

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

ONEIDA LAW OFFICE

N7210 SEMINARY ROAD
P.O. BOX 109
ONEIDA, WISCONSIN 54155

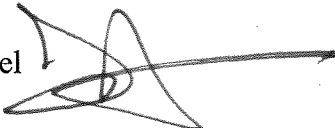
PATRICIA M. STEVENS GARVEY
CAROYL J. LONG
KELLY M. MCANDREWS
MICHELLE L. MAYS

(920) 869-4327

FAX (920) 869-4065

MEMORANDUM

TO: Oneida Business Committee

FROM: Jo Anne House, Chief Counsel 

DATE: June 12, 2015

SUBJECT: Genskow – Petition – Scheduling General Tribal Council Meetings

You have requested a legal review regarding a petition submitted by Madelyn Genskow. The petition contains six resolutions. The legal opinion will review only the resolution identified above. The Enrollment Department has verified a sufficient number of signatures on the petition.

The resolution contains five Whereas sections.

- “the General Tribal Council meeting held on January 19, 2015 to approve the Oneida Tribal budget did not end until 12:00-midnight”
- “the GTC may place the whole blame for such a long meeting on how the meeting was conducted by the Chair”
- “the entire Oneida Business Committee, who should know better, set up an agenda that placed “old Business”- The Oneida One stop on Hwy 54 on the Agenda, BEFORE the \$409,579,723 Budget for 2015”
- The GTC had no idea what would all be involved in addressing the “old Business” regarding the Hwy 54 gas station, and voted to approve the Agenda as presented by the entire Business Committee”
- “GTC meetings allow the Oneida people to be the supreme power of the Oneida Tribe”

Whereas sections are intended to provide legislative history and background regarding why the resolution is brought forward. Whereas sections are not enforceable.

The resolution contains eight Resolve sections.

- “meetings to approve the yearly Tribal Budget must be held on a Saturday starting at 10:00 am.”
- “the only item that can be offered at the Annual GTC Budget meeting after the Adoption of the Agenda is the Annual Oneida Tribal Budget.”
- “Annual Tribal Budgets must be presented to the GTC in September before the spending of the Budget starts on the first of October.”
- “there will be no acceptable excuse for not presenting an annual budget on time.”
- “the GTC meetings must be held on a Saturday except for the Constitutionally required (at this time) annual and Semi-annual meetings and also Emergency meetings.”
- “Monday night GTC meetings cannot go past 10:00 p.m.”
- “the Business Committee may not remove items from an agenda that the GTC approved but was not completed but must schedule a GTC meeting to complete the agenda.”

- “The Business Committee may not limit the number of GTC meetings per year, which causes over packed agenda which cause GTC meetings that challenge the endurance of GTC members who are disabled.”

To draft this opinion, I have reviewed prior actions of the General Tribal Council, the minutes and transcripts from General Tribal Council meetings between 2008 and 2015, Tribal policies and procedures, and various other resources. This opinion is broken into sections to address the following issues raised in the resolution – information regarding meetings and scheduling meetings.

General Tribal Council Meetings

This section of the opinion will review the General Tribal Council meetings held between January 2010 and March 2015. There were 33 meetings during this time period and of those, 22 meetings had available transcripts, verbatim minutes, or minutes containing a summary of the discussion. The remaining 11 meetings had minutes available which contained the actions taken, but did not yet have the transcripts completed or available. At one of those meetings, no transcript or recording was available as there was an equipment malfunction.

Chairpersons and Types of Meetings

The meetings during this time period were presided over by four elected officials – Chairpersons Rick Hill, Ed Delgado, and Tina Danforth. Vice Chairman Greg Matson chaired one meeting during this period.

There were seven Annual meetings, 5 Semi-Annual Meetings, 6 budget meetings, 12 petitioned for meetings, and 4 meetings called by the Oneida Business Committee. Although, a petition or Oneida Business Committee subject may have appeared on any of the meetings held, they are described by the primary purpose for which they were called.

Length of Meetings

On average, over all 33 meetings, a meeting lasted about 3.6 hours. The following chart shows the average length of different types of meetings, as well as the longest and shortest meeting time for each group.

| | Average | Shortest | Longest |
|-------------------------|----------------|-----------------|----------------|
| Annual Meetings | 3.75 | 3 | 4.5 |
| Semi-Annual Meetings | 3.80 | 2.5 | 5.5 |
| Budget Meetings | 3.83 | 2 | 6 |
| Petitioned for Meetings | 3.38 | 1 | 6 |
| OBC Called Meetings | 3.25 | 2 | 4 |

The budget and the petitioned for meetings lasting 6 hours occurred on a Monday starting at 6:00 p.m. and on a Saturday starting at 10:00 a.m., respectively. The following chart shows when meetings were scheduled to begin.

| | 10:00 a.m. | 1:00 p.m. | 6:00 p.m. |
|----------|-------------------|------------------|------------------|
| Monday | 3 | 0 | 16 |
| Saturday | 9 | 0 | 0 |
| Sunday | 1 | 4 | 0 |

Agenda Items

Reviewing the meetings between January 2010 and March 2015, there is no indication that just because a meeting begins at 6:00 p.m. or at 10:00 a.m. that it will last longer than about 4 hours. A review of the agendas of the three meetings lasting 5.5 to 6 hours identifies the following subjects at each meeting.

July 5, 2010, Semi-Annual Meeting, 5.5 Hours

- 3 sets of minutes
- Treasurer's Report
- GTC Stipend Petition
- Organizational Report
- Legislative Procedures Act
- Land Acquisition Plan
- Acquire Land Parcel
- Judiciary Act Status Report
- Constitutional Amendments Report
- GTC Directives Update Report

November 15, 2014, Petition for Meeting, 6 Hours

- Secretarial Election Update
- Petitions
 - Land Use Plan
 - Tribe to Pay Real Estate Taxes
 - Signatories on Petitions
 - Petitioners Respond to Questions
 - Develop Stall Mall

January 19, 2015, Budget meeting, 6 Hours

- One Stop Remodel
- Budget

Looking at other agendas during this time period, it appears that it is consistent with the types of agendas presented above. For example, the November 20, 2010, agenda contained a presentation of the Judiciary Law and the Legislative Procedures Act and was 4 hours long; compared to the May 23, 2011, agenda which contained three proposed amendments to the Personnel Policies and Procedures and two petitions and was also four hours long. On the other hand, the September 21, 2013, agenda which contained only the budget and was 2 hours long; compared to the November 21, 2011, agenda contained a single petition with nine separate resolutions and lasted only 2.5 hours.

Based on the above information, it is not clear when a meeting will last 2 hours, 4 hours, 6 hours or potentially even longer. It appears that the number of subjects and the type of subjects (reports, budgets, petitions, legislation) are not indicators of matters the membership will take an interest in and have a great deal of discussion.

Recalling discussions with prior Oneida Business Committee's regarding setting agendas and a review of the agendas identifies that the Oneida Business Committee is guided by two competing directions. First, the agenda is set up consistently in a specific order – adopt agenda, minutes, new business, old business, tabled business, adjourn. If there are no items in one of those categories, it is not included. Second, the Oneida Business Committee attempts to place similar items on the same agenda where that is possible. For example, at the budget meeting in 2010, the agenda also contained petitions that had a financial impact regarding a hyperbaric oxygen chamber, a pay increase, and a game farm; at the budget meeting in 2015, the agenda contained a request to authorize the cost of the Highway 54 One Stop remodel project. At the 2013 Semi-Annual meeting, the agenda contained two 2012 referendums and a petition regarding boards, committees and commissions; at petitioned for meeting in July 2013, the agenda contained petitions and 2012 referendum questions all related to child custody and support matters; and finally, at a October 2013 petitioned for meeting, the agenda contained both petitions and remaining 2012 referendum questions regarding employment and SEOTS.

However, there have also been numerous occasions where there were petitions or referendums that were ready for presentation to the General Tribal Council, but there was no grouping of subjects or ideas that could be brought forward. In those circumstances, the petitions and referendums were placed on agendas in chronological order of receipt of the petition or referendum. Most agendas contain four to six items for action.¹ It also appears that most agendas are completed.

There have been occasions where a meeting has been adjourned prior to concluding an agenda. In those cases, the General Tribal Council has taken action to defer the items to another meeting or agenda. In very few cases, the General Tribal Council has adjourned a special meeting without taking action on the agenda items. In each of those circumstances, the Chair has notified the members that this would result in the items not being brought back to the General Tribal Council. This has resulted in the motion to adjourn being withdrawn to table the remaining items or to direct when the remaining items should be brought back.²

Budget Meeting Agendas

This petition discusses agendas specifically regarding budget meetings. The chart below shows this information for all budget meetings between January 2010 and March 2015.

| Meeting Date | Agenda | Length of Meeting | Modify Agenda | Limit Discussion |
|------------------------------|---|--------------------------|----------------------|-------------------------|
| Saturday, January 30, 2010 | Budget Presentation Higher Education Resolution Budget Action | 5 | No | Yes |
| Saturday, September 18, 2010 | Budget Presentation P- Hyperbaric Oxygen Chamber P- Wage Increase Game Farm Land Acquisition - Deferred Item Budget Adoption | 4 | Yes | No |
| Monday, November 28, 2011 | Organization Restructure Update Budget Presentation Budget Action | 3 | No | No |
| Monday, September 17, 2012 | Budget presentation Budget Action Per Capita Plan Update | 3 | No | No |
| Saturday, September 21, 2013 | Budget Presentation Budget Action | 2 | No | No |
| Monday, January 19, 2015 | Hwy 54 One Stop Financing Budget Presentation Budget Action | 6 | No | Yes |

¹ This excludes actions such as adjourning the meeting and minutes as these generally do not generate significant discussion. As identified below, adoption of the agenda can generate significant discussion, however, this is not counted in the number as an action item.

² Note, as identified in the summary of Rules of Order for General Tribal Council, an item not addressed at an Annual or Semi-Annual meeting is automatically moved to the next Annual or Semi-Annual meeting. However, an item on a special meeting automatically dies if not addressed and not moved to another agenda.

The one budget meeting in which the agenda was modified resulted in the Budget Presentation and the Budget Adoption items being moved to last on the agenda. This resulted in members not hearing about the budget and then having discussion/action regarding additional impacts on the budget – i.e. services, wages, business expenses, and a deferred item from a prior meeting. However, since the agenda was already technically set up to address the additional items before acting on the budget, it is not a significant impact procedurally.

Motions to Limit Discussion – Budget Meetings and In General

A motion to limit discussion was made in a little less than half of the 33 meetings reviewed. Across the board, it is more likely that discussion will be limited at a petitioned for meeting than on any other occasion. When a motion to limit discussion to a specific time period and repeat opportunities to speak is presented, they are generally accepted. Most of those motions call for a range of 2 to 3 minutes per speaker. A very few of these motions also limit the amount of time for presentations, even fewer attempt to limit the amount of time for discussion. The chart below identifies this information regarding motions made to limit discussion.

| | Motion to Limit Discussion | | |
|-------------------------|----------------------------|----|--------|
| | Yes | No | Failed |
| Annual Meetings | 1 | 5 | 0 |
| Semi-Annual Meetings | 1 | 3 | 1 |
| Budget Meetings | 2 | 4 | 0 |
| Petitioned for Meetings | 7 | 3 | 2 |
| OBC Called Meetings | 0 | 4 | 0 |

However, what is interesting is that if members take action to limit discussion by setting a time limit per person and when members can speak a second time, it appears to cause budget meetings to last longer. Both of the budget meetings in which this occurred resulted in meetings that were 1 to 2 hours longer than the average meeting or average budget meeting length. This may be because more members felt they had an ability to speak, or members were more likely to listen to a greater number of speakers with a broader array of questions than if fewer speakers were recognized with more specific technical questions.

A review of the remainder of the meetings identifies no relationship between a motion to limit discussion and the length of the meetings.³ Listed below are subjects appearing on the agenda of meetings lasting 5 or more hours which have both motions to limit discussion and no motion to limit discussion. Nothing in this list would indicate that a meeting is likely to last longer than other meetings. Every type of meeting, except Annual meetings, has both long and short meetings.

| | | |
|------------------------------|-----------------------------------|------------------------------------|
| Budget | Judiciary Update | Waste to Energy-OSGC Petition |
| Higher Education Scholarship | Constitutional Amendments | Real Estate Taxes Petition |
| Semi-Annual Reports | General Tribal Council Directives | Publication of Signatures Petition |
| Minutes | Vision and Priorities Report | Presenters Responding Petition |
| Legislative Procedures Act | Per Capita Options | Stall Mall Petition |
| Land Acquisition Plan | Per Capita Petition | Hwy 54 One Stop Financing |

³ In addition, there appears to be no relationship between who is chairing the meeting and the length of the meeting.

Action on Adoption of the Agenda

A review of the meeting minutes for the 33 meetings between January 2010 and March 2015 identifies that at 17 of those 33 meetings the members modified the agenda. These modifications involved shifting items from one part of the agenda to another. In a few instances, this included deleting items from the agenda. Finally, one motion attempted to add an item to the agenda. A database has been developed containing all of these motions and related actions. Because it is a large document, it has been forwarded to the Secretary's Office to place on the Tribe's website on the Member's Only pages.

A review of the 23 motions made to modify the agenda identify that 5 failed and 2 were ruled out of order.⁴ Of the 23 motions, 11 of those motions were made by a single person.⁵ The table below shows how the motion to amend the agenda ranges across different types of meetings.⁶

| | Pass | Fail | Adopt |
|-------------------------|------|------|-------|
| Annual Meetings | 5 | 2 | 2 |
| Semi-Annual Meetings | 1 | 1 | 5 |
| Budget Meetings | 2 | 0 | 4 |
| Petitioned for Meetings | 8 | 3 | 4 |
| OBC Called Meetings | 0 | 1 | 4 |

Agenda items have been moved for various reasons. In budget meetings, it has been to move items affecting the budget prior to adoption of the budget. In Annual meetings, the purpose has generally been to move the Treasurer's Report to the beginning of the agenda, or action regarding the Judiciary or Legislative Procedures Act, or the Secretarial Election and 2014 Comprehensive Plan. At a petitioned for meeting, the reasons are much more diverse, but generally involve moving petition items up or down on the agenda before other petitions, to move reporting before petitions, the opposite action, to move petitions before reporting.

Almost half of the meetings reviewed had the agenda modified. Of the 7 motions to amend the agenda which have failed, in all but one circumstance, the agenda was adopted as presented. The petitioner has made almost half of the motions to amend the agenda between January 2010 and March 2015. Those motions have occurred in all types of meetings except Semi-Annual meetings, two of the motions failed and one of the motions was ruled out of order.

Discussion

As identified above, 11 of the 33 meetings did not have transcripts or extended information in the minutes. The discussion in this section reflects all of the actions identified in all 33 meetings. However, in some circumstances, such as when reviewing discussion in the meetings, the review reflects only the 22 meetings in which a transcript or extended set of minutes were available.

⁴ One motion was ruled out of order because it attempted to table an item during adoption of the agenda; the second was ruled out of order because it attempted to add an item to the agenda in violation of the Ten Day Notice Policy.

⁵ The remainder of the motions were made by one individual making three motions, one individual making two for the motions, and five individuals making one motion each.

⁶ Note, these numbers do not add up to the total number of meetings because some motions failed to pass, and on some occasions there was more than one motion or amendment regarding the adoption of the agenda.

This analysis looks at five elements – speakers, points of order or privilege question, motions, seconds, and discussion. Each speaker is identified the first time they speak and given a number in sequential order to try to track changes in who is speaking. Every point of order or privileged question is identified to try to determine interruptions to the flow of a meeting. Each motion and second to a motion is identified to determine the level of involvement in a meeting. Finally, discussion is identified to determine who is involved in asking questions or providing comments in a meeting. Discussion was defined as the set of questions or comments regarding a single subject, not each time an individual spoke.

An attached chart provides detail regarding each meeting for the above elements – “*General Tribal Council Meetings Summary Information*.” The chart also includes the day and date of the meeting, the type of meeting, the Chair, when the meeting started and the length of the meeting. Below are highlights of that information. A table is also included which shows this information regarding speakers in graph form – “*Speech at General Tribal Council Meetings January 2010 to March 2015*.”

In 20 of the 22 meetings, there was more discussion than motions or procedural actions. During 6 of the 22 meetings, there were more procedural actions than motions.⁷ At three of the 22 meetings, there were more procedural actions than motions or discussions.

- Petition - 31 procedural actions, 26 discussion groups, and 18 motions.
- Petition - 14 procedural actions, 13 discussion groups, and 9 motions.
- Business Committee Called - 34 procedural actions, 14 discussions, 13 motions.

Of the 22 meetings analyzed, there were 10 meetings with less than 10 procedural actions. Of those ten meetings, only one was a petitioned for meeting, two were budget meetings, the remainder were Annual or Semi-Annual meetings.

The three meetings with the highest procedural actions include two petitioned for meetings and one meeting called by the Oneida Business Committee. Those meetings occurred on a two Monday evenings and a Sunday morning, respectively. The petitioned for meetings lasted 3 and 4 hours. The Business Committee called meeting lasted 2 hours and had 34 procedural actions.

Speakers

At the 33 meetings, there were 264 speakers identified for all meetings. The number of speakers at each meeting fluctuates greatly. Further, looking at all meetings, a total quorum of 49,500 members was present at the meetings, 555 instances of discussion, 322 motions, and 205 procedural actions. A chart showing this information is included with this memo – “*Speakers at General Tribal Council Meetings*.” Some additional brief facts regarding speakers at General Tribal Council meetings follow.

- 17 – speakers who participated in discussion at 10 or more times.
- 82 – speakers who have participated in a meeting only through a motion, a second to a motion, or a procedural action.
- 53 – speakers who have participated in a meeting only by seconding a motion.
- 5 – speakers who have raised 18 or more procedural actions.

⁷ A procedural action is a privileged question or point of order which takes precedence and can interrupt recognized speakers. These procedural actions are often misused in order to gain the floor to ask questions or make a motion.

- 10 – speakers who have spoken only once raising a procedural action.
- 97 – speakers who spoke only once and that was for discussion.
- 32 – average number of speakers at each meeting.
- 23 – average number of speakers recognized to speak at least once at each meeting.

Looking at the top ten most frequent speakers it appears that most of those speakers spend half of their opportunities to speak in discussion, or 8 of the 10 speakers. Two speakers used 62% and 46% of their speaking opportunities in raising privileged questions.

Across the 33 General Tribal Council meetings reviewed it appears that there are a consistent 20 to 25 members, those who have potentially spoken at every General Tribal Council meeting since January 2010. The next 50 or so members appear infrequently during that period, or have a brief period where they were very active, but are not consistently active. The vast majority of members, a little over 200, have spoken less than ten times over the last 33 meetings.

This chart is quite large. An Adobe Acrobat (*.pdf) version of the file has been forwarded to the Secretary's Office to place on the Member's Only website for review by members.⁸ The document is sorted with the highest total speaking opportunities to the lowest total speaking opportunities. There may be errors and misspellings regarding names. Further, some names may be erroneously combined. The chart contains the following columns and information which is available to all members by reviewing and combining information across General Tribal Council meeting minutes.

- Name – the Tribal member's name as it appears in the minutes.
- Appear – this number represents the first occurrence of the member in the minutes beginning in January 2010. Each member is consecutively numbered.
- Totals – the total number of speaking opportunities for procedural actions, discussion, motions, and seconds to a motion.
- PQ/PO – the use of a privilege question or point of order.
- Discussion – each group of related speaking opportunities within a subject matter.⁹
- Motions – a motion made is included whether passing or failing, whether it received a second, and whether it was called out of order.

In addition to this information, each meeting date between January 2010 and March 2015 has received individual analysis and is included in the document.

Scheduling General Tribal Council Meetings

This section of this legal opinion will review scheduling General Tribal Council meetings. Over the years, there have been many petitions submitted which attempt to direct that a meeting be scheduled at a specific date and time. In each of those occasions, the review of those petitions has identified that scheduling General Tribal Council meetings is in the nature of an

⁸ As of finalization of this memo the Adobe Acrobat (*.pdf) file is ready to be forwarded. I am attempting to identify how a working version of the database can be placed on the Member's Only website so that it can be sorted and reviewed from different issues. If this is accomplished, it will be posted in place of the Adobe Acrobat (*.pdf) file.

⁹ It should be noted that others may come up with a different number in "counting" discussion opportunities during a meeting. The goal of this definition was to not over count members who may have been in a dialogue thus "speaking" several times during a single recognized time period. Thus, a question and answer opportunity may have six questions could have been identified as six speaking opportunities is counted as only one discussion opportunity because it was considered a single discussion.

administrative responsibility of the Oneida Business Committee to meet the needs of limited time and space available for those meetings. This becomes more problematic in light of the stipend payment, restriction to conduct meetings on the reservation, and the size of quorums at General Tribal Council meetings. A November 4, 2014, opinion titled “Legal Opinion – Scheduling and Setting Agenda – GTC Meeting” provides a detailed analysis of this issue. A copy of this opinion is included with this opinion.

There are three General Tribal Council actions that affect scheduling a meeting. Two of those actions are regarding the payment of stipends and one action is in regards to where meetings can be held.

In 2007, the General Tribal Council adopted a motion to pay a stipend to members who attend a duly called meeting.

“Motion by Madelyn Genskow that a stipend of \$100 be paid to any General Tribal Council member who attends a GTC meeting and is eligible to vote and stays until the end of the meeting effective in calendar year 2008 and for all time, seconded by Nancy Skenandore.”

This resulted in meetings with a large quorum. This meant that existing spaces needed to be reviewed for new issues, not just sufficient seating. The Secretary’s Office and Oneida Business Committee looked at various facilities and initially utilized the Turtle School gymnasium. While this space could hold a sufficient number of members, it provided concerns regarding the safety of that number of members exiting in the case of an emergency and parking limitations. This left the Radisson as the only available space.

However, as the meeting quorums stabilized toward 1400 to 1800 members, this resulted in the meeting being held across two different rooms. Members recognized this may in part be the result of the members and their children attending meetings. As a result, in 2011, a petition was brought by Madelyn Genskow to amend the GTC Stipend Payment Policy to address some of the experiences over the three years of the stipend payments being made. Resolution # GTC-11-21-11-A was made. The Resolve directed the following.

- That until facilities can be identified that seat 2,500 or more people that individuals in a General Tribal Council meeting shall be limited to members age 21 and over.
- That members leaving the ballroom area and related bathroom facilities shall not be eligible for a stipend payment.
- That the Oneida Business Committee is directed to adopt these amendments in a timely manner and given the abuse identified regarding the stipend payment, that such amendments rise to the level of an emergency.
- That the Oneida Business Committee shall have such amendments in place no later than six months after adoption of this resolution and shall notify members of this change when implemented.
- That the policy amendments shall be presented to the General Tribal Council for final approval.

This resulted in video cameras and microphones being available in all meeting spaces. Although this relieved some stress on meeting space, the Secretary continued to review alternatives that would allow members to be present in a single room. There were several locations identified that were in the area but outside of the Reservation. The Oneida Business Committee originally considered this request. As a result of this action, a petition was brought in 2012 that would

restrict scheduling meetings only within the Reservation. A motion and amendment were adopted as follows.

“Motion by John Orrie to approve the petition that GTC meetings only be held within the boundaries of the reservation and direct the OBC to hold community meetings on this subject over the next 90 days on strategies to alleviate GTC overcrowding, seconded by Yozina Jarvis. Motion carried by a show of hands.”

“Amendment to the main motion by Corinne Zhuckkahosee that the Business Committee and Chief Financial Officer find the money to make sure that all technical components (audio/visual) are available for all rooms used in each forum, that all voting Tribal members can see and hear all of the meeting and be able to vote all at the same time, wherever we have our meetings, seconded by Tina Danforth. Motion carried by a show of hands.”

Available Space for Meetings

Much of the difficulty in scheduling meetings involves available space. As identified in the November 2014 opinion, the average quorum is approximately 1400 to 1800 members. There is one facility within the Reservation boundaries which can house a General Tribal Council meeting, the Radisson Hotel and Conference Center.

The Radisson has three groups of conference rooms available – Three Clans Ballroom, the Iroquois Complex, and the Great Lakes Conference Center. Based on how the seating is set up prior to the meeting, this allows for 1935 to 2035 seats. When reviewing the materials, the Three Clans Ballroom is generally referred to as the “main meeting room” and the Iroquois Complex is generally referred to as the “satellite meeting room.” The Secretary generally reserves all three groups of conference rooms for a General Tribal Council meeting in order to have sufficient seating for each meeting. The Oneida Business Committee has set processes for when each meeting room will be opened and available for seating. The purpose for these rules is to avoid over-capacity in any of the rooms, attempting to have all members in the same meeting room, managing the check-in/check-out process, and managing the meeting itself.

The main meeting room is opened at the time the check-in for the meeting begins. The purpose for this is to avoid members “reserving” seats and moving seats around in the room. Members placing blankets and other items on the seats have caused confusion regarding available space to other members coming into the meeting. However, more importantly, this avoids having the seating moved around in the room. For safety and accessibility reasons, the room is set up with a specific number of seats, width of aisles, width of walkways and keeping chairs from blocking throughways. The meeting room can seat a maximum of 1500 members. The Oneida Business Committee has reduced this seating to approximately 1350 seats to provide greater comfort.

Once the check-in has reached 1250 members, the satellite room is opened for seating. The satellite room can be broken into three sections. The moveable wall has been closed on a third of the room and generally stanchions have been placed to cut off a second section of the room. This is to allow the video and microphones to be set up and make the room more visible to the main meeting room and the Chairperson managing the meeting. It has not been required to date, however, should the sign-in identify a need the moveable wall can be pushed back and open additional seating. This makes seating available in groups of 125 as additional seating is needed.

The final room, the Great Lakes Conference Center, has been reserved but used only once. This set of rooms can hold 210 seats. It is also set up with a video feed and microphone access. These doors are locked until the room is needed.

Because a General Tribal Council meeting requires the use of all of the available meeting space it becomes more difficult to schedule those meetings. The Radisson is also trying to fill available conference space to generate revenue. The Secretary's Office has pre-reserved the conference rooms for the Annual and Semi-Annual meetings because those dates are already known. The remainder of any meetings would be scheduled around activities already scheduled and contracted for by the Radisson and other vendors/groups. The impact of this is that "popular" dates for conferences, weddings, meetings, and other large group activities are generally filled.

General Tribal Council meetings have typically been held on Saturdays. Since adoption of the stipend in 2008, because of the size of the quorum, meetings have been scheduled on Monday evenings and Sundays. The size of the quorum has remained consistent regardless of the date of the meeting; and, as identified above, the length of the meeting is not affected by the day or time of week the meeting is scheduled.

Analysis

This resolution proposes two groups of actions regarding budget meetings and all other General Tribal Council meetings.

- Budget meetings – held on a Saturday in September at 10:00 a.m. with only the budget as a subject and there are no exceptions to presenting the budget in September.
- General Tribal Council meetings – held on a Saturday, except for constitutional meetings, if held on a Monday must end before 10:00 p.m., cannot limit the number of meetings, and cannot remove an item from an agenda if the agenda is not completed.

The reasons for this resolution are identified in the Whereas sections and can be summarized as follows.

- The January 19, 2015, budget meeting concluded at midnight because of:
 - How the Chair conducted the meetings;
 - An old business item was placed on the agenda before the budget; and
 - The members did not know what the old business item was about.

The information above shows that a budget meeting has been called three times on a Saturday and three times on a Monday since 2010. Of those meetings, 5 of the 6 agendas had more than one subject. The meeting with only the budget on the agenda lasted two hours, two of the meetings with update reports lasted 3 hours, and the three meetings with action items lasted 4 hours (4 extra agenda items), 5 hours (1 extra agenda item), and 6 hours (1 extra agenda item). Of those meetings, only one went until midnight.

There is no indication that the subject of the Hwy 54 One Stop remodel project would take any longer than any other subject presented at a budget meeting. In the case of the January 19, 2015 budget meeting, one hour was spent on adoption of the agenda. This involved primarily discussing placing limits on speakers. 2.5 hours was spent on the Hwy 54 One Stop remodel project and 2.5 hours was spent on adoption of the budget. The discussion shows that the members who were recognized to speak had an understanding of the question being asked and

had additional requests to be made regarding the project. Requests regarding gaming activities, restaurants, smoking and tobacco sales were some of the items discussed.

Given the above, the Whereas sections do not appear to accurately identify support for the requested actions. These sections should be clarified or deleted from the resolution in order to provide an accurate legislative history of why the resolution was adopted if that action is taken. In the event interpretation of the Resolve sections are necessary, the information in the Whereas sections would not be helpful and would appear to actually conflict with the historical record.

The Resolve sections identify restrictions regarding scheduling meetings, placing a time to adjourn Monday meetings at 10:00 p.m., placing restrictions on agenda items for budget meetings, and directing that the budget be presented in September. However, as identified above, these additional restrictions may result in further delay of the ability to schedule a General Tribal Council meeting and result in not adequately utilizing the limited time available at General Tribal Council meetings.

As identified above, the Radisson schedules conferences and other activities in its meeting spaces in order to generate revenue. It is in the Tribe's interests to have the Radisson generating revenues from third parties to cover costs of operation that may otherwise be requested from the Tribe. Further, given the size of the General Tribal Council meetings, the Three Clans Ballroom and the Iroquois Complex, at a minimum, will be needed at any scheduled meeting. If the meeting can only be held on a Saturday, then the Oneida Business Committee is either limited to available Saturdays when the conference centers are not booked by third parties, or, book Saturdays throughout the year in anticipation of a meeting and ask the Radisson to forgo that revenue for those dates.

During the five year time period that was reviewed, the budget was delayed in presentation until after the start of the fiscal year on two occasions. However, it has happened infrequently in the past. The most recent delay was the result in a new Oneida Business Committee presenting a budget for approval. This Oneida Business Committee has six new members who were going to be responsible for a budget they had not had the opportunity to develop. As a result, the new Treasurer, Patricia King, asked that the budget adoption be delayed to review and finalize in accordance with the directions of the current Oneida Business Committee. This budget was eventually presented in January 2015. Prior newly elected Oneida Business Committees have asked for the same consideration in presenting a budget immediately following an election. This is not inconsistent with prior actions. If the proposed resolution is acted upon, this may pose difficulties in presentation of a budget immediately following a General Election.

The proposed resolution would limit the number of items placed on a budget meeting agenda. As identified above, all but one of the budget meetings in the past five years have had multiple items on the agenda. One agenda had only the budget as an item, that meeting lasted two hours. Given the cost of publication, gathering members together to attend a meeting, and the subjects waiting to be presented to the General Tribal Council, it would appear that limiting a budget meeting to a single item would not be the best use of the membership's time. Further, this would result in items related to the budget which are ready for presentation being presented after the budget is adopted making approval of those items subject to a two-thirds vote instead of a simple majority.

In the alternative, this would potentially push back implementation of items presented after adoption of the budget to the next fiscal year in order to avoid a two-thirds vote.

The proposed resolution would prohibit the Oneida Business Committee from limiting the number of meetings per year. It is unclear if there is a proposal being developed or presented regarding limiting the number of meetings per year. I am aware that Secretary Hoelt discussed this with the intention of better managing the General Tribal Council schedule and managing the reservation of space at the Radisson in order to preserve the Radisson's ability to generate revenue. However, it was never formally acted upon.

If the reference is to the draft General Tribal Council Meetings Law initial presented at the July 7, 2014, Semi-Annual meeting, there is nothing in this law which would create such a restriction. The closest this proposed law comes to this restriction is in section 11.4-3 which pre-schedules two Special meetings per year, but allows that "additional special meetings may be called in accordance with the Constitution." This action by the General Tribal Council does not appear to be necessary, since any proposal to do so would require action by the General Tribal Council to enforce.

Finally, the proposed resolution would prohibit the Oneida Business Committee from removing items from an adopted agenda if the meeting is concluded prior to the agenda being completed. It is presumed that this is in reference to the proposed General Tribal Council Meetings Law which was presented on the July 2014 Semi-Annual agenda. That agenda was not completed at the meeting and the agenda items were moved to another agenda to conclude. However, the proposed law was not brought back to the subsequent meeting.

The law was originally presented for adoption in the materials mailed to the membership. Prior to the July meeting, members of the Oneida Business Committee had received many comments about the law and suggested amendments and the Oneida Business Committee had determined that they would request the legislation not be adopted. Because the materials were brought to the General Tribal Council by action of the Oneida Business Committee and was not directed to be developed or presented by the General Tribal Council, removal of the item would be at the discretion of the Oneida Business Committee. I.e., that body had developed and presented legislation that it determined required further review and revision based on the comments made by members. Discussion about the item at subsequent General Tribal Council meetings proved consistent with this decision of the Oneida Business Committee that the legislation required further work.

This proposed action does not identify whether it affects only Annual and Semi-Annual meetings, or all General Tribal Council meetings. As identified in prior rulings of the Parliamentarian and presented in "Robert's Rules of Order as Used at General Tribal Council Meetings",¹⁰ agenda items from Annual and Semi-Annual meetings are carried over to the next agenda, items from Special meetings which are not addressed are considered closed and no further action required. This last result has been notified to the members at General Tribal

¹⁰ This is a compilation of procedural rules utilized by the General Tribal Council derived from the minutes of that body. There are deviations from Robert's Rules of Order specifically identified in this document that are consistent with either Tribal law, such as the Ten Day Notice Policy, as well as past practice of the General Tribal Council.

Council meetings since 2008 at least twice to allow the body to add direction regarding the remaining agenda items prior to adjourning the meeting. The rule had greater impact prior to 2008 when a General Tribal Council meeting frequently failed to meet the quorum requirements. This should be clarified prior to action being taken on this rule.

Conclusion

This resolution proposes restrictions on scheduling General Tribal Council meetings and setting agendas. There are no rules in place regarding this, as a result the resolution would require a simple majority vote to adopt. However, if the resolution is considered for adoption, the Whereas sections should be deleted because they are inaccurate.

If you have further questions, please contact me.

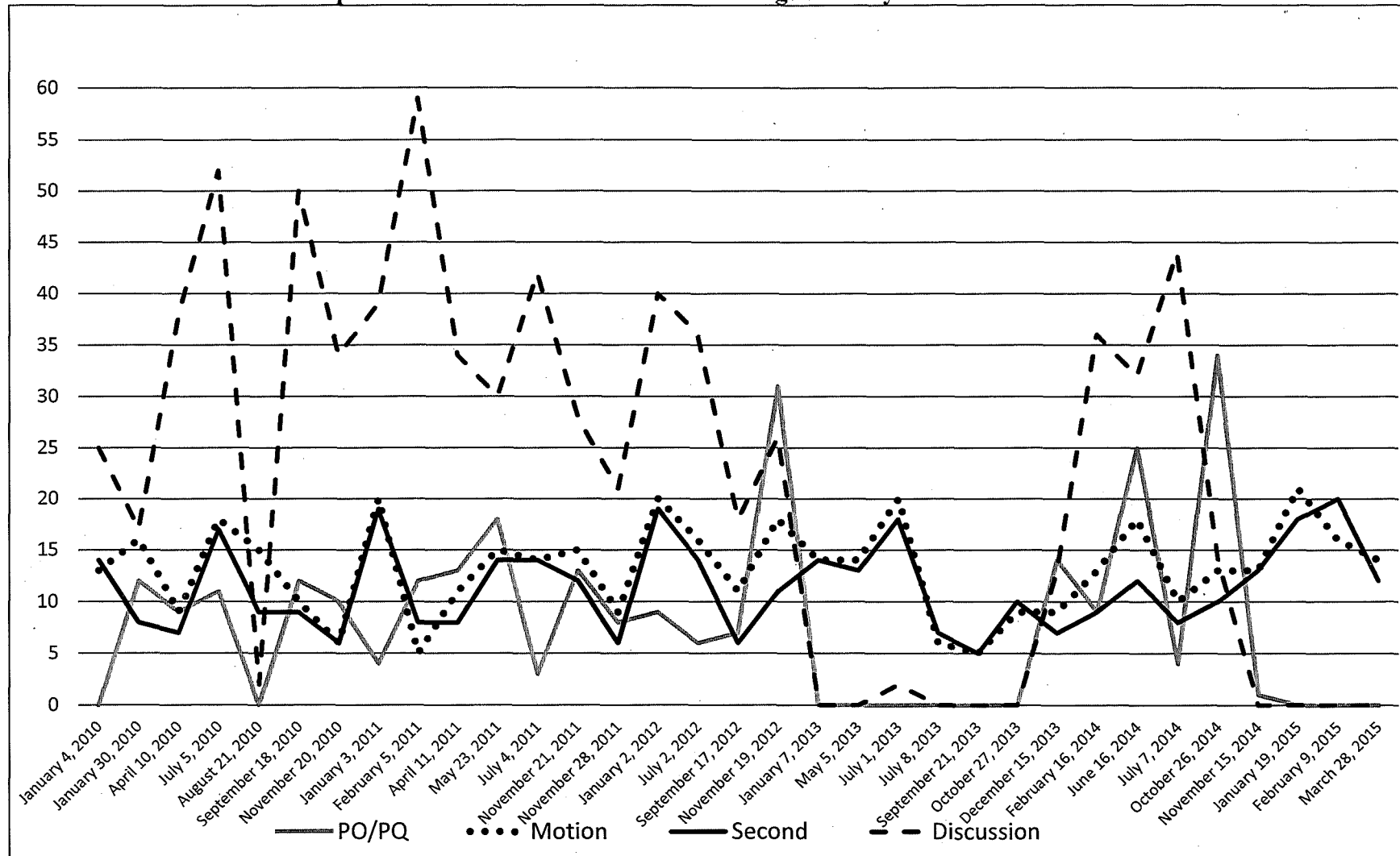
General Tribal Council Meetings Summary Information

| Chair | Type of Meeting | Meeting Date | PO/PQ | Motion | Second | Discussion | Started | Length | Agenda | Discussion |
|----------------|--------------------|-------------------------------------|----------|-----------|-----------|------------|-----------------|------------|------------|------------|
| Hill | Annual | Monday, January 04, 2010 | 0 | 13 | 14 | 25 | 6:00 PM | 4.5 | Yes | No |
| Hill | Budget | Saturday, January 30, 2010 | 12 | 16 | 8 | 17 | 10:00 AM | 5 | No | Yes |
| Hill | Petition | Saturday, April 10, 2010 | 9 | 9 | 7 | 38 | 10:00 AM | 3.5 | Yes | Yes |
| Hill | Semi-Annual | Monday, July 05, 2010 | 11 | 18 | 17 | 52 | 10:00 AM | 5.5 | Yes | No |
| <i>Hill</i> | <i>BC Called</i> | <i>Saturday, August 21, 2010</i> | <i>0</i> | <i>15</i> | <i>9</i> | <i>2</i> | <i>10:00 AM</i> | <i>3</i> | <i>No</i> | <i>No</i> |
| Hill | Budget | Saturday, September 18, 2010 | 12 | 10 | 9 | 50 | 10:00 AM | 4 | Yes | No |
| Hill | BC Called | Saturday, November 20, 2010 | 10 | 6 | 6 | 34 | 10:00 AM | 4 | No | No |
| Hill | Annual | Monday, January 03, 2011 | 4 | 20 | 19 | 39 | 6:00 PM | 3 | No | No |
| Hill | BC Called | Saturday, February 05, 2011 | 12 | 5 | 8 | 59 | 10:00 AM | 4 | No | No |
| Hill | Petition | Monday, April 11, 2011 | 13 | 11 | 8 | 34 | 6:00 PM | 3 | Yes | No |
| Hill | Petition | Monday, May 23, 2011 | 18 | 15 | 14 | 30 | 6:00 PM | 3.5 | No | Yes |
| Hill | Semi-Annual | Monday, July 04, 2011 | 3 | 14 | 14 | 42 | 10:00 AM | 4 | No | No |
| Delgado | Petition | Monday, November 21, 2011 | 13 | 15 | 12 | 28 | 6:00 PM | 2.5 | Yes | No |
| Delgado | Budget | Monday, November 28, 2011 | 8 | 9 | 6 | 21 | 6:00 PM | 3 | No | No |
| Delgado | Annual | Monday, January 02, 2012 | 9 | 20 | 19 | 40 | 10:00 AM | 3.5 | No | No |
| Delgado | Semi-Annual | Monday, July 02, 2012 | 6 | 16 | 14 | 36 | 6:00 PM | 2.5 | No | No |
| Delgado | Budget | Monday, September 17, 2012 | 7 | 11 | 6 | 18 | 6:00 PM | 3 | No | No |
| Delgado | Petition | Monday, November 19, 2012 | 31 | 18 | 11 | 26 | 6:00 PM | 4 | No | Yes |
| <i>Delgado</i> | <i>Annual</i> | <i>Monday, January 07, 2013</i> | <i>0</i> | <i>14</i> | <i>14</i> | <i>0</i> | <i>6:00 PM</i> | <i>4.5</i> | <i>Yes</i> | <i>Yes</i> |
| <i>Delgado</i> | <i>Petition</i> | <i>Sunday, May 05, 2013</i> | <i>0</i> | <i>14</i> | <i>13</i> | <i>0</i> | <i>1:00 PM</i> | <i>5</i> | <i>Yes</i> | <i>Yes</i> |
| <i>Delgado</i> | <i>Semi-Annual</i> | <i>Monday, July 01, 2013</i> | <i>0</i> | <i>20</i> | <i>18</i> | <i>2</i> | <i>6:00 PM</i> | <i>3</i> | <i>No</i> | <i>Yes</i> |
| <i>Delgado</i> | <i>Petition</i> | <i>Monday, July 08, 2013</i> | <i>0</i> | <i>6</i> | <i>7</i> | <i>0</i> | <i>6:00 PM</i> | <i>1</i> | <i>Yes</i> | <i>No</i> |
| <i>Delgado</i> | <i>Budget</i> | <i>Saturday, September 21, 2013</i> | <i>0</i> | <i>5</i> | <i>5</i> | <i>0</i> | <i>10:00 AM</i> | <i>2</i> | <i>No</i> | <i>No</i> |
| <i>Delgado</i> | <i>Petition</i> | <i>Sunday, October 27, 2013</i> | <i>0</i> | <i>9</i> | <i>10</i> | <i>0</i> | <i>1:00 PM</i> | <i>3</i> | <i>Yes</i> | <i>No</i> |
| Delgado | Petition | Sunday, December 15, 2013 | 14 | 9 | 7 | 13 | 1:00 PM | 2 | No | Yes |
| Delgado | Annual | Sunday, February 16, 2014 | 9 | 13 | 9 | 36 | 1:00 PM | 3 | Yes | No |
| Matson | Petition | Monday, June 16, 2014 | 25 | 18 | 12 | 32 | 6:00 PM | 3 | No | Yes |

| Chair | Type of Meeting | Meeting Date | PO/PQ | Motion | Second | Discussion | Started | Length | Agenda | Discussion |
|-----------------|------------------------|------------------------------------|--------------|---------------|---------------|-------------------|-----------------|---------------|---------------|-------------------|
| Delgado | Semi-Annual | Monday, July 07, 2014 | 4 | 10 | 8 | 44 | 6:00 PM | 4 | No | No |
| Danforth | BC Called | Sunday, October 26, 2014 | 34 | 13 | 10 | 14 | 10:00 AM | 2 | No | No |
| <i>Danforth</i> | <i>Petition</i> | <i>Saturday, November 15, 2014</i> | <i>1</i> | <i>13</i> | <i>13</i> | <i>0</i> | <i>10:00 AM</i> | <i>6</i> | <i>Yes</i> | <i>No</i> |
| <i>Danforth</i> | <i>Budget</i> | <i>Monday, January 19, 2015</i> | <i>0</i> | <i>21</i> | <i>18</i> | <i>0</i> | <i>6:00 PM</i> | <i>6</i> | <i>No</i> | <i>Yes</i> |
| <i>Danforth</i> | <i>Annual</i> | <i>Monday, February 09, 2015</i> | <i>0</i> | <i>16</i> | <i>20</i> | <i>0</i> | <i>6:00 PM</i> | <i>4</i> | <i>Yes</i> | <i>No</i> |
| <i>Danforth</i> | <i>Petition</i> | <i>Saturday, March 28, 2015</i> | <i>0</i> | <i>14</i> | <i>12</i> | <i>0</i> | <i>10:00 AM</i> | <i>4</i> | <i>Yes</i> | <i>Yes</i> |

*Meetings in italics do not have transcripts or extended minutes.

Speech at General Tribal Council Meetings January 2010 to March 2015



Note, there are no transcripts or extended minutes for August 21, 2010, January 7, 2013 to October 27, 2-13, and November 15, 2014 to March 2015.

Speakers at General Tribal Council Meetings

| Type of Meeting | Meeting Date | PQ/PO | Motions | Second | Discussion | Total Speakers |
|--------------------|-------------------------------------|----------|-----------|-----------|------------|----------------|
| Annual | Monday, January 04, 2010 | 0 | 10 | 13 | 18 | 26 |
| Budget | Saturday, January 30, 2010 | 8 | 12 | 7 | 14 | 30 |
| Petition | Saturday, April 10, 2010 | 6 | 6 | 7 | 16 | 24 |
| Semi-Annual | Monday, July 05, 2010 | 9 | 13 | 13 | 25 | 38 |
| <i>BC Called</i> | <i>Saturday, August 21, 2010</i> | <i>0</i> | <i>12</i> | <i>7</i> | <i>2</i> | <i>17</i> |
| Budget | Saturday, September 18, 2010 | 10 | 9 | 9 | 33 | 35 |
| BC Called | Saturday, November 20, 2010 | 5 | 5 | 6 | 25 | 29 |
| Annual | Monday, January 03, 2011 | 3 | 12 | 16 | 23 | 33 |
| BC Called | Saturday, February 05, 2011 | 5 | 4 | 7 | 47 | 49 |
| Petition | Monday, April 11, 2011 | 7 | 9 | 7 | 29 | 37 |
| Petition | Monday, May 23, 2011 | 13 | 10 | 12 | 24 | 42 |
| Semi-Annual | Monday, July 04, 2011 | 3 | 9 | 10 | 31 | 41 |
| Petition | Monday, November 21, 2011 | 7 | 7 | 11 | 19 | 31 |
| Budget | Monday, November 28, 2011 | 4 | 7 | 5 | 16 | 24 |
| Annual | Monday, January 02, 2012 | 5 | 10 | 12 | 26 | 34 |
| Semi-Annual | Monday, July 02, 2012 | 6 | 7 | 9 | 27 | 34 |
| Budget | Monday, September 17, 2012 | 4 | 8 | 5 | 13 | 20 |
| Petition | Monday, November 19, 2012 | 13 | 10 | 10 | 19 | 33 |
| <i>Annual</i> | <i>Monday, January 07, 2013</i> | <i>0</i> | <i>12</i> | <i>11</i> | <i>0</i> | <i>23</i> |
| <i>Petition</i> | <i>Sunday, May 05, 2013</i> | <i>0</i> | <i>11</i> | <i>10</i> | <i>0</i> | <i>19</i> |
| <i>Semi-Annual</i> | <i>Monday, July 01, 2013</i> | <i>0</i> | <i>12</i> | <i>12</i> | <i>1</i> | <i>22</i> |
| <i>Petition</i> | <i>Monday, July 08, 2013</i> | <i>0</i> | <i>6</i> | <i>6</i> | <i>0</i> | <i>12</i> |
| <i>Budget</i> | <i>Saturday, September 21, 2013</i> | <i>0</i> | <i>5</i> | <i>4</i> | <i>0</i> | <i>12</i> |
| <i>Petition</i> | <i>Sunday, October 27, 2013</i> | <i>0</i> | <i>5</i> | <i>9</i> | <i>0</i> | <i>13</i> |
| Petition | Sunday, December 15, 2013 | 9 | 5 | 6 | 12 | 19 |
| Annual | Sunday, February 16, 2014 | 8 | 10 | 8 | 19 | 27 |
| Petition | Monday, June 16, 2014 | 10 | 13 | 11 | 19 | 37 |
| Semi-Annual | Monday, July 07, 2014 | 3 | 8 | 6 | 29 | 38 |

| | | | | | | |
|-------------------------------|------------------------------------|----------|-----------|-----------|----------|-----------|
| BC Called | Sunday, October 26, 2014 | 22 | 9 | 8 | 11 | 32 |
| <i>Petition</i> | <i>Saturday, November 15, 2014</i> | <i>1</i> | <i>10</i> | <i>10</i> | <i>0</i> | <i>19</i> |
| <i>Budget</i> | <i>Monday, January 19, 2015</i> | <i>0</i> | <i>13</i> | <i>14</i> | <i>0</i> | <i>26</i> |
| <i>Annual</i> | <i>Monday, February 09, 2015</i> | <i>0</i> | <i>11</i> | <i>14</i> | <i>0</i> | <i>18</i> |
| <i>Petition</i> | <i>Saturday, March 28, 2015</i> | <i>0</i> | <i>10</i> | <i>10</i> | <i>0</i> | <i>16</i> |
| Total | | 160 | 193 | 198 | 495 | 713 |
| Average of 22 meetings | | 7 | 9 | 9 | 23 | 32 |

Explanation of Charts

The columns in this chart reflect the individual speaker, not how many times he or she spoke. For example, On January 4, 2010, there were 25 instances of discussion. The chart above shows those 25 instances of discussion were made by 18 different people. And although there may be a total of 52 instances of speaking at that meeting, those instances were made by 26 different people. If you reviewed the chart posted on the website titled “Discussion – GTC Meetings – January 2010 to March 2015”, you would see that 14 of those 26 people, a little over half, only spoke once during that meeting and ten those occurring as “discussion.” That would mean that of the 18 people speaking in discussion, 8 people accounted for half of the discussion.