're the ones who elected you guys, we should be the ones to hear the fights and arguments that are going on. If someone has a beef, GTC should be able to determine whether or not that beef is personal or if there is something else going on. Something behind the scenes. And that would be, that would all be brought out. Again, during those arguments. I think having the Judiciary involved in this, bad idea, very bad idea. I think, I think it starts with GTC who votes you in, it should end with GTC and GTC making those decisions. Additionally, I look at this and say I've got some serious concerns because other laws that are being pushed forward right now, currently within the Tribe, are excluding certain bodies, certain certain boards, committees and commissions. And I look at that and I say when you start doing things like this, this excludes or can include certain groups but exclude others. And I look at that and say that's where we start running into serious problems. I think we need one cohesive law that can be done very easily. Thank you.

15 **Ed Delgado:** Regarding the request to remove elected officials. It was said earlier that the people elected them. So it should be the people who remove them. And that's true after due process. After the Judiciary, I don't support this part where the Business Committee would remove an elected official. What it will create is Tribal members on these various boards, committees and commissions afraid to really speak up, afraid to rock the boat, afraid to get a bad name with that, with their individual council or individual board or committee and we're not talking about the Business Committee here, we're talking about various boards. Cause if you do well then the board can get together and recommend your removal. And then you go before the Business Committee and that's politics too often times. I've seen it for 9 years. We're not we weren't above politics. That's why the intent was that the people, the General Tribal Council would be the final say and I do believe it should be 2/3 majority vote, just like the Business Committee.

16 **Ed Delgado:** The final comment is that a lot of this was created because around 15 years ago a Tribal, a young Tribal member was on a committee that she felt was doing wrong. So she told General Tribal Council about what that committee was doing. Now she went back to that committee and she was removed. So part of that but it was an appointed position so, part of the reasoning behind the creation of the original removal law, creating the Judiciary, was the attempt to create a process in between the two political bodies. The elected or appointed, no the elected body and the General Tribal Council. One that would provide due process but I do support that evidentially, the final say, for everyone, except for appointed positions. All elected officials should evidentially go before General Tribal Council. If depending on what the Judiciary says, if the Judiciary says there's no basis to this, this doesn't rise to a removal well then it wouldn't go to GTC. So that's the part I support but I would not like to see boards, committees or commissions, elected, other than the BC, even the BC for members to be afraid to be the odd ball. To be afraid to speak up when something you feel is wrong because we need that. When something is wrong, we want those various boards, committees and commissions to speak up. And we don't want them to fear removal by their comrades. Because that was what was happening before we created a Judiciary and then the final say going to General Tribal Council. So I don't support that part of this law

17 **Nancy Barton-written:** The Removal Law Amendments- Those need to come in their totality to General Tribal Council as submitted by the Trust & Enrollment Department at their semi-annual report, which they refused and have not done in several year but are required by the Memorandum of Agreement between the Trust Department and the Business Committee. Why are you hiding- we can add, subtract and read.

18 **Cathy L. Metoxen-written:** 2. Removal Law, needs to go to GTC.

Elected Official. The petition must state with particularity the facts upon which it is based and the specific grounds for removal, in not more than three hundred (300) words, and must be signed by a number of eligible voters equal to at least thirty percent (30%) of the vote cast in the previous general election. The first signature on a petition must be done in the presence of the Secretary's Office staff. Once a petition has the first signature, it cannot be amended.

(a) The petitioner shall use an official petition form as designated by this Law which may be obtained through the Tribal Secretary's Office. The petition must, at a minimum, include appropriate lines for the eligible voters':

(1) printed name;

(2) signature;

(3) street address; and

(4) Oneida Tribal Enrollment Number.

(b) The Tribal Secretary shall promptly submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, verify whether the petition contains the requisite number of signatures of eligible voters.

(1) If the Enrollment Department verifies that a petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, the matter at an end for lack of requisite signatures. No additional names may be added to the petition, and the petition may not be used in any other proceeding.

(2) If the Enrollment Department verifies that a petition contains the requisite number of signatures, the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the Elected Official sought to be removed and forward a copy of the same to the Judiciary.

4.9-4. Removal Requests. A board, committee, or commission may file a removal request for one of its members with the Tribal Secretary after adoption of a majority vote of the board, committee or commission regarding the removal request. No removal request may request the removal of more than one (1) Elected Official. The removal request must state with particularity the facts upon which it is based and the specific grounds for removal, in not more than three hundred (300) words. A removal request may not be amended after it is filed with the Tribal Secretary.

(a) Upon verification by the Tribal Secretary of the action the board, committee or commission adopting the removal request, the Tribal Secretary shall promptly cause a certified copy of the removal request to be served upon the Elected Official sought to be removed and forward a copy of the same to the Judiciary.

(b) If the Tribal Secretary determines that a removal request does not meet the requirements of 4.9-4, the Tribal Secretary shall so certify to the Oneida Business Committee and file the removal request without taking further action, the matter at an end for lack of valid action by the board, committee or commission.

4.10. Preliminary Review – Elected Official

4.10-1. The Judiciary, upon receipt of the petition or removal request, shall schedule a preliminary review, to take place within twenty (20) calendar days, to determine whether the allegations set forth in the petition or removal request would constitute sufficient grounds for removal. The Judiciary may request that the parties submit arguments in writing, and the parties may be represented by Counsel.

4.10-2. If the Judiciary determines that a petition or removal request does not allege sufficient grounds for removal, the petition shall be dismissed. If the Judiciary determines that the petition or removal request alleges sufficient grounds for removal, the Judiciary shall conduct a hearing under 4.11.

4.10-3. The Tribal Secretary's certification of the sufficiency of the number of signatures on the petition or the validity of the action of the board, committee or commission adopting a removal request may be reviewed by the Judiciary upon motion of the Elected Official whose removal is sought. The motion must be filed within twenty (20) calendar days of service of the certified copy of the petition or removal request upon the Elected Official sought to be removed. The motion must be in writing and the grounds limited to either of the following:

(a) the authenticity of the signatures on a petition; or

(b) the validity of the action taken by a board, committee or commission in approving a removal request.

4.10-4. The motion must be heard in the presence of the parties, who may be represented by Counsel during the review. The Judiciary shall provide the parties with the opportunity to present evidence and testimony only as to the authenticity of the signatures and the validity of the action taken by a board, committee or commission in approving a removal request. If the Judiciary determines that a petition contains less than the required number of valid signatures, or the action taken by a board, committee or commission in approving a removal request was invalid, the Judiciary shall dismiss the petition and the matter shall be at an end.

4.11. Hearing – Elected Official

4.11-1. *Rights of Elected Official at Hearing.* An Elected Official whose removal is sought has the right to present witnesses on his or her behalf; to cross-examine adverse witnesses; and to, at his or her expense, be represented by Counsel of his or her choice.

4.11-2. *Burden of Proof.* A party seeking the removal of an Elected Official has the burden of proving by clear and convincing evidence that ground(s) for removal exist.¹⁹

4.11-3. *Decision.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, schedule a hearing to determine whether each allegation of the petition or removal request has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-2. If the Judiciary determines that sufficient grounds have not been proven, the Judiciary shall dismiss the petition or removal request. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forward the written decision to the Tribal Chairperson and or designee.

4.12. Final Determination at Oneida Business Committee Meeting – Elected Official

4.12-1. *Special Meeting.* Within forty-five (45) calendar days of receiving the decision from the Judiciary, a special Oneida Business Committee meeting must be held to consider the decision.

¹⁹ Ed Delgado: but if you do pass it or if General Tribal Council does pass it, there's a provision in here where the board, committee or commission goes to Court to try and prove or they have to prove that the person they want to remove deserves removal. It doesn't say anything about representation. Who, now the the accused person has to provide their own counsel if they wish so. I just want to make sure that if the various boards, committees and commissions are requesting a person's removal that they have to prove it, they have to provide their own counsel and they shouldn't be able to use a Tribal lawyer or get paid for it. If the accused has to bear the burden of counsel so should the accuser. Yaw^ko

451 4.12-2. Right to address the Oneida Business Committee. An Elected Official whose removal is
452 sought has the right to address the Oneida Business Committee personally.

453 4.12-3. Determination. An Elected Official may only be removed from office upon the
454 affirmative vote of six (6) members of the Oneida Business Committee at a meeting called for
455 the purpose of considering the removal.

456 4.12-4. Quorum. If the meeting of the Oneida Business Committee fails to obtain a quorum, the
457 removal request must be dismissed.

458 4.12-5. Non-appealable. There is no appeal from the determination of the Oneida Business
459 Committee.

460
461 End.
462

463 Adopted GTC-01-09-06-A

464 Amended – BC-05-28-14-B

Legislative Reference Office

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**Committee Members**

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

LEGISLATIVE OPERATING COMMITTEE

Public Meeting on Oneida Higher Education Scholarship, Community Support Fund Policy Amendments,
Removal Law Amendments and Public Use of Tribal Land Amendments
Business Committee Conference Room-2nd Floor
Norbert Hill Center
October 29, 2015 12:15 p.m.

PRESENT: David P. Jordan, Fawn Billie, Jennifer Webster, Candice Skenandore, Tani Thurner, Douglass McIntyre, Rae Skenandore, Eliz Somers, Paula Rippl, Brad Graham, Bill Graham, Mitch Metoxen, Julie Barton, Sherry King, Misty Herzog, Trina Schuyler, Michelle Mays, Mike Debraska, Bonnie Pigman, Ed Delgado, Debra Powless, Nic Reynolds, Norbert Hill, Don White, Luanne Green, Nancy Barton, RC Metoxen, Danelle Wilson, Chad Wilson, Pat Garvey, JoAnne House

Removal Law Amendments [1:03:22]

David P. Jordan: Anybody have any comments on the Removal Law? Five minutes only, we're kind of shortening this up, we're running out of time. Five minutes please, you can submit it in writing.

Nancy Barton: I kind of resent the fact that you only have five minutes I mean you know I can up here and talk for hours. . .

David P. Jordan: Well you can go longer. . .

Nancy Barton: but you know, don't place rules and restrictions on people . . .

David P. Jordan: And I wasn't aware it was four hours

Nancy Barton: anyway, where is the Trust Committee? You know they're the ones who submitted this and there's always an underlying cause . . . what?

David P. Jordan: Once again, once again Nancy, once again Nancy we're here to just get comments, we're not here to debate anybody or anybody else, we're here to make comments from each individual ok?

Nancy Barton: Ok well if you submit you know to change something at least you can do is show up so that you could hear what other people had to say. I feel like this entire Removal Law amendment once again we don't know what the underlying cause was regarding why this was

brought forward. I have a pretty good idea, I went to talk to several people regarding it but I just feel like, they're trying to take the authority once again away from GTC. This Department, the Trust and Enrollment Committee, they function because of GTC. Their bylaws their memorandum of agreement, all the rules that govern the functions that they do are a direct result of GTC directive. And so when you add certain things to those GTC directives then I'm feeling you're taking GTC's power away and that you're trying to give it back to the Business Committee. And so I would caution that this law before it goes forward, that it needs to go to the General Tribal Council for a final vote.

David P. Jordan: Thank you Nancy. Any more on removal? Brad.

Brad Graham: Just be forewarned I never even got through the whole thing but, let's get right into this here. Line 171, it says removal of persons selected to serve on the BC, take that one out and it should be, all persons elected and appointed to on serve boards, committees and commissions of the Oneida Tribe of Indians. And then you go down to the next one, the appointed, 4.2-3, if you go on line 180 and line 1 through 183 and take that all out, that conflict or whatever it is. I mean, and if you go to 4.4, I mean, line 202 it says all take, all those appointed to vacancies and elected positions on boards, take that out. Like I said, it should just be all, everybody should be included under one. The grounds for removal, I think that, in fact actually let me just put it this way. This whole law needs to be totally rewritten and done right period. There should be no separation because the way you're looking at this, the way I look at this and read this law, you're gonna have to create three different removal processes. You're having one for the Business Committee only, you're going to have one for appointed positions which are going to go before the Business Committee and then you're going to have one for the Judiciary. I just think it should be plain and simple. Every elected and appointed person in this Tribe should go before General Tribal Council like it used to be. You do a petition, it goes before GTC, each party does their grievance and then GTC does a secret ballot vote period. There shouldn't be a law like this. All this redline version in here, everything in here is just BS. Plain and simple, we the people elect the people. You work for us. So we should have the right and the determination to do the removals. The Judiciary should not be involved in anything, period. Because they're not really legal, they can't remain unbiased and it's just plain and simple. Just, if you want me, I'll work with you, we can make this a one page, two page at the most.

Jennifer Webster: Ok thank you.

Bradley Graham: We can add more in for ground for removal and everything and just make this a simple Removal Law. Take it before GTC period. Let them decide. We're the ones that elect you, we're the ones that hold you accountable.

Jennifer Webster: We know that.

Bradley Graham: So it's, this law here should be thrown out period. And rewritten. Don't even bring this forward to GTC, don't even waste our time and money. Let's just make this a good law, a simple law. Let the people take care of it. Thank you.

David P. Jordan: Thank you Brad. Anyone else for removal? Bonnie.

Bonnie Pigman: Good afternoon. I am looking at lines 273-285. And the section starting at 273, I just wanted to clarify what Enrollment Department roles are in regards to petitions. The Enrollment Department verifies the persons listed on the petition are eligible voters. They also provide a cover sheet that shows the results of the information regarding those that have signed the petition and then they notify the Secretary's Office when the verification is complete. So there would be, subsections underneath (a) for the two different, the three different things that we do in the Enrollment Office. And then you would have to strike out on lines 280 it should read if the petition does not contain the requisite number signatures the Enrollment Department verifies that would have to be stricken out. And then the same language on line 285, strike out the Enrollment Department determines that. . .

Jennifer Webster: 285 you said?

Bonnie Pigman: Mhmm, cause we do not, we do not tell anyone whether or not the petition contains a requisite number of signature, we just provide the results of whether or not the individuals who put their name to the petition are eligible voters and that's information is shared on that covered sheet. That's it.

David P. Jordan: Thank you. Anybody else? Mike.

Mike Debraska: Thank you, I listened to quite a few of the comments and I'm actually in agreement with several with them. I think this entire law needs to scrapped and brought back. I look at this and saying we're creating a tri-part system here where you're going to have all these multiple laws when this really should not be happening. I believe that GTC, by drafting something like this and this being brought forward by another body to bring it forward, they should be here to answer the questions at the at the very least. But be that as it may, if if they want to bring this forward, this should be brought to GTC and GTC ultimately should be the one that decides whether or not someone should be removed from office. I look at that and say to me we're the ones who elected you guys, we should be the ones to hear the fights and arguments that are going on. If someone has a beef, GTC should be able to determine whether or not that beef is personal or if there is something else going on. Something behind the scenes. And that would be, that would all be brought out. Again, during those arguments. I think having the Judiciary involved in this, bad idea, very bad idea. I think, I think it starts with GTC who votes you in, it should end with GTC and GTC making those decisions. Additionally, I look at this and say I've got some serious concerns because other laws that are being pushed forward right now, currently within the Tribe, are excluding certain bodies, certain certain boards, committees and commissions. And I look at that and I say when you start doing things like this, this excludes or can include certain groups but exclude others. And I look at that and say that's where we start running into serious problems. I think we need one cohesive law that can be done very easily. Thank you.

David P. Jordan: Thank you Mike.

Michelle Mays: Michelle Mays with the Oneida Law Office. I guess I would ask and I understand where Mr. Debraska is coming from, but I guess I would as if there if they have issues with the proposals that they perhaps come up with alternatives. And the reason being is

right now if we have an elected official who is not attending meetings as required the bylaws of the committee or commission that they were elected too, there's nothing that the board, committee or commission can do in regards to that particular member short of removal. These terms usually are only for a period of three years. So if this occurs during the second year of their term and you have to go through the prior removal process and take it to General Tribal Council, as we all know, that could take the full year, year and a half to get to General Tribal Council to even get to the removal process. So that poses a problem to actually be able to handle the issue of nonattendance. Or the not even the necessarily meeting the requirements. For example, Trust and Enrollment Committee, if someone, and this is clearly hypothetical, if someone should for some reason be arrested for a financial crime of some sort, that stops them from meeting their requirements to sit on the Trust and Enrollment Committee. But there's nothing in the bylaws and there's nothing in any law that the Trust and Enrollment Committee can actually take action to suspend them from the Trust/Enrollment Committee while that action is pending. The only option is to take it General Tribal Council right now through the removal process and that just isn't a good process. It takes an enormous amount of time and in the meantime you could have someone sitting on the committee that potentially is a danger to the committee in that financial way. Or you have an empty spot, a voting spot, where you, you're having nonparticipation when that participation is really important. So I understand the sentiment of trying to, having, because they're elected, to go to Tribal Council but the process to get there is just too long at this point. So, thank you.

David P. Jordan: Julie.

Julie Barton: We have a lot of young new people. And since, in the ten years I've been gone so I think there's a lot to be learned yet from our experiences. And we know who, I guess some of you haven't been there, like I said the last time I was here you were probably in high school when these things happened or you were in grade school even. But they were very very traumatic. Very very long lasting and because some of our systems didn't work and be taking it to General Tribal Council, I don't quite agree. I do agree that we are the governing body of this Tribe and I will always uphold that but in this case, this is one incident where we should not have General Tribal try somebody to remove them because there are so many facts that need to be found in a case like this. And from again, the past experiences, people get very emotional and we could have a lot of liabilities. We did have one, it wasn't quite a removal, it could have gone to that but it was very emotional, it was liability. It was carried out through the outside courts and it was won. And so, you know we have to be, we have to protect our General Tribal Council people, they could have very well had misinformation and stand before a quorum and have something said that's not true. Those facts have to be there and this is what our Judiciary system is all about. Or even another body who can review facts. Because without those, people do not deserve to be removed until you know as the saying goes, they should be, our system on the outside goes by you're innocent until proven guilty. Well we must prove that and if its proven on the floor of GTC, I don't think that works very well just from my experiences. So I would hope that we have a system that will protect all of us if and when the time comes and it doesn't happen very often but it needs to be there. And we also need to look at the Constitution that it doesn't, that this law does not violate that. Thank you.

David P. Jordan: Thank you Julie. I'm going to close this one out, oh one more Ed and then I'm going to close this one out. All comments can be submitted by November 5th in writing at 4:30 p.m.

Ed Delgado: When this law was passed it was for the intent of providing due process for someone accused or under being removed. Julie was right, General Tribal Council doesn't necessarily provide due process. Whoever says or has the loudest voice in General Tribal Council would prevail in the removal and it could be all lies. So to have a Judiciary trained in law, trained in our due process rights was the intent to creating it, putting the Judiciary in here. And I support that. And as far as I know, we have a building called Tribal Judiciary down on Mason Street, we do have Judiciary elected by General Tribal Council, created by General Tribal Council and anyone that says otherwise you need to go down Mason Street or look in the Tribal record and see when General Tribal Council decided to create a Judiciary to replace the Appeals Commission. So we need to look at that. Regarding the request to remove elected officials. It was said earlier that the people elected them. So it should be the people who remove them. And that's true after due process. After the Judiciary, I don't support this part where the Business Committee would remove an elected official. What it will create is Tribal members on these various boards, committees and commissions afraid to really speak up, afraid to rock the boat, afraid to get a bad name with that, with their individual council or individual board or committee and we're not talking about the Business Committee here, we're talking about various boards. Cause if you do well then the board can get together and recommend your removal. And then you go before the Business Committee and that's politics too often times. I've seen it for 9 years. We're not we weren't above politics. That's why the intent was that the people, the General Tribal Council would be the final say and I do believe it should be 2/3 majority vote, just like the Business Committee. The final comment is that a lot of this was created because around 15 years ago a Tribal, a young Tribal member was on a committee that she felt was doing wrong. So she told General Tribal Council about what that committee was doing. Now she went back to that committee and she was removed. So part of that but it was an appointed position so, part of the reasoning behind the creation of the original removal law, creating the Judiciary, was the attempt to create a process in between the two political bodies. The elected or appointed, no the elected body and the General Tribal Council. One that would provide due process but I do support that evidentially, the final say, for everyone, except for appointed positions. All elected officials should evidentially go before General Tribal Council. If depending on what the Judiciary says, if the Judiciary says there's no basis to this, this doesn't rise to a removal well then it wouldn't go to GTC. So that's the part I support but I would not like to see boards, committees or commissions, elected, other than the BC, even the BC for members to be afraid to be the odd ball. To be afraid to speak up when something you feel is wrong because we need that. When something is wrong, we want those various boards, committees and commissions to speak up. And we don't want them to fear removal by their comrades. Because that was what was happening before we created a Judiciary and then the final say going to General Tribal Council. So I don't support that part of this law but if you do pass it or if General Tribal Council does pass it, there's a provision in here where the board, committee or commission goes to Court to try and prove or they have to prove that the person they want to remove deserves removal. It doesn't say anything about representation. Who, now the the accused person has to provide their own counsel if they wish so. I just want to make sure that if the various boards, committees and commissions are requesting a person's removal that they have to prove it, they have to provide

their own counsel and they shouldn't be able to use a Tribal lawyer or get paid for it. If the accused has to bear the burden of counsel so should the accuser. Yaw^ko

David P. Jordan: Thank you Ed. Ok, we're closing this one, we're moving on to Public Use of Lands.

I, Nancy Barton, hereby submit my written public comments regarding the following:

1. "Community Support" amendments. Upon reviewing these amendments it is apparent that those programs and entities who have budgets and inputs into these services have not completely or cooperatively worked together to insure that these services are not being duplicated.

Statistical information needs to be provided regarding each and every one of these services under the New Items not being covered, such as appliance repair & replacement is unclear. Exactly what appliances would you be repairing or replacing and to whom you would be replacing all 17,500 tribal members regardless of location and income?

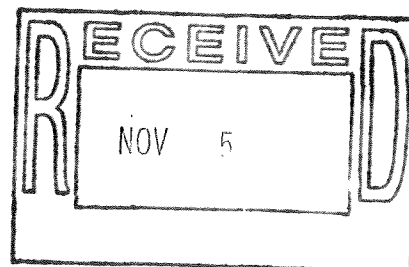
2. I was extremely saddened and disturbed that this fund will NOT be covering homeless lodging assistance. Again, historical statistical information needs to be provided from the Center for Self- Sufficiency regarding the number of people applying for lodging and assistance in fiscal 2015.

How could we as Oneida people turn our backs on the most vulnerable people? The homeless go hand-in-hand with a vast array of social problems including mental illness and unemployment. Although this is a complex and unaddressed issue, it exists within our nation. A tribal member was homeless and was found deceased behind Wal-Mart where many of our own tribal members along with other Native people congregate together as a homeless community. Do NOT ignore the homeless people, or deny them assistance for a warm place to sleep and something to eat. .

3. Department of Corrections – Re-entry

When you come out of incarceration, whether a man or a woman, the least we could do is to be able to offer those people who have already been punished a way to start over and let them know we are going to hold them up while they rebuild their lives and hope they don't go back.

4. INPATIENT Treatment – is an item that is going to be added to the New Items covered. Again, you are talking about Contract Health because Debbie Danforth get Indian Health Services money, they decide where that money is allocated. There SOP only covers 28 days of in-patient treatment. These specific things that changed were directly related to one individual's specific request, not the most amount of people.



5. Home Renovations Required for Handicap Accessibility – Why isn't this being covered in Elderly Services.

6. FMLA Wage Replacement – Non-Emergency Maternity

Social Security Disability Determination Rent and Utility Assistance –

The only people who can get help with rent and utilities are people who are pending Disability Determination and you cannot do that. That is discriminating against poor tribal people.

Purchase of Hearing Aids Is a New Item to be Covered. Where is the fiscal analysis on this?

Taking out of the "Community Support Fund" How can you justify denying tribal members food and personal care items such as shampoo and kotex? Stabilization Rent Assistance is also being cut out so if you come in with an Eviction Notice or utilities disconnection will get you kicked out of housing tomorrow. What you are creating is a homeless population of our most vulnerable people including single parents.

Instead of health insurance the fund may be used to cover Cobra Insurance payments and that is a change. I don't know what COBRA is and I don't know how I feel about this.

The former Director of the Center for Self-Sufficiency before she retired, she left a legacy that prevented the people who need the funds the most almost unable to access tribal funds due to a hateful disposition.

7. Public Use of Land Amendments – these proposed amendments need to come before General Tribal Council in their totality to be approved because they were created by the Environmental Resource Board (ERB) which was created by General Tribal Council. End of story!!

The Removal Law Amendments – Those need to come in their totality to General Tribal Council as submitted by the Trust & Enrollment Department at their semi-annual report, which they refused and have not done in several year but are required by the Memorandum of Agreement between the Trust Department and the Business Committee. Why are you hiding – we can add, subtract and read.

The Higher Education Scholarship – anyone who would deny, delay or hinder a General Tribal Council that mandates scholarships for higher education according to Dr. John Powless' petition is in direct violation of General Tribal Council directive and s/he/they need to be disciplined on this floor.

From: Cathy L. Motop

Thursday, November 5, 2015

Public Hearing Deadline – LOC

To Whom It May Concern

Due to recent legislative proposals of the numerous changes taking place by way of the Legislative Operating Committee (hereafter LOC), that may include simple language usage such as the words, "shall," "must," and "may;" I feel a general statement to cover all or 'most,' of the wording and or change of words are diligent and necessary to put a stop to the Legislative Operating Committee and it's staff is detrimental in protecting the safety, health and wellbeing of the services and laws to protect the people's simple basic human rights.

What I believe to be due to the appearance of, impropriety by way of, "abuse of Authority," and unethical behavior(s) by Council Member, Brandon L. Stevens.

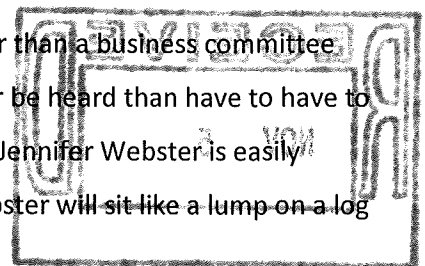
Brandon L. Stevens has a predictable trait. Arrogant, snotty, discriminating inequity, appears to think he can do whatever he wants, is biased, has a tendency to make faces, roll his eyes, make fun of things that are serious. As the time I asked LOC Chair, Brandon L. Stevens why are you changing the word "shall?" I stated, "is it because the young people don't understand what the word "shall," means?

LOC Chair Brandon L. Stevens, replied, "Basicly, YES." This type of response lacks leadership qualities and screams immaturity.

I believe due to Lack of professionalism by Council Members, Ron Tehassi Hill, Jennifer Webster, and Fawn Billy; there are personal agendas, personal favors and/or violation(s) of the people's rights as according to the constitution.

Ron Tehassi Hill is more apt to sit and roll back and forth in his chair as he has a nature of staring at the ceiling, rolling his eyes as people are talking as if to be bored and more times than not has a disposition of arrogance, holier than thou, consecrated better and above the ordinary person, untouchable and unreceptive ugly immature self-conscience.

Jennifer Webster obviously holds qualms whenever anyone speaks other than a business committee member. It has been obvious to me that Jennifer Webster would rather be heard than have to have to listen to anyone other than other business committee members speak. Jennifer Webster is easily irritated, foreboding and prefiguring. More times than not Jennifer Webster will sit like a lump on a log



and put her time just so she can continue to get paid for doing nothing in the best interest of the safety, health and wellbeing of the people.

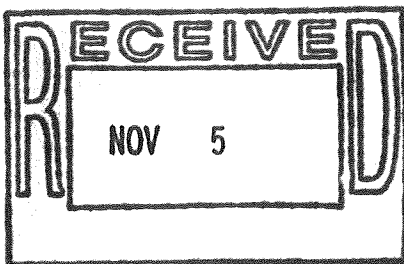
Fawn Billie is just another lump on the log, and spends more time on her laptop doing who knows what with whoever coaches her or is joking and laughing with her because she will laugh out loud out of the blue as if there's something funny when there's not. I can only imagine Fawn Billie is texting or emailing who knows who on what to say or do most of the time when she speaks she does not make sense.

Clearly immature, unprofessional, and inappropriate behavior by elected officials who do not understand or comprehend that they are servants to the people.

Some of those laws that appear to be targeted at taking services away from the people and/or punishing the people appear to being used to manipulated taking away changing language to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members :

1. Public Use of Tribal Land Law Amendments, needs to go to GTC
2. Removal Law, needs to go to GTC
3. Higher Education, needs to go to GTC
4. Community Support - being set-up to punish the poor and depreciate the less fortunate and minimize and devalue a certain category of tribal members

End of Statement C.F.M.



DAM

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 11/04/2015
- 2) Contact Person(s): Lisa Summers Dept: Business Committee
Phone Number: 920-869-4412 Email: lsummer2@oneidanation.org
- 3) Agenda Title: Vendor Licensing Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
At the OBC Officers meeting on 10/26/2015, a verbal report was received regarding the issues the SEOTS staff
ran into while obtaining a new vendor. The OBC Officers agreed that the information should be forwarded to the LOC for
consideration with a request for amendments to add exceptions for off reservation business units or some other resolve.

List any supporting materials included and submitted with the Agenda Request Form

- | | |
|---|----------|
| 1) <u>Written account from SEOTS Director</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please List any laws, ordinances or resolution that might be affected:
Oneida Vendor Licensing
- 6) Please List all other departments or person(s) you have brought your concern to:
OBC Officers
- 7) Do you consider this request urgent? ☐ Yes ☒ No
If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: Lisa Summers

Digitally signed by Lisa Summers
DN: cn=Lisa Summers, o=Oneida Tribe of Indians of WI, ou=Oneida Business Committee, email=lsummer2@oneidanation.org, c=US
Date: 2015.11.04 15:20:55 -0600

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

INTEROFFICE MEMORANDUM

TO: LISA SUMMERS
FROM: MARK W POWLESS *MP*
SUBJECT: DUMPSTER SERVICE ISSUE
DATE: OCTOBER 30, 2015
CC: DEBRA POWLESS

Per your request, this email contains an outline of the events that occurred around SEOTS' efforts to receive dumpster service for trash removal.

In preparation for the move the new SEOTS' building, we began seeking quotes for dumpster service in February, 2015. At all previous SEOTS' locations, we were not responsible for the service, and thus have not had to contract for the service in the past.

There are a limited number of vendors who provide the service and at the time, we thought we had contacted them all. They are Advanced Disposal, Eagle Disposal, and Waste Management.

Prior to the move to the new building, Advanced Disposal was contacted, so that we could move forward with them as the vendor. The contract was submitted to the Oneida Law Office. The Law Office noted some concerns to the contract, and these concerns were forwarded to Advanced Disposal for their feedback. After a couple discussions, Advanced Disposal became unresponsive to phone calls or e-mails.

Eagle Disposal was then contacted. The contract was submitted to the Law Office for review. Concerns were noted and forwarded to Eagle Disposal. After a few conversations we were able to address as much as we could. The contract then needed to be approved by the Oneida Business Committee, as it required a waiver of sovereign immunity in order to move forward.

It was during the approval process that I was contacted by Vendor Licensing. I was informed that SEOTS' vendors would now need to be licensed when required. In the past, SEOTS' vendors were not required to be licensed (or if they were, it was not enforced).

I contacted Eagle Disposal and let them know of the requirement. After a few conversations, they decided that they would not like to pay the vendor licensing fee and would not be moving forward with us.

This created significant concern, as we were now down to one vendor, and the last vendor was twice the cost of Eagle Disposal (\$133 per month vs. \$279 per month). Also, if Waste Management did not want to pay the vendor fee, we would be without dumpster service.

Fortunately we kept looking for additional vendors and found one with a service fee that is low enough that they will not need to pay the Oneida licensing fee. We have now contracted with John's Disposal.

Recommendation: In almost all cases, vendors who do business with SEOTS will not be doing business with any other entity of the Oneida Tribe. Thus, there is no benefit to being listed as a vendor. It may make more sense to raise the limit of \$1,000 to \$5,000 for SEOTS vendors. This may avoid the issue of vendors not wanting to business with SEOTS in the future. Another option is to make SEOTS vendors exempt overall.

FY-2016 Annual Report

Legislative Operating Committee

Purpose: The purpose and mission of the LOC is to enhance the policymaking capability of the Oneida Business Committee and General Tribal Council by drafting laws and policies and reviewing past and current laws and policies of the Tribe.

BCC Members

Brandon Stevens, LOC Chairperson

Tehassi Hill, LOC Vice-Chairperson

Fawn Billie, LOC Member

Jennifer Webster, LOC Member

David P. Jordan, LOC Member

Budget

Funding Sources for FY-2015

TRIBAL CONTRIBUTION:	100%
\$399,026	
GRANTS:	0%
N/A	
OTHER SOURCES:	
n/a	0%
n/a	0%
n/a	0%
n/a	0%

Total Budget

\$399,026

\$213,709

The LOC budget came under budget because the Senior Staff Attorney position, now the LRO Director position, was vacated in September 2014 and remains unfilled. In addition, the paralegal position was dissolved due to reorganization measures but continued to be budgeted for pending the outcome of an appeal. Lastly, an attorney/analyst (LTE) position was vacated in October 2014 and filled in June 2014 with a full time attorney position.

Stipends

LOC members do not earn stipends.

Accomplishments for FY-2015

During FY15 (October 1, 2014 – September 30, 2015), the OBC adopted one new Tribal law (Leasing Law pending approval from the Secretary of Interior), approved amendments to the bylaws for one Tribal Committee, and adopted permanent amendments to seven existing Tribal laws and policies. Three of those laws were also adopted on an emergency basis while the permanent amendments were being processed; as well as emergency amendments were also adopted for two other laws.

Adopting the new Leasing Law enables the Tribe to reassert its sovereign status by enabling the Tribe to enter into contracts to lease out Tribal trust lands without needing to obtain authorization from the Secretary of the US Department of the Interior for each individual lease. Amendments to the existing laws, policies and bylaws helped to strengthen, improve and update the Tribe's system of laws and to reinforce Oneida's self-governance.

During FY15, the LOC added 27 legislative items to its Active Files List – each legislative item is a request/proposal to create or amend a Tribal law, policy or bylaws; which will be processed by the LOC. For legislative proposals, the LOC also held 11 public meetings during FY15.

Of the 27 new items, 17 are requests to amend existing Tribal laws and policies. 10 are requests for new laws. By continuously amending Laws and adding laws, the LOC is working to benefit the membership by developing the Tribe's infrastructure and improving governance and regulation.

During this fiscal year, the LOC also prepared and submitted ten legislative analyses/statements of effect for GTC petitions.

These analyses benefit the membership because they provide GTC with more detailed information about the potential effects of a GTC petition; enabling GTC to make decisions armed with the greatest amount of information possible.

During this fiscal year, the LOC also prepared and submitted ten legislative analyses/statements of effect for GTC petitions.

These analyses benefit the membership because they provide GTC with more detailed information about the potential effects of a GTC petition; enabling GTC to make decisions armed with the greatest amount of information possible.

Goals for FY-2016

Using the Project Inventory Priority (PIP) form and the FY-2016 Operational Plan for your BCC as a guide, provide up to Three (3) Strategic Goals for FY-2016 and the Strategic Direction & Practical Vision this goal will support

GOAL 1

To develop Tribal laws and policies that are clear, constant, and straightforward, and that reflect the voices of individual members.

Committing to Build a Responsible Nation

Accountable & Effective Governmental Design

GOAL 2

Increase Community Participation/Involvement in the Legislative Process.

Advancing On^yote?a.ka Principles

An Engaged Community

GOAL 3

Develop and promote policy that delivers maximum benefit to the People while remaining fiscally responsible.

Committing to Build a Responsible Nation

Accountable & Effective Governmental Design

Meetings

Held every 1st and 3rd Wednesday of the month.

Meeting Location: OBC Conference Room - Second Floor, Norbert Hill Center, Oneida WI

Meeting Time: 9:00 a.m.

Meetings are OPEN.

Contact

Brandon Stevens, LOC Chair

(920) 869-4378

P.O. Box 365 Oneida, WI 54155

LOC@Oneidanation.org

www.oneida-nsn.gov/LOC

(The LOC also maintains the Oneida Register at www.oneida-nsn.gov/Register)

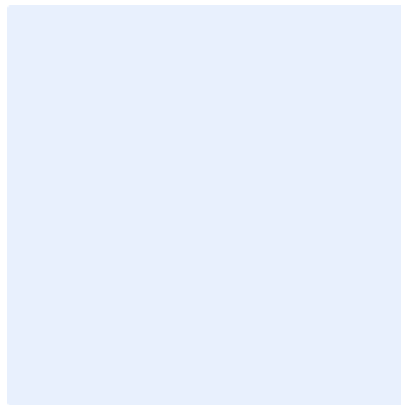
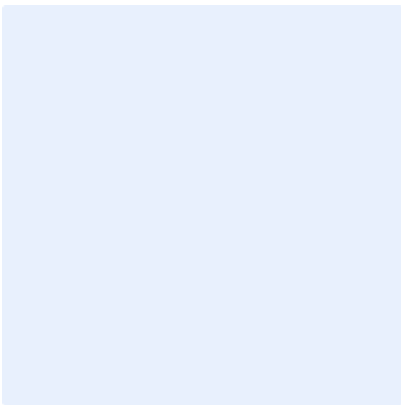
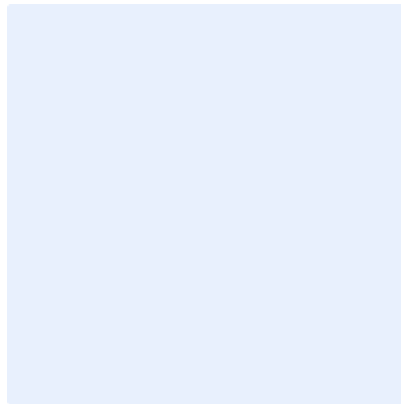
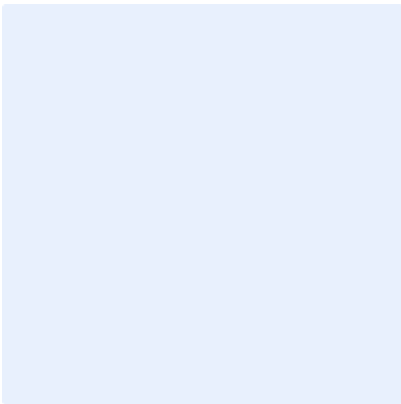
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Other Pictures that may be included in your section of the report

Please provide only high quality *.jpg images



LOC SPONSOR LIST

11/18/2015

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Brandon Stevens

- 1 **Budget Management and Control Law**
- 2 **Employment Law**
- 3 **Family Court Law: Bench Warrants**
- 4 **Membership Ordinance**
- 5 **Sanctions and Penalties Law**
- 6 **APA Emergency Amendments**
- 7 **Election Board Bylaws Amendments**
- 8 **Business Committee Meetings Law**
- 9 **Legislative Procedures Act**

Tehassi Hill

- 10 **Administrative Rulemaking Law**
- 11 **Leasing Law****
- 12 **Workplace Violence Policy**
- 13 **Code of Ethics**
- 14 **Election Law (Permanent/Emergency)**
- 15 **Law Enforcement Ordinance – Conservation Officers**
- 16 **Agricultural Law**
- 17 **Environmental, Health and Safety Law**
- 18 **Hunting, Fishing, Trapping Law**
- 19 **Industrial Hemp Law**
- 20 **Domestic Animals Ordinance**

Jennifer Webster

- 21 **Capping Damages and Awards from the Judicial System**
- 22 **Employee Advocacy Law**
- 23 **Fitness for Duty Policy**
- 24 **Tribally-Owned Business Org. Code**
- 25 **Vehicle Driver & Fleet Management**
- 26 **Whistleblower Law**
- 27 **Audit Law Amendments**
- 28 **Comprehensive Policy Governing BCCs**
- 29 **Child Care Consumer Complaint Policy**
- 30 **Administrative Court/Tribal Hearing Bodies**
- 21 **Violence Against Women Act (VAWA)**
- 32 **Oneida Flag Policy**

Fawn Billie

- 33 **Children's Code**
- 34 **GTC Meetings Law**

LOC SPONSOR LIST
11/18/2015

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35	Guardianship Law
36	Audit Committee Bylaws
37	Higher Education Scholarship
38	Removal Law
39	Personnel Commission Bylaws
40	Research Protection Act
41	Severance Law (Emergency)
42	Marriage Law Amendments
	David Jordan
43	Back Pay Policy
44	Community Support Fund
45	Public Use of Tribal Land
46	Rules of Civil Procedure
47	Per Capita Law
48	Cemetery Law
49	Garnishment Law
50	Compliance and Enforcement Law
51	Secured Transaction Act
52	Probate Law
53	Real Property Law Amendments
54	Mortgage Law
55	Landlord-Tenant Law
56	Land Commission Bylaws

November 2015

November 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2015						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 1 - 7	Nov 1	2	3	4	5	6	7
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Nov 8 - 14	8	9	10	11	12	13	14
			BC Meeting (BC_Conf)	Veteran's Day Holiday			10:00am 6:00pm GTC Budget Meeting (Radisson)
Nov 15 - 21	15	16	17	18	19	20	21
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Nov 22 - 28	22	23	24	25	26	27	28
				BC Meeting (BCCR)	Thanksgiving Holiday	Indian Day Holiday	
Nov 29 - Dec 5	29	30	Dec 1	2	3	4	5

December 2015

December 2015							January 2016						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 29 - Dec 5	Nov 29	30	Dec 1	2	3	4	5
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar	12:00pm 4:00pm Public Meeting: Higher Ed and Rulemaking (BC_Conf_Room)		
Dec 6 - 12	6	7	8	9	10	11	12
				BC Meeting (BCCR)			
Dec 13 - 19	13	14	15	16	17	18	19
				9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar			
Dec 20 - 26	20	21	22	23	24	25	26
				BC Meeting (BCCR)	12:00pm 4:30pm Christmas Eve	Christmas	
Dec 27 - Jan 2	27	28	29	30	31	Jan 1, 16	2