



**Oneida General Tribal Council
Special Meeting
6 p.m. February 20, 2017
Radisson Hotel & Conference Center, Green Bay, WI**

Meeting Minutes

I. Welcome and Opening Prayer

Tina Danforth: Good evening, ladies and gentlemen. If I could please have your attention, we're going to go ahead and call this meeting to order. Lloyd Powless will do the Color Guard for us this evening, then Loretta will do the prayer. So if we could please have your attention at this time so that we can begin our meeting this evening. Lloyd.

Lloyd Powless: Tonight our veterans are from ONVAC. If they could bring the flags in. Please remove your hats. Thank you. Tonight we have Mike Hill, US Navy, bringing in the Eagle staff. He's a Vietnam combat vet. Kenneth House, US Navy, is bringing in the Oneida flag. He's a Vietnam vet. Jerry Cornelius, US Army, bringing in the American flag. He's Vietnam era. Art Cornelius, US Air Force, bringing in the Wisconsin flag. He's Vietnam era. Nathan Smith, US Air Force, bringing in the POW flag. He's a Korean War vet. Also coming in are Dan King, US Army, Vietnam combat vet. Wes Martin, US Army, Vietnam era. And Tim Ninham, US Navy, Desert Storm.

Loretta V. Metoxen: You may be seated. Wehnisli swakwek. I want to add my congratulations to all the others to the basketball camp. They did a great job. We're going to do this a little different this evening, so I am not going to go through the entire thanksgiving address line-by-line, but I will be going through it again in a much shorter version. I've been asked to do that because you have a special program this evening. [Thanksgiving Address given in Oneida and English language] Thank you.

II. Announcements & Call meeting to Order

Tina Danforth: Thank you, Loretta. I'm going to call this meeting to order, and I just need to notify you that at some point, I may have to depart the meeting because I have a family situation that I need to take care of at some point, and my family will notify me if and when that point comes during the evening. I just beg your indulgence and your patience with me this evening so that at whatever point I need to leave, I will be turning the meeting over to Melinda. So at this time, I would like to call our meeting to order. I haven't gotten a count on the registration...oh, here it is. It's 1,610 is our registration for this evening, and so, therefore, we do have a quorum.

III. Adopt the Agenda

Tina Danforth: At this time, I'm going to call on Julie, and the first item is to address the agenda. Julie.

Julie Clark: My motion to approve the agenda with the following modifications: Aside from the presenters, each person has three minutes to speak, and again, aside from the presenters, each person that wants to speak shall be given the opportunity to speak after everyone has had a chance at least once.

Tina Danforth: Okay, so your motion is to adopt the agenda with a three minute time limit for each presenter, speaker, person at the mic. Is that your intention?

Julie Clark: Yes.

Tina Danforth: Okay, so each person will be allowed three minutes to make a presentation at the microphone, and no one is allowed a second opportunity until everybody has had one opportunity to address the topic that is on the floor. So when we go for an amendment, you'll have three minutes. If we go to a main motion, you'll have three minutes. So as it changes, the opportunity changes, so people won't always follow the difference, but that starts the consideration over on your ability to speak for three minutes before somebody else can speak a second time. So there's a motion by Julie. Dylan seconded the motion to adopt the agenda with a three minute timeframe for each speaker at the mic.

Madelyn Genskow: Amendment, please.

Tina Danforth: Madelyn, what is your amendment?

Madelyn Genskow: I'd like to amend the agenda and to move item B, Petitioner Mike Debraska Per Capita, and that per capita is for \$3,000 for the younger people and \$5,000 for the elderly, and I think if we vote for that, then we don't have to spend as much time talking about the other per capita offers because it'll supersede that, and also, I would like to make a motion that will include that the health care board will be second on the agenda, but my main effort is to remove the Mike Debraska Per Capita up to the top of the agenda so we don't waste so much time talking about something else when we might approve that.

Tina Danforth: So Madelyn, your amendment to the motion to the adopt the agenda is that Item B be the first item to address regarding the per capita submission by Mike Debraska and Item C to be the second discussion item on the agenda, and then that leaves Item A will be the third item because there's only three items.

Madelyn Genskow: Uh huh, because Item B would apply to the 2017 per capita.

Tina Danforth: Okay, there is an amendment to make that order for presentation. Is there a second on Madelyn's amendment. Mike Debraska is the seconder on the amendment. Questions or comments on the amendment for tonight? Dylan?

Dylan Benton: I think that because Item A gives us a legislative opinion on the legality of our previous per capita discussion, it would be in poor taste to discuss the option B before we have that opinion; otherwise, we're not giving ourselves the information that we, the GTC, requested for that opinion on the first per cap before we move on to any secondary plans. We can't expect to make any decisions without all the information available to us. Thank you.

Tina Danforth: Thank you, Dylan. On the update, there is 1,819 at 6:15 for the quorum, the final number for the quorum for tonight's meeting, 1,819. Mike Debraska?

Mike Debraska: Thank you, Madam Chair. I'd just like to respond to that previous comment. My petition was submitted a long time ago, and it actually has nothing whatsoever to do with the previous motion that was approved by General Tribal Council. I want that clarified for the record. My petition stands alone. It has nothing to do with the Fletcher issue and what GTC approved prior.

Tina Danforth: Thank you for the clarification. Linda?

Linda Dallas: Call for the question.

Tina Danforth: There's a call for the question on the amendment. Call for the question on the amendment. I will recognize that, so you are voting on the amendment which states the order of presentations for tonight's meeting. The first item will be Item B, the second Item C, the third Item A. That is the amendment to the main motion to adopt the agenda. If you agree with the amendment, all those in favor, please raise your hand. If you agree with the amendment, please raise your hand. I think I'm going to ask for a count, because it's hard to read the overflow room. I apologize. There's quite a few people in there, actually, tonight, so if the Election Board would please count on the amendment. We are voting on the amendment for the order of tonight's agenda, so if you are in favor of the amendment, please raise your hand to be counted. If you are in favor of the amendment, please raise your hand to be counted. In the overflow room, are you done counting? Okay, all those opposed to the amendment, please raise your hand. Those abstaining, please raise your hand. Abstentions, please raise your hand. While we're waiting for the count to be tallied, if there is an open seat next to you, can you please raise your hand because some people are looking for a place to sit. If there is an open seat next to you, please raise your hand. Thank you.

Lori Elm: Excuse me, Tina?

Tina Danforth: Yes.

Lori Elm: I have the "yes" count for the overflow.

Tina Danforth: Can you bring them to them to tally?

Lori Elm: All right.

Tina Danforth: Okay, we have the tally for the amendment, and I'm glad that we asked for a count, because the numbers are very close this evening. There was 1,184 votes cast. The yes votes is 598; the no votes is 533; abstentions 53. The motion carries on the amendment. Now for the main motion to adopt the agenda. Questions or comments? Mike?

Mike Debraska: Thank you, Madam Chair. Is it too late to make another amendment to that motion that the meeting be four hours tonight?

Tina Danforth: A second amendment is allowed.

Mike Debraska: Thank you. I so move that second amendment that the meeting be over by 10 p.m.

Tina Danforth: Who's the seconder?

Cathy Metoxen: Second.

Tina Danforth: Okay, there's an amendment on the floor that the meeting ends by 10 p.m. The amendment is by Mike Debraska, seconded by Cathy Metoxen. Questions or comments on this amendment regarding the timeframe of 10 p.m. Linda?

Linda Dallas: Call for the question.

Tina Danforth: There's a call for the question on the second amendment. So you are voting on the second amendment to end the meeting by 10 p.m. All those in favor of the second amendment for a 10:00 timeframe, please raise your hand. Thank you. Those opposed, please raise your hand. Opposed? Abstentions, please raise your hand. Abstentions? Motion carries for the second amendment to end the meeting by 10 p.m. We are now on the main motion, and the main motion is to adopt the agenda with a three minute limit for presentations per topic. Questions or comments on the main motion? Sherrole?

Sherrole Benton: Thank you, Madam Chair. I just want to support Mike Debraska's comment here that this proposed per capita for \$3,000-\$5,000 doesn't have anything to do with the per capita that we had voted on and approved back in June 2013, so Madelyn was incorrect on that point. So when we get to that, all we need to do is accept the report, and we can forward it on so that we can all enjoy that benefit later on this year. Thank you.

Linda Dallas: Point of order.

Tina Danforth: What's your Point of Order, Linda? There was no call before I called on her. It was on the amendment; not on the main motion. We are on the main motion. All right, Madelyn, regarding the main motion.

Madelyn Genskow: Yes, I do. I want to make, with regard to Sherrole's comment, we just voted on that last year, and there's going to be an attorney's opinion about which one would win on the first time they voted on the per capita. So that is not...the General Tribal Council has not heard that. So what she said, that's not accurate.

Tina Danforth: Okay, there's obviously a difference among participants this evening, and I guess at this point, we can agree to disagree on what's pertinent and what's not and if there's anything that overlaps, we will get to those discussions.

Mike Debraska: Call for the question.

Tina Danforth: There's a call for the question on the main motion. The main motion is to adopt the agenda with a three minute limit presentation per speaker at the

microphone. All those in favor of the main motion, please raise your hand. Those opposing, please raise your hand. Those opposing. Abstentions, abstentions, raise your hand. Motion to adopt the agenda has passed.

IV. New Business

B. Petitioner Mike Debraska: Per Capita

Tina Danforth: So, we are going to go to item B first regarding the petition on per capita by Mike Debraska. The information is in your packet.

Mike Debraska: Thank you, Madam Chair, and good evening, GTC. Before I get started here, can everybody in the overflow room hear me? Can they hear okay? I just want to make sure everybody can hear. Okay, the first thing I want to do is I want to give you all a little bit of history here as to what led up to this petition if I may. Dr. Powless submitted a petition for this \$3,000 and \$5,000 in April or May of 2015, so that's almost 2-1/2 years ago. In July or August of 2015, a BC meeting was held to discuss that petition. At that time, I had asked the BC to approve the \$3,000 and \$5,000 distribution to GTC to allow more time for the Business Committee to develop a COLA plan. A COLA plan is a cost of living adjustment or to develop it in law, as it were, as well as to develop and finalize a tribal-wide equitable compensation plan for wages. That way, everyone would have received a bonus, a raise, or per capita, or whatever you wish to call it, and it would have given more time to the Business Committee to do what needed to be done from a legislative standpoint. The only one on the BC who agreed at that time was the Chairwoman. Here we are, nearly 2-1/2 years later, and still no COLA law exists, no tribal-wide equitable compensation plan exists, and now our petition is finally being heard. In late April 2016, Dr. Powless withdrew his \$3,000 and \$5,000 petition. A week later, I resubmitted the petition you see here before you tonight. So that's the overall history. Now I'd like to give you some comments as to what I see going on. As of today, not all employees under \$65,000 have received that \$0.99 increase as directed by GTC. In addition, some employees over \$65,000 have received up to a 20-30 percent increase. Some employees who received the \$0.99 raise also received cash bonuses. Now, go back to last week's GTC meeting. Our debt, according to last week's GTC meeting has almost all but been eliminated. There may be other debts outstanding in the tribe, but GTC paid down and authorized the huge pay down in debt reduction. I see no reason why we can't afford a per capita distribution of the amount that I'm requesting here tonight. When Ed Delgado was chairman, we accepted the fact and we sacrificed \$200 a year each to pay down on that debt. That debt has now been reduced, and our sacrifice time has paid off. Many people in this community are now suffering and hurting financially, and now we should be given that chance to have a decent per capita payment again. The cost of this \$3,000 and \$5,000 distribution would be approximately \$56 million based upon the current enrollment numbers that I have, and I have the current enrollment statistics. Now I want you to think about this from a financial perspective, okay? If GTC agrees to this, right now, as it stands, our mandates of what you direct the Business Committee to pay out—whether it's in higher education per capita, Boards, Committees and Commissions stipends, and everything else, only equates to about \$60 million of that budget. Our budget is almost a half a billion dollars, \$450-470 million, whatever it is. I haven't seen the rough draft or the rough estimates yet. But when you stop and think about that and compare that to a percentage point, that's only 12-14 percent of our budget. That means out of every \$100, only \$12-14 of those dollars goes to GTC directives. Where's the other \$86-88 going? That would be a good question for you to start asking. In the last few years,

what I have seen is that Gaming has met and exceeded all of their financial expectations and obligations. Year after year, they're meeting those goals and they're exceeding it. Where's all that money going? I've heard up here that programs and services may be cut. I ask you which ones? It's been two years since this petition was submitted, and I have seen no detailed list. All I hear is that we're going to go into cost contingency. What is cost contingency? What does it impact? Who will it affect? None of these questions have been answered. None of them. Based on that and based on the many other things that I see going on within the tribe, I think we can't afford this, and I think GTC deserves it. Based on this, I am now going to make a motion to approve the \$3,000 and \$5,000 distribution, and that it take place within 60 days or no later than May 1, 2017, and that no Oneidas be laid off, furloughed, or anything of the like, and that any BC plan to develop or handle or deal with layoffs, furloughs, or anything of the like be brought back to this body, GTC, for review, possible revisions, and final approval, and no action be taken on layoffs, furloughs, or anything of the like without GTC prior approval; further, any clarification on this motion will be brought back to this body and the motioner. Thank you.

Tina Danforth: Mike, can you please restate your motion?

Madelyn Genskow: Security, somebody just went ahead of the line.

Stephenie Muscavitch VanEvery: Benashi deferred his spot to me.

Tina Danforth: Just a minute, please. Please. Can we just have some order on the floor here? I'm trying to get clarification on the motion. Okay?

Stephenie Muscavitch VanEvery: He did, he said that I could have his spot.

Madelyn Genskow: There's supposed to be a line and they're not doing it over here.

Tina Danforth: Okay, there is supposed to be a line, and you guys are supposed to be orderly about it and respectful about it. Mike, can you please refrain your motion or repeat it? Thank you.

Madelyn Genskow: Madam Chair, would you please make them go in line the way they were?

Tina Danforth: Is there a line? Were you in front of the line, Stephenie?

Stephenie Muscavitch VanEvery: Yeah, it was Benashi and then Sherrole and then it was...I don't know her name.

Tina Danforth: RaLinda.

Stephenie Muscavitch VanEvery: Madelyn, and then me, and then RaLinda, and then Sherrole deferred her spot to RaLinda.

Linda Dallas: You can't defer your spot.

Stephenie Muscavitch VanEvery: And then Benashi deferred his spot to me, so we switched.

Linda Dallas: You can't defer your spot.

Tina Danforth: Well, we can't be doing deferrals. It just makes it too complicated because then we're going to be leap-frogging all over the place, and I just hope that everybody will just stay in line and be patient. I think we'll get to you eventually, most likely. Okay? Thank you. The motion that Mike is asking for consideration tonight is to approve the \$3,000, \$5,000 distribution and that it take place within 60 days, no later than May 1, 2017, and that no Oneidas be laid off, furloughed, or anything of the like, and that any plan that the Business Committee develops to handle or deal with layoffs, furloughs, or anything of the like be brought back to the General Tribal Council for review, possible revisions, and final approval, and that no action be taken on layoffs, furloughs, or anything of the like without General Tribal Council prior approval. Any clarification on this motion will be brought back to this body and the motioner. That is the motion being proposed by Mike. Is there support on the motion? Seconded by Cathy Metoxen. So there is a motion made and seconded. It is on the screen, and now we are going to into discussion, and I am going to go to Linda, then Trish, then maybe whoever's at this other mic over here when they get reorganized. So, Linda?

Linda Dallas: Thank you. Good evening, General Tribal Council. I think that it's very important that everybody take some time. I think that there's a lot of people that are aware of what goes on inside the structure, tribal structure, with our tribal resources and our funds, whereas there are many that don't. They were having a throw-down on Facebook in a post that I put up regarding the meeting tonight of what the content was that started, and I thought that it was very interesting how some individuals protect their own interests; however, they don't think about the impact that the wasteful spending and the mismanagement of our tribal resources impacts the entire Nation. It impacts all of our people, from the littlest baby, even the unborn baby because our services provide for those mothers that are having babies, all the way to the elders until they pass on or until our people pass on. So we need to take into consideration all the theft going on inside of our organization, and there's no accountability for that. We have a Gaming Commission that sat on a 74 percent theft rate in our slot machine department for 5-1/2 months, and even when they acted upon it, nobody was fired. Six months later, the Gaming General Manager came to us and told us we reaped an unexpected \$11.5 million net profit. Net profit, not gross. There's a big different. Net profit means everything has been taken out of it already. \$11.5 million for six months times two is \$23 million that's rolling out of our operation. Let's say, for instance, you take that and multiply it times 14 years, because nobody was fired and they're still working in the organization, nothing was done to correct it, that's \$322 million. So who's getting rich, and how many of us are getting screwed? I'd say the vast majority. I would recommend that...I'm going to make an amendment to the motion that the funds for the \$3,000 to Oneida enrolled members aged 61 years of age and younger and the \$5,000 to Oneida enrolled members aged 62 years of age and older, that the money for this one time per capita payment will come from the Tribal's General Fund. With that, I would like to ask the General Tribal Council to place directives and put directives in place that our membership needs to recognize that the membership needs the services that impact their health, safety, and well-being, and the front line employees are the backbone of our tribal operations. Without them, the work would not get done, and the

supervisor management personnel would not have anything to supervise, manage, direct, or spend. For these reasons, no services or jobs of employees who receive an hourly wage and are considered non-exempt status, shall not be affected. The wages, salaries, stipends, and other forms of compensation and benefits of hired, appointed, and elected leaders, managers, and supervisors of the Oneida Nation per every job description and/or Tribal Mission Vision Principle and Value regarding them being contingent upon funding, and the General Tribal Council determines what is available for funding which we are doing tonight. Every person receiving any form of Tribal funds for work performed, whether they are hired, appointed, elected, and contracted receives an hourly wage, a salary, a stipend, or a payment of some form, whether they are contractual, full-time, part-time, or otherwise. Every position is subjected to a change in compensation and/or benefits depending upon the availability of the funding, again, which is on every job description, and I believe we have probably approximately 2,000 job descriptions for all the positions in the Tribe. The Oneida Business Committee and their direct reports that operate in a supervisory management capacity shall determine how much to cut their salaried employee compensation, but it shall not exceed 5 percent. The salaries of all the members of the Business Committee, their appointed staff, and their direct reports shall be reduced by 10 percent beginning and effective October 1, 2018, which is the beginning, or October 1, 2017, which is the beginning of fiscal year 2018. All stipends for all Boards, Committees, and Commissions shall be reduced by 50 percent. Any and all increases to any and all stipend payments shall be presented, reviewed, considered and approved by the General Tribal Council only prior to any commitment, implementation, or distribution occurring. Any and all wage/salary increases being proposed in the fiscal 2017 budget are denied. Any and all wage/salary increases implemented already from that budget are to be reversed because they did not come to General Tribal Council for approval, the proper process. Any and all changes in compensation, any form of pay, bonuses, rewards, incentives, stipends shall be required to be directly and conspicuously—which means clearly, concisely, and openly—presented, reviewed, considered, and approved by the Oneida General Tribal Council prior to any commitment, implementation, and/or distribution occurring. All hearings normally conducted by Boards, Committees, and Commissions shall be conducted by the Oneida Judiciary effective October 1, 2017. The Business Committee and the Oneida Law Office shall be responsible to ensure all Tribal legislation regarding this matter is modified to reflect the directive. Any and all donations...

Tina Danforth: Linda, are you still on your amendment?

Linda Dallas: Yeah.

Tina Danforth: That's what I thought, so she needs to finish her amendment.

Linda Dallas: Any and all donations of any kind, inside or outside of the tribe, i.e., Green Bay Packers, the local non-profit organizations, Tribal members, other businesses, shall be presented, reviewed, and considered and approved by the Oneida General Tribal Council prior to any commitment being made and any distribution occurring. Any and all investments within the exterior boundaries or off the Oneida Reservation shall be presented, reviewed, considered and approved by the General Tribal Council prior to any commitment being made and any distribution occurring. Any and all lawsuits requiring the use of Tribal funds shall be presented, reviewed, considered, and approved by the Oneida General Tribal Council prior to any commitment being made and any

disbursement occurring. Any and all changes to the budget once approved by the Oneida General Tribal Council shall be presented, reviewed, considered, and approved by the General Tribal Council only prior to any commitment being made. Movement of any funds and any disbursement occurring including grant funds. There shall be a minimum of one grant writer for each division of the Tribe that works for each and is dedicated to the procurement of grants for the divisions to bring in more funding to the tribe and to reduce the Tribal contribution. All the monies saved by the above actions shall be placed back into the General Reserve to rebuild it. The savings that would and/or will be realized by the amendments, by the adjustments stated above shall be deposited into the Tribal General Reserve until it is replenished to its current financial state. The Oneida Business Committee shall work with people who work with the organization and Tribal members to create a land investment option, home purchase option, and other options for the Oneida General Tribal Council members to invest their per capita funds into. The option shall be presented to the Oneida General Tribal Council a minimum of 60 days prior to the distribution of the per cap funds, and these directives shall remain in effect until a direct and conspicuous—again, clearly concise and open request—is made regarding any and all changes and/or withdrawals are presented, reviewed, considered by the Oneida General Tribal Council and they take official action during a special Oneida General Tribal Council meeting to approve any such changes or withdrawal prior to any change or withdrawals of GTC directives.

Dylan Benton: Point of order.

Tina Danforth: What is your Point of Order?

Dylan Benton: The vast majority of what she is suggesting in this amendment should be something that should be on the agenda. All these actions are not noticed to the body here.

Tina Danforth: Okay. I think there's some relevance to what she's saying. I think we're not used to seeing this kind of detail because the main motion talks to furloughs and it talks to layoffs and it talks to where the money should come from, when the money should be paid, and I think some of the backup information from the Business Committee standpoint also has some relevancy, but I couldn't follow all of her amendment because it was very lengthy.

Linda Dallas: I apologize.

Tina Danforth: I think I and the membership need to see it. And I would ask if you could possibly summarize that right now while they're writing it on the board.

Linda Dallas: The intention of the motion is to, instead of having the Business Committee and management decide how they're going to basically tear apart the organization and how the people, the front line employees and our people that receive services are going to have to pay the price, this is how that can be addressed without having to do layoffs and furloughs and all those other things because I haven't seen anything ever in all the years that we've handled per cap where the Business Committee has looked at themselves and adjusted their own wages or their staff and adjusted their wages or their direct reports and adjusted their wages where everybody feels the pain, not just the front line employees and not just the people who receive the services or our

elders or our veterans or our children, because once we walk out of here, if we leave it in your hands, then that's the ones that they go after first. That was one of the things that was up on that post. One of the Tribal members said, "You know who they're going to come after first." I said that's the job of the motioner, to protect our front line employees, to protect our elders and our children and those services, and it's an attempt to do that and to also bring that responsibility to not only the Business Committee and the management, but back to the people saying if you want to do something with our money, then you need to come to General Tribal Council and you need to ask us. Don't just be moving stuff around after you get your budget approved and then we find out—if we ever find out—that you've made changes and that you've done something differently with the money. So that's the point, and those are specific items so that they can be quantified. You can see, it's clearly defined what they can and cannot do, and that they have to come to General Tribal Council if they want to do something differently.

Tina Danforth: Okay. Thank you. They are currently putting on the screen your amendment, and there was a point of order. I think the point of order is not warranted. We need to see the information. We need to hear the information. We need to make a decision based on the information that is in the amendment. I did get a note from the CFO that the ability to liquidate our General Fund is limited at \$15 million, so Larry, if you want to elaborate on that at all.

Larry Barton: Yes, Madam Chair, I appreciate the fact that there are folks waiting to speak and that I've had the opportunity...it is imperative the membership have understanding. Our liquidity level is approximately \$15 million, and on any given week, that in and of itself is a stretch. There simply is not the capacity of arguably \$56 million in the General Fund. Those dollars are obligated to a penny, whether it be payroll, whether it be allocations, all of those. Each week, we've got to make our accounts payable. There simply is not that level of liquidity. So I want to make that abundantly clear. If the money isn't there, then we have to decide upon where it's going to come from. And the notion that labor being arguably north of \$100 million not to be impacted is not realistic. There's just simply not that scale of resources available. Now, to make that point, my colleague was going to make the presentation in the first item. That's passe. But there is not \$56.2 million of liquidity. So please understand that. I did want to make that point. Thank you.

Tina Danforth: Thank you, Larry. For those of you who have your packets, the Business Committee recommendation is on page 49 to 50 regarding this particular per capita payment, and it does say there is a Business Committee recommendation on those pages in the packet. There is also a PowerPoint available, either RaLinda or Larry, you can address that when we get back to the main motion. Right now we're on the amendment, and I did call Trish next, so Trish.

Trish King: Thank you. I would think that the amendment is out of order basically just as the CFO had stated. There's not that kind of money available in our General Fund. That's a very simple statement. If you take the money out of the General Fund, you will deplete everything that we have here except for our trust accounts, and those aren't available to be liquidated. So I think that just generally speaking, understanding all of the problems that were raised before we get emotional about everything, I would like to hear the other side of the story. Mr. Debraska indicated that there was some issues with

the raises, and I am constantly being accused of that, so I guess I'll say it right here and now. I don't approve raises. I have two people that I can give a raise to. The rest of it is through the legal process and our employment laws. If they can follow within the line of the employment law, the rules and regulations within that, the departments...and it's budgeted for in their budget and the General Tribal Council approves that budget, they have the authority to do so. There's a statement made by Ms. Dallas that the Business Committee never took a wage decrease. That is inaccurate. There was one time under the former Chairman, Edward Delgado, he was council member then, where the Business Committee took a cut in pay. They were the first ones to bring that forward before they asked the members or anybody else to take a decrease in their wages. The other thing is that I also believe the amendment is illegal because you can't take away somebody's revenue, their income, to pay out a per capita. It just wouldn't be legal to do that. Once you've given the increase, we would have a whole lot of legal issues with people being challenging their wages. And I'd like to remind everybody about the audit that was done last week, that we just heard last week where it talked about \$0.91 of every dollar that's made is paid to Health, Social Services, and General Welfare of the membership. So I don't know that some of the...what all of the statement says. I couldn't follow it, either, but I just know that there's two areas that would really deplete all of the Tribe's discretionary funding. That discretionary funding is for employment, so it's employment of all levels. It's for Social Services; it's for Health Services that are not being addressed by federal funding and so on. At this point, I would really—because Mr. Debraska indicated that he's never been answered some of these questions—if you look in the book that was mailed out to the general membership, starting on page 18, all of those questions were answered, so I think that is an inaccurate statement. The other issue is that it's just a COLA or whatever you want to call it. We are increasing the per capita by \$300 in the fiscal year 2017 budget that has been planned for, that has been presented to the General Tribal Council back in June of 2016 that was adopted by General Tribal Council and that's what's in our proposed budget. So I think there's other issues, and when, like I stated, the emotions could get high and it can get hot in here. What I'm trying to say is let's look at this logistically, responsibly, and think about our future because this will eliminate a good portion of our future or make us work extremely hard to try and recoup. The one-time payment is, like we said, it will deplete all of our General Fund. I think it's close to...I would not be able to support it as the Treasurer. I would not be able to support it as a General Tribal Council member. This is detrimental to our Nation, and I believe what we've been doing for our Nation and for our people and trying to make the adjustments, hearing the complaints, making work place improvements, we have been working on that, and we're constantly getting push back because we're doing that. So I just want to let people know that the accusations, when the accusations are made, that there should be proof that's presented versus a statement being made. So Madam Chair, I would really request that the presentation that was prepared by the Finance Department be given so that the General Tribal Council can hear the rest of the story.

Madelyn Genskow: Point of order.

Tina Danforth: What is your Point of Order, Madelyn?

Madelyn Genskow: There's a General Tribal Council resolution that the petitioner gets to respond to the comments.

Tina Danforth: Okay, there's two things here. Right now we're on an amendment, and so I don't know if the petitioner has a comment to the amendment. Mike, do you have any comments to the amendment?

Mike Debraska: Not so much on the amendment. If Trish was responding to the amendment, then please let me offer this. Within every single job description that I've seen come out of HR, at the very bottom it says "contingent upon funding". If you listened to my presentation, what I said is no Oneidas would be furloughed or laid off. I didn't say anything about non-Oneidas. I said Oneidas. That's first. Secondly, going back to the liquidity issue, I look at it and say if we can't afford this, then how is it that all these other proposed building projects such as a \$40 million high school, things the CDPC is developing, Central Oneida plans, all of these other issues are coming forward at tens of millions of dollars, and it's not what GTC wants. It's not what they expect. I sit in these meetings. I listen to the community. I'm out listening, hearing them, talking to people. And yet, even when we do give directives, they're being ignored; not listened to. I talked about the \$0.99 raise not going to everybody. I can tell you exactly who it is. Did Internal Security get a raise? Did anybody in security get a \$0.99 raise in accordance with the GTC directive? Yet that was a GTC directive. Everybody under \$65,000 receive it. So here we go again, yet another GTC directive not being listened to. I can go on for hours with this, but I choose not to because, to me, it's insane. You would be correct. That was budgeted for in fiscal year '16, and now you've got departments that are already mandating raises and implementing raises within their fiscal year '17 budget that hasn't even been approved by GTC yet, and yet it's still moving forward.

Tina Danforth: All right, let's have some decorum here on the floor. The amendment is up. It is very lengthy, and I guess until I see it in totality, I cannot say for sure if it's in order or not. At this point, I'm going to go over to Brandon for a minute, because they're still writing the amendment on the board.

Linda Dallas: When you're done, can I please have my original back? You can make a copy, I don't care, but I want my original back. Thank you.

Tina Danforth: Okay.

Brandon Stevens: What I'm reading as she's typing the amendment down, this can already occur within the budget meeting, so annually we have a budget meeting. When that comes forward, these questions all can be answered and asked in that forum. So what the main motion says is to be paid out in 60 days. To do this in 60 days and pay out all that in the same time is just not possible. So what I want to say is making sure that we understand that we don't have...what the CFO is saying is liquidity means what can be easily converted to cash, and so what he's saying there is that we have \$15 million in available cash that we can liquidate, and that does not nearly meet close to the \$56 million that this per capita would require, so what we want to do is make sure that we all understand there's a process here, and when we talk about the second amendment of doing all these little things, this is why you elected the Business Committee so we can do all the activities of the government, and we report back to you, and that's what the budget meeting is. We report back to you what's in the budget, where you take it from, what kind of activities we do, and how we would like to move in a different direction if it's not meeting the General Tribal Council needs. So that's how we address that in that fashion so we can better understand what the General Tribal

Council wants. So I like the motion, but it's not where it's supposed to be. These questions could be brought on March 27 when that budget meeting comes forward. Thank you.

Linda Dallas: For clarification, they are not questions. They are directives to you as Business Committee members and to management by the General Tribal Council.

Tina Danforth: Larry, do you know how much of the General Fund is not liquid? If \$15 million is liquid, how much is not liquid and how much is in the current budget for per capita payout? I hate to put you on the spot, but I think those are important considerations.

Larry Barton: I'll take last question first. We did, with the preponderance of the June 13th meeting, allocate the \$1,300. We accrue for that hard dollar each month, actually each week, so that was at least something that we could prepare for. In preparation for the scale of \$56 million, please understand a lot of the liquidity is federal dollars to which we certainly can't in any way obligate toward per capita, so in the General Fund we have about \$40 million RaLinda expresses in the presentation, so the net of that, about \$25 million which is obligated. So \$15 million is unobligated, necessarily to pay bills such as vendors and payroll and other obligations incrementally, and the other \$25 million is reimbursement for grants and/or other insurance allocations for self-funded insurance and other commitments, so we just simply, as a practical matter, do not have the \$56 million sitting in a checking account. I say that with certainty. I would take a pause and again reflect back on the presentation we made on June 13th, what we felt was financially responsible. At the end of the day, it is your resource. You have a prerogative and right to tell us what to do with it. We understand that. However, if the money isn't there, the money isn't there as a practical matter. To extract it where it's not available, I'm at a loss as to how we would execute the action. We can do a lot of things. We have a lot of skill, a lot of knowledge, a lot of ability in our department, but making money appear that isn't there is something that we do not have domain over. I would just make you aware of that. But again, we will follow what this body will tell us. We understand that.

Tina Danforth: Larry, can you tell me...I don't like the shouting out. That's not appropriate, so if you continue to do so, you will be asked to leave. Larry, do you know by any chance what the accrual monthly rate is?

Larry Barton: For per cap right now, the \$23 million? If you divide that by, and I'll take a little help from my calculator, 23 divided by 12, about \$1.9 million monthly.

Tina Danforth: Okay, thank you. Thank you, Larry. Okay, the amendment. Discussion on the amendment.

Linda Dallas: Tina?

Tina Danforth: Yes.

Linda Dallas: Could Larry please answer all your questions because I think that that's valuable information.

Tina Danforth: He did answer them. I had asked what the accrual rate was and it's \$1.9 million a month that's accrued for the payout of the current per capita in the budget which is a \$23 million allocation. He also said that there was \$40 million in the General Fund. Of the \$40 million, \$25 million are obligated funds; \$15 million are unobligated funds, and the unobligated \$15 million is the liquid portion that is available in the General Fund. Did I get that? Thank you, Larry. Okay, Melinda?

Melinda J. Danforth: I just wanted to state my opposition to the amendment, as well, as well as the main motion. I agree, Dr. Powless, John Powless, has come to the General Tribal Council on many occasions to do what he thought was in the best interests of the Oneida Nation and its members. He was very instrumental in developing the Higher Education Fund which would pay for our Tribal members to go back to school and get their education and come back to the Oneida Nation and work. Dr. Powless also created a petition similar to Mr. Debraska's petition, and he, subsequently looking at reviewing the financials, agreed to withdraw his petition because he understood what the impacts to the community would be. If you recall, in 2007, the General Tribal Council paid out a per capita in the form of \$5,000 and also \$10,000 for the elders, and at that time, the Business Committee had warned the community about the impact that that payout would have in the long term, and 10 years later, we just got our General Fund, which is our savings, back up to \$40 million. I think it's really prudent of us to understand, Larry, how much do we spend in payroll a week? \$2.7 million in payroll a week, and if you add that up, that's only a few months of payroll in our savings account right now at \$40 million, so if we're looking at preserving the front line, if we're looking at preserving the wages for those front line employees, I concur with the Finance area that that is just not a possible thing to do—whether it's Tribal only or not. I have to disagree with Ms. Dallas when she said the Business Committee never took a cut and concur with the Treasurer. At one point, when the economy hit, I did propose a wage cut for the Business Committee so that we could lead by example, and at that time, I asked for higher than a 5 percent cut, but at that time, the Business Committee, as a whole, voted on a 5 percent decrease of their own wages to lead by example for the entire community to know that that was a serious issue back then when that occurred. So, again, 10 years later, \$40 million compared to the \$100 million that we had in our General Fund and our savings in 2007. I appreciate the fact that this petition is being brought forward again, but the General Tribal Council in June of this year already voted to approve a \$1,300 payment with debt being paid out of the General Fund, so I think that we're going to tackle it twice, and I appreciate you all listening to me, and again, I'll be opposing the motion, as well as the amendment. *Yawalkó.*

Tina Danforth: Okay, is the amendment completed? Can I see the paper copy, please?

Linda Dallas: Privileged question.

Tina Danforth: What is your privileged question, Linda?

Linda Dallas: Tina, I think that it can. The General Tribal Council, if the \$3,000 and \$5,000 per capita distribution plan is approved tonight, can the General Tribal Council also take action tonight to put that in place of the first year of the other plan that was adopted on June 13th? Is that when you said the meeting was?

Tina Danforth: June 13th.

Linda Dallas: Yes, because what did Larry say, that's \$23 million there?

Tina Danforth: \$23 million, yes.

Linda Dallas: Then there would just be the difference. I think if the General Tribal Council does approve the \$3,000 and the \$5,000 tonight, that that would be the responsible thing to do is to put it in place of the first year payment that's in the other plan. We can do that?

Tina Danforth: I don't know that that's a procedural question necessarily. We are on the amendment, and the discussion on the amendment is about whether or not it's in order based on its impacts and the ability to carry it out. I was waiting for them to bring the paper because I couldn't capture all of the portions of it because the screen is small and it's difficult for several pages to be shown at one time. Your amendment, the initial statement of the amendment, reads that there's an amendment to approve a one-time per capita payment in the amount of \$3,000 to enrolled Oneidas ages 61 and younger, \$5,000 to Oneida enrolled members 62 years of age and older effective October 1 with the following directive mandates that shall impact the fiscal year 2017 and future fiscal years as follows, and it goes on to say that the first bullet point is that the one-time per capita payment will come from the Tribe's General Fund. The main issue that's raised with trying to liquidate the General Fund, if we have obligations, and it's \$25 million, then even the General Fund itself is \$40 million, so if this impact of \$56 million is valid, is accurate from a numbers standpoint, then it is not possible to take \$56 million from the General Fund which only has \$40 million, and even given some of these things, those are not General Fund considerations, so for that reason, I would call your amendment out of order.

Linda Dallas: I would be willing to take that part out of the amendment.

Tina Danforth: I don't know what part you're referencing.

Linda Dallas: That the funding would come from the General Fund.

Tina Danforth: I'm going to have to re-look at this, I'm sorry.

Linda Dallas: The reason why I put that the money would come from the General Fund because my understanding is different of what is inside of the General Fund. I understand the numbers that you are representing to the General Tribal Council, but it's my position that that is not accurate information because it is only partial amounts of the money that is in the General Fund and that's why I was asking you to have Larry disclose to the membership how much we truly have in the General Fund and/or our investments and assets of the Tribe. But I'd be willing to take out that the money would come from the Tribal General Fund if that's the problem.

Tina Danforth: I'm still going to rule it out of order because of the timeframes within this are not reasonable, and I think that one of the arguments about an amendment to the main motion is they have to be reasonable and it has to allow for the main motion to carry out without it being impactful in a negative way or an unreasonable way is really the language, so, therefore, I'm going to call your amendment out of order, Linda.

Linda Dallas: Okay, but for the record, Tina, if you were to truly do business that way in the past and going forward, we wouldn't be having probably 95 percent of the motions you put on the floor.

Tina Danforth: Okay, thank you.

Linda Dallas: Because that's the way that the General Tribal Council moves while they're in session, and the Business Committee is obligated to follow directives of the General Tribal Council which they don't seem to be able to grasp and understand and apply. Thank you.

Tina Danforth: All right, thank you, Linda. Here's your paper back. Chad will bring it to you. Thanks, Chad. We're back on the consideration of the main motion, and at this point, we will go into the presentation from RaLinda regarding the main motion. As stated earlier, when we came back to the main motion, we would have financial consideration, so RaLinda, go ahead, and then Trish, you can comment afterwards.

RaLinda Ninham-Lamberies: Good evening, General Tribal Council. Thank you for allowing me to present the fiscal impact of the various per capita motions. This was originally scheduled to be presented for Item A. It is also information that's important for the discussion we're having right now. So a comment that Mike Debraska made in his petition was that our budget is \$453.5 million, half a billion dollars. That's correct. But that's a gross budget, just like your gross check at home. There are deductions that need to come off of that \$453.5 million. We have some items that aren't really external revenues. They're called internal allocations. It's taking money from your left pocket and putting it into your right pocket. That totals \$65.7 million, and those internal allocations are for the self-funded health insurance, the indirect cost pool, and depreciation which is a non-cash item, but we book it as a revenue. We have \$52.7 million in grants. Grant dollars cannot be used for per capita. They need to be used for services. We have \$29.4 million in program charges. The majority of that is \$27.3 million at the Health Center for third party insurance billings. We have \$13.2 million in special one-time revenues. We can't count on these every year. The majority of that is the \$11.5 million carryover. Whenever there's a positive carryover at the end of the audit, that is carried into not the subsequent year, but the year after that to help balance our budget. Every year we start our budget in a structural deficit. We have to find between \$45 and 50 million of projects to put on hold so that we can have the right amount of revenues and the right amount of expenditures, so on this first slide, we went from \$453.5 million down to \$292.39 million, about half. We have to make the money. We have to pay for the operations and Gaming and Retail. The cost of Gaming is \$116.9 million and the cost of Retail is \$59.5 million. Of that \$59.5 million, about \$52 million is for cost of goods sold, to bring the product in so that we can sell it to go out the door. We have \$2.8 million in debt payments. We have one outstanding debt that is the Retail revenue bond that helped build the Anna John Resident Centered Care Community. Thanks to General Tribal Council's support, all other debt has been extinguished. So we went from \$453 million very quickly down to \$113.9 million. The next thing we have is our mandated allocations. We have \$22.5 million in the 2017 budget for a \$1,300 per capita payment; \$13 million in the Education Fund; \$5.1 million for our elder per capita; \$2.28 million in GTC stipends; \$1 million endowment based upon resolutions from General Tribal Council that required \$500,000 to be set aside for the elder per capita,

and then when OLIPP was approved by General Tribal Council, you approved another allocation of \$500,000 for that endowment, so that's a total of \$1 million; and then there is a GTC resolution that requires an expansion of Head Start for 3 and 4-year-olds. The cost of that is \$373,000. So that \$453.5 million gross budget that we start out with, at the end of the day, our net check is \$68.97 million. From that \$68.97 million, we have to pay for the rest of payroll that's not in Gaming and Retail; we have to pay for the programs and services that aren't grant funded; we have to pay for the Cap Ex and the CIP. So if you put that \$68.97 million of available Tribal contribution, discretionary Tribal contribution in comparison to the rest of the wages for the organization, not including Gaming and Retail, we're missing about a third. About a third of our wages come from grants. I don't know if you've heard what the new administration is doing, but they're not looking at increasing grants. This slide presents what the \$2,000 per capita would do. \$453 million would still be our starting budget. We would have, after all of our operational expenses, \$113.9 million. Our per capita allocation would go from \$22.5-23 million to \$34.6 million. Education Fund would stay the same, elder per cap would stay the same, GTC stipends, but the end budget for discretionary Tribal contribution would be \$56.85 million. That's in comparison to the wages for the entire organization not including Gaming and Retail of almost \$100 million. Thank you.

Tina Danforth: Thank you, RaLinda. What is your privileged question? You need to come to the microphone and identify yourself.

Anthony Franco: My name is Anthony Franco. My privileged question is in regards to your numbers, and if it's possible to get a copy of your presentation, and if so where could we pick that up? I'm looking for your numbers in the packet, but I don't see the details. You're reading this off to us, but we would like, after the meeting, some of us might like to go through all the lines and just see and clarify really is this money going here, is this person really taking it here, or we would like to see some type of transparency. If you could provide those numbers, that would be great.

RaLinda Ninham-Lamberies: I can arrange to have this specific presentation put on the website, but this presentation was presented on June 13th for the general per capita petition. It is also the 2017 budget.

Anthony Franco: It's broken down in that?

RaLinda Ninham-Lamberies: Yes.

Tina Danforth: RaLinda, is that particular information on your PowerPoint in the packet for the March meeting on the budget or is it just the PowerPoint? I think part of the issue is that people hear the information the floor from your presentation and PowerPoint, but there's not ample time to review that information, and so we kind of have to take it at face value.

Anthony Franco: Exactly. You're throwing numbers at us, and we've got to take your word for it. That's what I'm trying to say.

Tina Danforth: I think the other issue is in previous administrations, this administration has been very adamant and very diligent about putting place markers in the packets and not putting the information, so this PowerPoint will be presented at the meeting, and

previous administrations, we had to have the packet information timely for the mail out, and I think that's one of the changes of this administration. I don't necessarily like it, but it's been allowed. It's been the preference of this administration, and it then lends itself to questions that can't be derived from the floor because information is very instantaneous.

Anthony Franco: Excuse me. If it's that relevant and that serious to the matter, I think that should be sent along. If it's going to be a reference, like, okay, this was going to come in the packet and if it's not in here but you want us to reference from it and if it's that important, I think that it's relevant enough to send that also as a reminder for those who don't have that packet or know where to get that information. If it's that important, I think it should be sent with the packet.

RaLinda Ninham-Lamberies: There is a fiscal impact in the packet. This presentation is taking all of that verbiage, putting it into a graphic that's easy to read. It also was presented on June 13th, and it also is part of the 2017 budget packet that's on General Tribal Council website, and I believe it was also mailed out.

Anthony Franco: I'll look it up.

RaLinda Ninham-Lamberies: Thank you.

Tina Danforth: Thank you, RaLinda. I am going to have to excuse myself. I need to go up to the hospital and be with my family. We have a little boy that's going to be transitioning pretty soon, so I beg your indulgence at this time. Thank you. I'm going to turn over the meeting to Melinda.

Melinda J. Danforth: Dylan, did you have a comment?

Dylan Benton: I think what the previous action for tonight's agenda, as well as the amendment here, I think it shows that they purposefully tried to supersede our presentation from RaLinda here, and why certain people would want to keep us in the dark from the facts like that is a question that I have. I think we need to keep in mind that in past meetings, there's been complaints that our benefits booklet is so vast and updating all the time, that we can't keep a paper copy of it up to date. We heard just last week that 91 percent of the dollars that are made here go directly to benefit us, and just last week we were wondering why there's only \$30,000 in the Disability Fund and why things like our new high school can't move forward. We keep our high school kids in a 100-year-old haunted house, and I think they deserve something better than that. And maybe if we weren't giving ourselves enormous per caps every 10 years, we might have the money to do good things like that for our people and for our future. What's legendary about our culture's history is that when we made decisions and thought of what the repercussions seven generations ahead, but lately we haven't been able to think one generation ahead, and that's concerning to me. I think that's an issue we all need to look into ourselves about. And there's a fatal flaw in this main motion. It says people under 61 get the \$3,000 and people over 62 get the \$5,000 and that leaves out 61-year-olds and 62-year-olds, and that's been addressed in the booklet here. You can find that in our packet. The motion and the amendment that we looked at earlier clearly expects budget cuts, layoffs, firings, and is supposed to come here to the GTC to decide how that's going to happen, and guess what? Our petitioner, our motioner here, he's

going to be the first one up at the microphone to say how he wants this tribe reconstructed, and that's concerning to me, too, that the guy that forgot the 61-year-olds and the 62-year-olds wants to reconstruct our nation the way that he sees fit. You know what? He might forget you, too, and I think that's something that we need to be worried about.

Melinda J. Danforth: All right, Dylan, I think you're on the brink of stepping over....excuse me, Mike, I'm going to let him finish.

Dylan Benton: All right, and the definition of per cap is the distribution of excess funds, so if we have to fire people, lay people off and diminish our quality of life to distribute a per cap, then there's something that's obviously wrong with that. Thank you.

Melinda J. Danforth: Thank you, Dylan. Mike, you do have the opportunity to respond. Keep it to three minutes, please.

Mike Debraska: I'm going to, definitely. At no point did anybody on the Business Committee, anybody in management, ever contact me with respect to my intent on this petition. At no point did I ever, ever want to say I'm going to ignore 61 and 62-year-olds. What kind of maniac would do that? I'm here presenting that information to you. I want you people to have it. I see all the waste that's going on within this organization. I attend these meetings on a regular basis. I see everything that's happening, and I'm here to tell you, I think you guys deserve the per cap because if you stop and think about it logically, they talk about all of these wonderful programs and services, go take a look at the Oneida Nation War Museum or that monument that's out there. You've got a longhouse that's sitting out there that's half completed and half done and has been that way for four years, and nothing has been done. And you think I'm standing up here and what I'm doing is atrocious? I think you better look into yourself before you start talking about looking into me.

Melinda J. Danforth: Okay, I asked Dylan to be respectful. I would ask you to be respectful, as well. We're not going to start this back and forth. Please stick to the facts. Again, this is a very emotional issue, and I understand that there's accusations going back and forth, but please keep it respectful.

Mike Debraska: The same way. So the way I look at this is I brought this for your approval and for your review. I look at it and say, "I see everything that's going on up there, and I don't like it, and I don't agree with it.", but I'm only one individual. Oftentimes, they're making decisions and I don't get a chance to vote in on that or weigh in on it, and even when I do, I'm often ignored, but I'm there. I'm there giving my input. So when I talk about a reorg, yeah, I'd like to see a reorg, and let me tell you something. This is the fastest way...one of the fastest ways it's going to happen, because now, they're going to be forced to have to operate within their guidelines and to do things properly.

Melinda J. Danforth: Thank you, Mike. I do have a question for the Parliamentarian at this point after reading the motion that has been made and seconded. There is a Per Capita Law that talks about distributions and time schedules that has been adopted, and to take place within 60 days, I wanted to ask JoAnne, as the Parliamentarian, about whether this motion is in order so that we're not sitting here spending hours on a

motion that is out of order. I would rather do it right away and get it out of the way and get a motion that is in order if it's out of order. Asking the question.

JoAnne House: You have requested whether the motion is in order in light of the Tribe's Per Capita Law. The Per Capita Law identifies processes and procedures by which per capita will be paid, by which the funds will be accrued, how they will be paid out, and the processes by which per capita can be attached for debt owed to the Tribe, child support, etc. This Law was developed after a significant amount of discussion by the General Tribal Council over many years regarding many per capita payments. It intended to standardize that, as well as allow the Tribe to attempt to budget and accrue properly the funds to make this payment without disturbing the normal business activities of the Tribe. That Per Capita Law presumes that a per capita payment will be made in the month of September as a result. For that reason, it would be in violation of the Tribal Law and would be out of order. On a secondary note, it directs that a per capita be paid no later than May 1 or within 60 days. Under the Indian Gaming Regulatory Act, a per capita payment needs to be sent to the Secretary for review and approval. Given that this is a transition year in the White House, I'm not sure what the Secretary of Interior and/or all of those delegates' timelines are, but the last time we sent a per capita payment up for approval, it took us over 90 days, almost 120 days. So that's an insufficient time period in which to do that. Last, but not least, a per capita payment must have a budget in place that can be sent to the Secretary to show how we are spending our money in conformance with IGRA, because these will be Gaming revenues, and as a result, for those reasons, the timing would not allow that to occur. We could not get the per capita payment revenue allocation plan approved, nor a budget approved, within that time period.

Mike Debraska: Privileged question if I may.

Melinda J. Danforth: So, JoAnne, to try not to dismantle the discussions that have been occurring and call the motion out of order, how could the motion come into compliance so that the General Tribal Council can vote? I'm not advocating yes or no, but I want to try to get something that the General Tribal Council can vote on so that we don't have to start all over again.

JoAnne House: The motion identifies that a per capita payment will be made. It identifies how quickly it will be made, and it identifies how the funds will be accrued in order to make that per capita payment. Those last two items are already addressed in Tribal law. They are already accounted for. So if the motion simply identified a per capita payment to be made for fiscal year 2017, fiscal year 2018, that motion is much easier to address and it wouldn't run afoul of either federal law or Tribal law in its making. I would caution that a per capita payment is a budget related issue, and as such, any ruling of whether or not a motion is in or out of order has a secondary opinion presented by the Treasurer on whether or not the Tribe actually has the funds to make such a payment.

Melinda J. Danforth: Thank you. Mike?

Mike Debraska: Thank you. I spoke to the individuals in enrollments, and they did inform me that they would probably need about 120 day process in which to get those

forms out, get everything back, process everything accordingly, and I am willing and agreeing to amend my main motion if that's what it takes.

Melinda J. Danforth: So are you doing to amend your main motion, and I'm hearing what JoAnne is saying as the Parliamentarian, that there are two hurdles that we have to overcome—one, the Per Capita Law that the General Tribal Council has adopted which indicates when per capita payments are made, and two, also the Indian Gaming Regulatory Act outlines federal law on how tribes have to seek approval in order to pay per capita. So your motion, and correct me if I'm wrong, JoAnne, but your motion could read to approve the \$3,000 and \$5,000 distribution and that it take place in the FY 2017 budget, or it can take place in accordance with the Per Capita Law.

Mike Debraska: Does GTC wish me to do that? I'll go to this body for that. I'm in agreement. I'll do it if you all agree to it. Okay?

Sherrole Benton: Privileged question, Madam Chair.

Mike Debraska: I'll make that motion, then, to approve the \$3,000 and \$5,000 distribution and that it take place in fiscal year 2017.

Melinda J. Danforth: So can you please modify that?

Mike Debraska: And the seconder would need to agree? Correct?

Melinda J. Danforth: Yes, Cathy Metoxen. Is she here?

Mike Debraska: Is Cathy Metoxen here?

Melinda J. Danforth: Cathy, do you agree with Mike's modification? He's modifying his main motion.

Cathy Metoxen: Sorry about that. People were asking me questions back there.

Melinda J. Danforth: I'm asking you whether or not you agree with Mike's modification to the main motion.

Cathy Metoxen: Okay. He explained it to me real quick.

Melinda J. Danforth: So would you agree to approve the \$3,000 and \$5,000 distribution but it take place within the FY 2017 budget and then no Oneidas be laid off, etc., etc.

Cathy Metoxen: So moved. I agree.

Melinda J. Danforth: Okay.

Madelyn Genskow: Privileged question.

Melinda J. Danforth: JoAnne, does that fall into line with the...Heather, can you please change it to "Approve the \$3,000 and \$5,000 distribution, that it take place within the FY 2017 budget." Thank you.

JoAnne House: So the question is whether or not the motion as presented is in order. I believe that the General Tribal Council can make this type of a motion; however, as with all motions that affect the budget, I do defer to the Treasurer for that elected responsibility to determine whether or not it is financially feasible.

Melinda J. Danforth: Thank you. What is your privileged question, Madelyn? Can you please come to the mic? I can't hear you. Thank you.

Madelyn Genskow: I'd like to ask does Michael Debraska have to clearly identify that those people in that 61/62 range will also be covered? Has that been corrected?

Melinda J. Danforth: It has not been corrected.

Mike Debraska: I'm saying that I never meant to exclude the 61 and 62 year olds. It was age 61 and under and age 62 and over. How does anybody mess that up?

Madelyn Genskow: Okay, so...

Melinda J. Danforth: You can clarify your motion, Mike. You could say to approve the \$3,000 for ages 18 to 61, \$5,000 for 61 and over.

Mike Debraska: What is it—birth to 61 receives the \$3,000 and 62 and over receives the \$5,000?

Melinda J. Danforth: So you want to approve the \$3,000 which would be for ages 0 to 61?

Mike Debraska: Birth to 61.

Melinda J. Danforth: Birth to 61. It wouldn't be birth because you need some time to get enrolled.

Mike Debraska: You know what I mean—children.

Melinda J. Danforth: So from 0 to 61 and then, 61, ok ay 62 and older. Okay. Got it? Do you agree with that, Cathy?

Cathy Metoxen: Very simple. I understand it clearly. I agree.

Mike Debraska: Can I ask one more privileged question if I may? And, again, this goes to the body and please, don't get angry, I'm just asking. Would it be more appropriate to make that in fiscal year '18 so as to avoid all the conflict with Trish?

Melinda J. Danforth: You can make it whatever fiscal year that you wanted to.

Mike Debraska: Again, I'll go to this body. Do you guys want me to make it for fiscal year '18 or do you want it now? Is there a greater likelihood of it getting rejected by the Secretary?

Melinda J. Danforth: I don't know that, Mike, because we would have to administer a vote. JoAnne, if he changes it to fiscal year...you're not willing to do that?

Mike Debraska: No, my question is is there a greater likelihood of it being rejected by the Secretary of Interior if it is for fiscal year '17 given the concerns of the Treasurer?

Melinda J. Danforth: I don't believe so because we still don't have a fiscal year '17 budget approved by General Tribal Council, so General Tribal Council would have to approve that budget, then we would send the revenue allocation plan to the Secretary of Interior to approve the distribution of per capita.

Mike Debraska: Okay, so we're okay with that? Thank you.

Melinda J. Danforth: Joey, did you have a privileged question? Can you come to the mic, please? Come to the mic so it gets recorded and so I can hear you.

Joey Powless: I was just wondering if this, if we just go with the, if this happens, going by strictly Oneidas, is that going to violate a discrimination law?

Melinda J. Danforth: No. This is for per capita for Oneidas only. Oh, for the layoffs? I can't predict the future from a legality standpoint, but yes, we are a sovereign nation, and we do have laws in place that allow us to hire Indian preference, so our Furlough Policy also goes and references how layoffs should occur. Did you have a privileged question, Sherrole, first?

Sherrole Benton: Yeah, thank you for recognizing that. I asked you a while ago.

Melinda J. Danforth: Sorry.

Sherrole Benton: I believe that even though he reworded this, his motion there, I still believe that it would be out of order because it affects the budget. First of all, we haven't even approved the 2017 budget, so I believe that it still is out of order.

Melinda J. Danforth: Thank you for your comments. At this point, the FY '17 budget hasn't been...it has been constructed and presented to General Tribal Council, but it's on table, and the Treasurer is preparing to bring back a modified budget for other issues like the Food Pantry and other GTC Legal Resources Center, and it hasn't been...I guess I would have to rely upon the Treasurer and Finance to tell me that. Trish? I'm going to go to Trish first.

Trish King: You could probably continue to wordsmith this as much as you want, but I will have to reject the fiscal year 2017 absolute. There's no consideration for that. For the fiscal year '18, we are no better than fiscal year '17. As a matter of fact, we will probably have less revenues unless Gaming turns around. All of the funds coming from here, 62 percent of it is Gaming. That's what has to...Tribal contribution. We're telling you that the amount that we survive with today in our operations, even if we make adjustments, we will not be able to afford a per capita. It will drain the General Fund, which is the Tribal contribution. We just cannot liquidate those dollars. You can't do it this year; you won't be able to do it next year. I'm not certain about the following year. Things are not very good with our federal government right now, and they don't look

any better. We're already promised or looking at a 5 percent cut from federal funding. That is the least that they are suggesting that they're going to cut from their discretionary funding, which means all of Native Americans health care, all of our Social Service programs, everything that we have will be impacted by that. I'm not trying to set fear out there. I'm trying to give you a real reality picture. We've had our Legislative Affairs Director, our Chief Financial Officer, our Self Governance Coordinator in our Grants Office—everybody watching extremely closely on what the federal government is doing. Does it impact us? You bet. Look what they're doing to South Dakota and the pipeline. So think about that kind of a thing and when we're taking about common sense, that's what we need. We need to be frugal in how we're spending now for our future. The other question...I do have a question because, although it was stated at the beginning of this meeting that it doesn't pertain to the June 13th meeting, the approval of that per capita, this is an additional per capita. So in other words, we already approved June 13th \$1,300 per person. That's acceptable; that's doable; that's favorable, and it's increased, like I said, \$300 per person from what it was the previous five years. This is also a five year plan, not a one-time payment. So we did our due diligence to the best of our ability and tried to maintain operations to the best of their ability without laying people off, without threatening anybody's Social Security or anything else that is income-based related. So I want to give recognition to our Finance Department, the full Finance Department, for helping us assess that and bringing that forward to you. We've done that over and over and over again, so I want to know, does this proposed amendment, if it passes, which I'm telling you it's not doable in its current condition, if we're going to consider something like this at all, what is going to happen to the June 13th action because that is the \$1,300 per capita, and then we are absolutely...you might as well just say "Goodbye, goodnight." That's it. There's no funds for that.

Sherrole Benton: Madam Chair?

Melinda J. Danforth: Sherrole.

Sherrole Benton: Thank you, Madam Chair. I would like to poll the entire BC and ask you what your position is on this proposed per capita?

Melinda J. Danforth: That's not a privileged question. JoAnne? Even with the changes and you heard from the Treasurer about the fiscal impact of the nation on this motion, is this motion in order?

JoAnne House: The question is whether or not the motion presented to the General Tribal Council is in order. Based on the financial analysis presented by the Treasurer, as well as some of the items that remain within the proposed motion, it is out of order.

Melinda J. Danforth: Thank you. What is your privileged question, Linda?

Linda Dallas: If we're going to follow the law, and the law requires the Treasurer to make the decision, the current Treasurer, Trish King, would only be able to make the decision about fiscal year 2017 because she may not be the Treasurer in 2018. We have the big elections this summer, so that is not something she can answer right now. Maybe somebody with a different perspective could get us through this.

Melinda J. Danforth: JoAnne, can you explain why the motion is out of order so that it's clear?

JoAnne House: So the motion is out of order because the Treasurer has identified that for FY 2017, there are insufficient funds in which to make this particular per capita payment. The other item is that the Tribe has adopted laws in regards to employment, layoffs, furloughs, reductions in budgets, etc., and this is in violation of those particular laws. In addition, regardless of the ability to make these types of reductions, there are violations of contracts and the like that would need to take place in order to move this forward which has additional costs associated with it. For the above reasons, the motion would be out of order, primarily because there is insufficient funding available to make that payment in FY '17.

Mike Debraska: Privileged question.

Melinda J. Danforth: So to clarify, if Mike says to approve the \$3,000 for 0 to 61, \$5,000 for 62 and over, that it take place within FY '18, and then disregarded the rest of the motion, would that be in order? I'm trying to get something on the floor so General Tribal Council can vote either way—yes or no.

JoAnne House: So the question is whether or not if the motion were changed to FY '18 whether it would be in order. Presuming that everything after FY '17 budget were deleted, then you remove some of the issues regarding its impact and violation of Tribal law regarding appointment, layoffs, etc. and you're just simply talking about making a distribution in fiscal year '17, it would still be out of order. The Treasurer has a responsibility to understand, know, and render opinions in regards to the finances of the Tribe. The Treasurer knows, understands, and has rendered an opinion regarding FY '18, has identified that there would be insufficient funds to make that payment, as well as manage all of the activities of the tribe, especially those obligated by the General Tribal Council itself. So, for that reason, FY '18 would be out of order. The bottom line is there's insufficient funds within the Tribe to make this type of a per capita payment.

Madelyn Genskow: Madam Chair, please may I comment on the attorney's opinion?

Melinda J. Danforth: No, you're not going to comment unless you have a privileged question. Even when you have a privileged question, it has to be a question to process, not a comment. You were on my list next, though, for commenting, so Mike, did you have a response real quick and then...I have a couple of privileged questions after you, too.

Mike Debraska: My question is this. With Chief Counsel's assistance, I just made and changed that motion to read fiscal year '17 so that it would be in compliance. Now she's telling us it's not in compliance. Based on what? Based on Trish's word. As Linda Dallas just stated, she may not be the Treasurer in fiscal year '18. So if I was to change that and say fiscal year '18, how is that then out of order?

Melinda J. Danforth: So I indicated earlier that there was some hurdles that we needed to get over. First of all was the legality of the payment, the date of the payment. The Per Capita Law which GTC adopted said that per capita payments would be made at a certain time of the year, and that is a hurdle that we just cleared. A second hurdle

would be that we need a budget adopted for fiscal year '17 and that the revenue allocation plan being submitted to the federal government has to comply and we have to have an approved budget that spells out what kind of percentage of dollars that we're giving for per capita in comparison to our overall budget. So that was a hurdle that we just got out of. JoAnne also indicated that the third thing that we had to do, even though we had the motion we thought was in order, was that the rendering of the fiscal opinion by the Treasurer's Office needed to indicate whether or not we had the funds available to make that payment, and Trish is saying no. So at this point, JoAnne is saying that the motion is out of order.

Madelyn Genskow: Madam Chair, may I speak?

Mike Debraska: I don't understand how...

Melinda J. Danforth: Lisa, did you want to make a clarification?

Lisa Summers: I'll probably get called out of order for this, but I guess, since you've ruled the motion out of order, I'd like us to move on. We're at a place...excuse me, Madelyn, I was acknowledged, and I'm going to speak. The other thing I think it's important to keep in mind, I'm sorry, but for myself, we approved a plan that gives each and every one of us \$6,500 over a five year period, and I don't think that any one of us wants to give that up for a one-time \$3,000 payment. You're giving up \$3,500 with the way that this motion is given right now, and it's called out of order anyway, so I think we just need to move on on this agenda. Thank you.

Melinda J. Danforth: Excuse me, Madelyn.

Madelyn Genskow: There was a young man that just came up here, maybe an hour ago, and he said, "Why should we just believe what you tell us?" And that's what you're doing. You're telling us that we just have to believe Trish and do what she says, and that's what you're allowing the attorney to do. And I also have...I would like everyone to turn to page 46. Madam Chair, will you conduct this meeting?

Melinda J. Danforth: What's the point of order?

Lisa Summers: Point of order, Madelyn asked for a privileged question, and her statement is not a privileged question.

Madelyn Genskow: I didn't ask for a privileged question.

Melinda J. Danforth: No, she didn't ask for a privileged question. She was called upon in order, so go ahead. Three minutes, Madelyn.

Madelyn Genskow: Would you ask them to be quiet and stop hollering so people who want to hear can hear?

Melinda J. Danforth: Please go forward, Madelyn.

Madelyn Genskow: Okay. Everyone turn to page 46 in your book. Turn to page 46. You know, people are hollering "no". They don't have no right to tell everybody else that they' can't turn there.

Melinda J. Danforth: Madelyn, please proceed.

Madelyn Genskow: Okay, on page 46 this is what it says. "Contingency Fund: Event Preparedness." It says that there is a balance of \$21 million. We haven't talked about that. And anyway, it also talks about \$199,000 in a fund to help elders repair their home. Well, I guess if they got \$5,000, they could do it themselves. And also, please turn to page 47. Okay? If you go to the bottom paragraph, and this is the Chief Financial Officer's comments, it says, "Since the peak in revenue in 2007, today Gaming revenue has fallen 19 percent. The economic recession has forced the organization to both implement and containment measures, as well as long term sustainability ways to decrease expenses." Okay, well, and it also says, "This trend is alarming, and continued spending at the present rate is unsustainable." Well, this is a totally different story than we had last week. I remember Gina Powless Buenrostro got up and said Gaming had made the most money that it ever made, and nobody contradicted her. And we got the auditors coming up there and saying that most of the bills are paid. So obviously, somebody is giving alternative facts, and I want to know. You don't show us the items. You just expect us to believe what you say. And I'm all done believing what you say.

Melinda J. Danforth: Well, we have the Chief Financial Officer and the Assistant Chief Financial Officer, so please, Larry, indulge us and educate us, please.

Larry Barton: With all due respect, Madelyn, sometime has lapsed as we developed the fiscal opinion, fiscal analysis May 5 of 2016. So it's important to know fundamentally that the auditor is independent and ascribes in a regulatory environment to verify what we present in the opinions, so make it known, and they did visit last night, they did validate our revenues, our expenses, and that is their job, but over that arguably 10 year timeframe, we have not seen Gaming rebound. As a matter of fact, we're just now back to where we were before the banking crisis of 2007. So that is fact. So importantly, each year, the demands on mandates which encumbers per cap, service delivery and certainly employment, all compete for those dollars very vigorously. That competition is express with about a \$25, 30, 35 million deficit. Every year, when RaLinda does the first iteration of the roll-up of the budget, there's always a gap there. There's more need than there are resources. I ask the question do we want to fundamentally compound our financial problems or look at what we felt was a good faith five year proposal that, as I mentioned in my narrative, that is financially responsible. So fundamentally, again, a financially responsible proposition or something that takes us to a very bad place and puts pain on what I would say vulnerable folks in the community, so that's the choice that we've got. I stand by, as my staff does, we stand by the fiscal analysis. We have to protect the Tribe in its most fundamental financial sense. That's our responsibility, and to take license to embellish that, the facts expressed in the opinion, what we feel is a reality, albeit dated from March, but fundamentally, the money is not there. I can't express to you more definitively. We can do a lot of things. We can't manifest arguably \$25, 30, 40 million dollars of liquidity that simply is not there.

Madelyn Genskow: Could you tell us about the contingency fund?

RaLinda Ninham-Lamberies: Thank you, Madelyn. Yes, I can tell you about the contingency fund. On May 5, 2016, we had \$21 million in the contingency. On June 13th, General Tribal Council took action to allow us to use the contingency fund to pay down debt. So we paid down \$13.25 million on the Bank of America line of credit. Given that there was some question as to which plan was actually approved by General Tribal Council, we didn't pay off the entire amount. There was a balance of \$7.25 left on that which was paid off at the end of September, and we also paid off \$8.7 million for the Thornberry Creek loan. That is how we went from having outstanding debt in excess of \$56 million down to \$2.8.

Madelyn Genskow: It sounds to me like it's there...that money is still there.

Melinda J. Danforth: All right, Madelyn, your turn is complete.

RaLinda Ninham-Lamberies: If we used it to pay down the debt, we don't have it. It went out the door. It went to the bank to pay off our debt.

Melinda J. Danforth: Larry.

Larry Barton: I mean this with all due respect, some of you who may feel that you can add value, I implore it upon you to come on up here next summer and try to help us. I really do, and I mean that with all due sincerity.

Melinda J. Danforth: Larry, in your professional opinion as the Chief Financial Officer of the Oneida Nation, do you concur with the Treasurer that in FY '17 and future budget cycles that we could afford this per capita payment?

Larry Barton: We can responsibly afford the \$1,300 for the five year duration as it was originally presented. The \$3,000 and \$5,000, albeit may pique our immediate need and gratification financially, it will, as I mentioned, put an extraordinary amount of pain on the entire organization, and especially those vulnerable. To pretend we're not going to have to effectuate labor and service delivery is not reality, people, so please just respect what I'm saying. I know we'll do the right thing. The \$1,300 is good faith. We went from \$1,000 to \$1,300. That's a \$300 increase, and we can live with that. We can manage that. Thank you.

Melinda J. Danforth: It is my...Nancy, what is your privileged question?

Nancy Skenandore: Thank you, Madam Chair. This privileged question is for our Parliamentarian. If we should vote on this, we've already voted the \$1,300 per cap, so if this should go to a vote, does this take two thirds of the majority to...because the other per cap's already been...well, I don't know if it's been passed or not. We voted to pass it. Our Chair at that time explained to us six different times what we were voting on. Six times if you read in your book she asked everybody that was in this room: Are you for \$1,300? Yep. Next meeting, nope. So, I'm lost here, and all I want to know are we wasting all this time talking about this \$3,000, \$5,000 when we can't do it anyway, and let's on with business. Thank you. Parliamentarian, please answer me.

JoAnne House: I forgot the question.

Melinda J. Danforth: The question is if a vote occurs on the \$3,000 and \$5,000 tonight and is approved, how does that impact the decision on June 13 of last year when they voted to have a \$1,300 payout for fiscal year '17? Does it require two thirds vote tonight to do the \$3,000 and \$5,000?

JoAnne House: The June per capita motion is in order. It's been approved by the General Tribal Council. There's nothing in this motion that has been ruled out of order that supersedes or replaces that, so it doesn't have any effect on the June 13th action, the motion that has been ruled out of order.

Melinda J. Danforth: Thank you. As the Chair of the General Tribal Council at this point, you heard from the Chief Counsel that we had several hurdles to get over. One is a federal law which we were able to get over by Mike agreeing to change his motion. The other issue was our own Tribal laws that General Tribal Council has passed with regards to per capita. The third is a fiscal analysis presented by the Chief Financial Officer and the Treasurer, and although this isn't the most popular decision, I'm going to call that motion out of order.

Gina Buenrostro: Privileged question.

Melinda J. Danforth: Gina, do you have a privileged question?

Gina Buenrostro: Yes, I do. In terms of the financials, the Treasurer and the Chief Financial Officer had stated that we just don't have the money. I get that. But what I don't understand is when, for 2015 Gaming made in excess of their projected revenue of the budget. They made \$15 million in addition to what they were supposed to have made. 2016 they made, in addition to what they were supposed to make, they made \$12 million. Okay? This year, the auditor said we're roughly around \$10 million. This is what I don't understand. You know, I give a lot of props to Gaming. They're the ones who's bringing in all the money. They're busting their backs doing what they gotta do. However, I'm just adding up simple math: \$15 million plus \$12 million plus \$10 million, that's almost \$40 million. Where is that money because the Chief Financial Officer said we're spending it down, we're paying off debt, but that was extra money we never counted on. So they shouldn't have been spending that money that we never counted on. It wasn't budgeted for, so how did it just disappear? That's where I'm getting confused here.

Melinda J. Danforth: It didn't just disappear, Gina.

Gina Buenrostro: Okay, hold on, hold on. I was just asking.

Melinda J. Danforth: It didn't just disappear, so I'm going to let the Chief Financial Officer respond to you, and then we are done with this issue and we will move on.

Gina Buenrostro: Okay.

Cathy Metoxen: Privileged question.

RaLinda Ninham-Lamberies: Thank you for the question. That carryover from Gaming is included in the positive carryover that's a result of the organization every year. So when

the audit is completed, 2016's audit is complete, those funds are brought into the 2018 budget to help offset the deficit that we start with because we will start 2018 saying that we need \$475 million to run the government, the programs and services, and will only have \$420 million available. So it's brought in to help reduce the amount that we have to cut out of the budget each year. It's not going anywhere. It's going back into programs and services.

Melinda J. Danforth: What is your privileged question, Cathy? We are not on any item right now.

Cathy Metoxen: My understanding is that your basing your decision on what the Treasurer stated, and I guess my question, actually I have two because it involves that \$1,300 per cap, too, but one of my questions is since when does the Treasurer supersede General Tribal Council?

Melinda J. Danforth: She doesn't. She's giving you information. I just called the motion out of order.

Cathy Metoxen: But part of the thing, too, is that \$1,300 per cap. Isn't that why the legal opinion's coming back because the main motion for that \$1,300 per cap was for \$2,000 which with the questionable thing of \$3,300 for that per cap?

Melinda J. Danforth: That's on the agenda later.

Cathy Metoxen: Yep, that's on the agenda later.

Melinda J. Danforth: It's the third item if you read your agenda. We are going to move on to the next topic. No more privileged questions on this topic. We're done with this topic.

C. Petitioner Mike Debraska: Health Care Board

Melinda J. Danforth: The next item on the agenda is the Health Board. So that presentation, that information can be found on page 51 of your packet. And according to the agenda, we have the petitioner's presentation, so Mike Debraska, will you please come forward?

LouAnn Green: Excuse me, Melinda. Wasn't it on the petitioner somewhere that everybody could speak, everybody would have an opportunity to speak?

Melinda J. Danforth: Once I called the motion out of order, there's nothing to speak to, so we moved on to the next agenda item. Go ahead, Mike.

Mike Debraska: Thank you, GTC. When I initially brought this petition forward, it was because of unpaid medical bills. After I started looking into that situation, I found that there were many others within the community who were not having their medical bills paid, either—both enrolled living on the reservation as well as some of those living off. These bills were the reason for me wanting to open up the contract health services delivery area. For those that don't know, that's CHSDA. CHSDA kind of limits those services to Brown and Outagamie County, so if you're native, you can come from other areas, but oftentimes, it's being eclipsed. Our own enrolled members are not having

direct access because of descendants and many other things that are going on, so the reason why I brought this petition was to open up that CHSDA statewide. No matter where you are, if you're Native American, and other tribes, you're going to probably hear some people saying, "Well, we can't do that. It takes the federal government," that is true. But other tribes have already done it. Several other tribes including Ho-Chunk and many other tribes opened it up that regardless of where you go when you're Native American, your bills are taken care of, and my goal was to say it should be those enrolled Oneidas should come first. So once I began looking at these unpaid medical bills part, I had others within the community that came to me once they knew about the petition that had been submitted, and they began to tell me about other issues that they were having at the Health Center. Some of those included unpaid medical bills, some were Purchased/Referred Care issues, issues with Optical, Dental, and Behavioral Health. It seemed like no area was unaffected, so some were minor issues, but a majority of them were major issues. Some of those issues I'd like to talk to you about were the unpaid medical bills for elders, adults and children, wrongful medications being distributed, bomb threats that took place within our own Health Center but nobody was found guilty or held accountable. There was a data breach of information at the dental clinic; nobody held accountable. Medications that were flushed down the drain. That was posted directly in the Kalihwisaks. The closing of the Health Center for cultural awareness training without proper notifications to the patients who utilize our clinic. Bonuses and increases in pay without GTC knowledge, consent, and approval in the budget. And they also removed a board that had some oversight as you will see within your packet, there was a board that previously oversaw this. For some reason, for some unknown reason, that board simply disappeared. I've asked questions as to how that happened, never got a correct answer. But now, as you see, if you look in your booklet, I've got to find the page here, bear with me a moment, please, it was in here under #6. It stated that, on page 59, if you look at the footnote there, it says, "A research request was made to the Records Management Office to identify all records related to a Health Board Committee or Commission. The resulting report included General Tribal Council, Oneida Business Committee, and Health Committee Board records. The Health Committee Board records contained significant employment and individual information and have been requested to be stamped confidential" for that reason." I have redacted the records containing employment and personnel information from this file and asked the Tribal Secretary to place it online at the Members Only website for review. I haven't seen it. I haven't seen that information. I don't know how many of you in here have, but I certainly haven't. I wonder why? There's many other issues that are coming forward out of this Health Center. Additionally, there's a major one with respect to a group called "Initiative One." They were an outside entity that was brought in to review the entire Comprehensive Health Division. Now this was done a number of years ago, and as I understand it, we paid them over \$1 million to look at the Comprehensive Health Division. They actually went out and interviewed almost every single employee, as well as departments, and what they found was rather startling. Now it's my understanding that those reports were suppressed. They were never brought to GTC, and yet that money was our money that was utilized to pay Initiative One. So I have additional questions that go way beyond this as to why their contract with Initiative One was terminated because they had interviewed those employees, and those results should be made public to this body so that we know, we actually have accurate information. I know in the past, some have had some positive things to say about the Health Center, but most of what I hear isn't so good. So I'm asking this body to open up the CHSDA—the Contract Health Services Delivery Area—not limit it to

Brown and Outagamie County, but to open it up statewide so that way, regardless of where you go as a Native American and as an enrolled Oneida, your bills would be covered. I can give you a couple of "for instances" and examples. I'm a transplant patient, and I had my transplant done at Froedtert Hospital in Milwaukee. It's one of only two hospitals in the state of Wisconsin that do transplants. The other one that does kidneys is Madison. As a result, those bills were paid for by the government. But now subsequent care is needed. I now have to come all the way up to Oneida to receive that care when I've got doctors down in Milwaukee. Now here's where the strange part comes in. I know individuals up here that reside up here who were sent down to Froedtert to have their transplants done and everything was taken care of, and I know that because I visited these individuals while they were in the hospital. Their bills were all covered. Now recently, I had a rejection episode on a transplanted organ because they only have a certain shelf life, and as a result of that, I was rushed to Froedtert. I actually had to undergo chemotherapy and several other procedures to stop the rejection from happening. They successfully stopped that rejection, but it amassed quite a substantial amount of bills. I asked the Tribe to assist with that. At every single level I got denied, and the reason why I was denied, "You're outside the CHSDA. You're outside the Contract Health Services Delivery Area. There's nothing we can do for you." Now, as I started doing more and more research, I started finding more and more people coming to me with these issues saying "My bills never got paid and I'm right here. I'm getting denied services. I'm not able to access a doctor right away. I have to sometimes wait 3-4 months." So I start looking into this, and I come to find out we're treating seven generational descendants at our Health Center. Am I saying we should not be benevolent to people? Absolutely not. Everybody should have access to health care. But when it comes to Oneida, it should be Oneida first. The enrolled members should be taken care of irrespective of where you are. If you live here, get your treatment here. If I'm down in Milwaukee, get your treatment in Milwaukee. Why am I being forced to come up? Now if that medical procedure they said, here's what I was actually told on one of the rejections. They said, "Well, if you had come up here and gotten a referral, we would have helped you." I was in a medical crisis, so if somebody has a heart attack, somebody has cancer or something happens, they get rushed to a hospital, we stand here and say, "Oops, sorry, you're Oneida but we can't help you." Is that what we're doing? Is that what we want to do? Certainly not in my opinion, but when you have seven generational descendants coming in, people from other tribes coming in here, and they're able to access the services and get those services before our own enrolled members, something is desperately wrong. Now you're going to hear some things today, some arguments about, "Well, that's federal dollars." That is true. We do receive some federal aids and some federal funding for those individuals, but by the same token, we have third party billing, and all that third party billing that happens within the Health Center itself amounts to between \$20-25 million a year. That's Tribal monies. So I look at it and say why is any enrolled Oneida being denied for anything, whether that's medical, whether it's Dental, whether it's Optical, or whether it's Behavioral Health. None of it should be happening. Additionally, as I understand it, there have been some positive things that have been happening. There has been recently, and I don't know how many of you have seen this, but there's something called The Oneida Nation's Tele-Med benefit. This was a program that was just recently started, and it's helped really, really drastically cut the cost to the Tribe. It not only saves money, but it's helping people because it's giving them access to the services and situations that they need medically. It helps with both chiropractic issues as well as getting off of some meds. We seem to have, or I've heard that we have a problem with

prescription pain medication on the reservation. If that is true, this is one issue that's helping. It's helping these people to do things and to take care of themselves properly without having to go to ER and run up all of these huge bills. So I look at that and say the reason why I brought this whole petition forward was to open up that CHSDA area, open up the Contract Health Services Delivery Area, and make it statewide as well as to get an outside board in to run that Health Center. It seems to me that no matter what's going on, no matter who we put in there, when it's Oneida run, it becomes almost a familial issue, and by that, I mean it's family. No matter what you do, it's family. So I look at it and say maybe the time has come, and that's not going to change anything. Whether or not we look at whether it's Bellin, Bay Care, or Aurora, these are the experts in the field. They know how to deal with third party billing. They know how to properly take care of people, and they're not going to make you wait six months to get in. So there's nothing wrong with us moving forward. I checked on the regs, and yes, we can change CHSDA. All we have to do is make an application to the federal government. It's nothing more than simply a letter here from the Business Committee and we can direct them to do that. You have that power. You have that authority. I don't. But you do. So I'm requesting that an outside board or agency come in and oversee this because obviously that board was previously taken away for some unknown reason. I never got a valid explanation for it, and now I'm being told, "Well, that information's on the Tribal members only website." How many people in here have access to the computer and can access that information? Very few. So that's interesting. So the majority can't. So how would we even know that we're getting accurate information? So I look at that and I'm asking you, as the governing body, I'll make the motion to place this into the hands of an outside board or agency—whether it's Bellin, Bay Care, or Aurora—and to open up the CHSDA statewide. Thank you.

Melinda J. Danforth: Comprehensive Health. Do you have a presentation? Debbie, can you please introduce yourself and your title?

Debbie Danforth: Thank you, Madam Chair. My name is Debbie Danforth. I'm the Comprehensive Health Division Director for Operations. We are the only division that has two division directors—Dr. Ravinder Vir is not able to be with us this evening. However, he is the Comprehensive Health Division for the Medical Area. I just want to go over real quickly, and I'll try to cover this as quickly as I can, the petitioner, Mike Debraska, has requested for a Health Care Board. But before we move forward, I think it's important to understand that in the petition, the petitioner is requesting a board be appointed to oversee just the Health Center and the Anna John Nursing Home. Now, if you'll look at the agenda of what we have presented, the Comprehensive Health Division is comprised of the Oneida Community Health Center. The Oneida Behavioral Health Department, Employee Health Nursing and the Anna John Resident Centered Care Community. So there are four entities that comprise the entire Health Division. I'm not going to go over the mission and vision; that's all available on the website. We also have all of our values from the Comprehensive Health Division also available on the website, so I would like to add, however, that our mission, vision, and values were developed as part of the work that we did with Initiative One. The Initiative One group was brought in not by us, but by the General Manager at the time. We worked very closely with Initiative One to develop and address the issues that were existent within the division at that time. As a result of the work that we did with Initiative One, we were able to develop a three year strategic plan that since then we have now renewed. That strategic plan encompasses our key points of focus within the Health Division, as well as

the development of our management team and I'll just list them real quickly for you. As I mentioned, myself, Dr. Vir, our Assistant Operations Director position is currently vacant with the retirement of Judy Skenandore in December, our Executive Assistant is Mercy Danforth, our Business Operations Director is Jeff Carlson, our Ancillary Services Director is David Larson, our Director of Nursing is Sandra Schuyler, our Behavioral Health Manager is Mari Kriescher, and our Employee Health Manager, Mary Cornelissen, our Public Health Officer Eric Krawczyk, and our AJRCCC Administrator on an interim status is David Larson. He possesses the nursing home administrator license in order to continue operation of the AJRCCC. I just want to cover real quickly, Mr. Debraska did talk about the previous Health Board, and it is true. There was a previous Health Board. The original purpose was to advise the Area Manager of the Health Center assist with the development of policies and procedures for the operation of the Health Center and to seek community input. The Health Division made recommendations at the request of the then General Manager in 2007, 2009, 2011, and 2012 because the then Health Board was non-existent. There were no members at that point in 2007. They were not active. It was not by anybody's means other than the fact that we couldn't get anybody to be present for a quorum for the meetings. So at that point, the recommendations to dissolve the Health Board were made and brought forward. There were no formal actions taken, so at this point, there still is a Health Board, but there has been no positions appointed to that board, and it has been totally inactive since 2007. At that point, the Health Division needed to become involved in terms of how we address our policies and procedures. When the board was inactive, we had multiple policies and procedures that would sit for 2-3 months because there was no quorum of the Health Board in order to approve these policies and procedures. So as a result of that, our management team took the initiative to look at policies and procedures and to inform all of our staff that furthermore all policies and procedures would be sent to the Executive Management team for review and approval to expedite this approval process. In 2009, the Health Division made recommendations to the then General Manager to discontinue the non-existing Health Board, and there was no action taken. In 2011 and 2012, the Health Division's recommendations were submitted in writing to the LOC and to the Business Committee regarding the issues related to the creation of a governing board and its impact on potential government-to-government relations and federal funding sources. Now, to get to the Debraska petition, the first action requested in the petition, I'm not going to read the action as it is in your packets; however, the Health Division's response to Mr. Debraska's request for Action 1 is that there currently is an existing Anna John Residents Centered Care Community Board which is very active and serves in an advisory capacity to the AJRCCC operations. They have been very active over the past year and a half and continue to be involved in the operations of the AJRCCC meeting on a monthly basis. The question that we have in terms of Mr. Debraska's petition for Action 1: His request is to oversee the Oneida Health Center and its staff along with the Anna John Resident Centered Care Community. Our question at this point is what happens to the remainder of the Health Division which includes the Behavioral Health and the Employee Health Nursing. Under Action 2, Mr. Debraska's petition basically is requesting that the General Tribal Council select and appoint all Health Care Board members which is different than what he reiterated tonight at his presentation. In his petition, he's asking that the GTC set stipends, approved bylaws and resolutions, and that the Health Care Board reports only to General Tribal Council to represent politics of the Health Care system of who receives treatment. The Health Division's response to this question is the information that's reported would be a concern as well as any appointments if a Board were involved in the direct day-to-day

operations of the facility, and our concern would be for the protection of health information and its privacy. Mr. Debraska's action for #3 is, as he mentioned, to change the CHSDA or the Contract Health Service Delivery Area. Currently the Contract Health Service Delivery is defined by the federal register which consists of Brown and Outagamie counties. His desire is to change this to a statewide operation, and there are several issues that the Division has with this. Changing the CHSDA will not result in more Indian Health Service money to the facility or to the nation. Expanding the CHSDA could actually result in less services available to all of you as the General Tribal Council, and the reason why less services would be available is because of the fact that the CHSDA is specific to Purchased and Referred Care, previously known as Contract Health Services. If we were to change that CHSDA, yes, he is correct, it is a process that has to go through the federal government; however, we have to also gain approval of all of the tribes surrounding us in order to request the approval to make this a statewide option. Access to care for direct care services would be directly impacted by opening up the CHSDA statewide. The reason being is that in order to qualify for Purchased and Referred Care, you are required to seek care through your primary provider. Your primary provider would be at the Oneida Community Health Center, so in order for you to get access to get referred to be covered at statewide CHSDA, you would have to first be seen by one of the providers at the Health Center which we all know and we have shared with all of you that we are currently having issues in terms of access because of the restriction and the number of services that we provide. So restricting the services to who's eligible for those services would mean that the Indian Health Service could actually retain that \$19.8 million that we receive in Indian Health Service funds. They could either retain a portion of that money for those individuals who we don't serve, or they could actually turn around and retain the entire \$19.8 million and we would receive no Indian Health Service monies. Another point that I need to mention is the fact that, as I mentioned, access to care for Direct Care Services would be impacted, and it would become more and more difficult at this point to get appointments for those individuals that are trying to seek care statewide. Priority 1A and 1B would have to be implemented which we all know. We've dealt with it in the past when we had government shut-downs. Priority 1A and 1B would have to be implemented to assure that there would be sufficient funds for the increased number of patients and clients who would then be eligible for PRC statewide. It could also result in us running out of money even with a Priority 1A or 1B restriction, and as many of the other PRC programs throughout the country end up having to deny services as early as May or June in the fiscal year because they don't have the funds available to cover or provide any of those other services. This would also require an addition of Tribal contribution in order to meet the needs. Under Mr. Debraska's Action #4, he's requesting that all enrolled members of the Oneida Tribe receive medical care first and payment of the enrolled members. Our Division response is basically restricting services to only enrolled members would result in a decrease again in the Indian Health Service funding or even a total loss of that IHS funding. PRC or Purchased and Referred Care or Contract Health, as we were previously known, is considered a payer of last resort. We cannot pay any bills right off the top. If you go to the doctor and you receive services and you have insurance, we cannot pay anything until the insurance has made that payment. Whatever's remaining after the insurance, we can then pay, but it's a federal regulation that Purchased and Referred Care funds are payers of last resort. It would also be considered illegal to preferentially discriminate or provide medical care based upon the enrollment status of individuals. Under Mr. Debraska's #5 Action, the Comprehensive Health Division's response is basically that the Indian Health Service funds, again, are

federal dollars for the provision of health care services to Native American people. Eligibility is determined within the federal register. If the General Tribal Council were to restrict eligibility to enrolled Oneidas and/or restrict descendency, then this would result in loss of IHS dollars and an increase in Tribal contribution dollars needed. It's important to note that there's two types of care, and I believe in the discussion that Mr. Debraska had at the beginning, he's mixing the two types of care that we currently provide. There's Direct Care Services which are services provided through the Health Center, Behavioral Health, and all of our entities, and then there's Purchased and Referred Care. There are different eligibility requirements for both of those types of care. Direct Care Services is provided onsite within the facilities. Purchased and Referred Care has specific eligibility requirements that are clearly outlined within the federal register. Under Mr. Debraska's request under Action 6, he's asking to specifically hire an administrator to oversee the Health Center and the Anna John Resident Centered Care Community based upon qualified applications and the Health Division response, again, is what happens to the remainder of the Division as the Division consists of four entities. Also, we have current existing contracts in place with providers which would require specific termination requirements. In addition to the requirements, for licensure and state laws that must be abided by in order to keep the doors open for the Anna John Resident Centered Care Community. Under Mr. Debraska's request for Action #7, there is really no response, as the petition is before the General Tribal Council at this point. And in Mr. Debraska's request for Action #8, there is, again, no response, as we are currently before the General Tribal Council. One of the points that I wish to also reiterate, which I do not have the slide for, let me see if I can...no, I don't have that slide available, however, Mr. Debraska referred to the number of descendants that are currently being served and he referenced seven generations. I would like to reiterate these numbers for you, and I can provide this information in our quarterly report to the Business Committee, but the number of descendants served for FY 2013, the total was 1,671. Of those, 1,376 were first generation. Of those, 217 were second generation; 40 were third generation; 9 were fourth generation. Anything outside of that was a total of 29 individuals. For FY 2014, we had 1,496 [sic] descendants that were served; 1,496 were first generation; 258 were second; 30 were other outside of the fourth generation. For 2016, our total number of descendants served were 2,307. Of that 2,307 descendants, 1,840 were first generation; 334 were second generation; 69 were third generation; and 18 were fourth generation; only 46 were outside 1st, 2nd, 3rd, or 4th generation. However, I would like to point out to you that of that 2,307 descendants that were seen for FY 2016, 94.8 percent or 2,187 of those individuals had third party coverage or some type of insurance. So they were helping to pay for the services that they received through the facility. So based upon this information, it is the recommendation of the Oneida Comprehensive Health Division to request a motion to deny the requests in the Michael Debraska Health Board Petition. Thank you.

Melinda J. Danforth: Thank you, Debbie. If you don't mind staying up here and helping to assist and answer questions. We'll go to Stephanie. Stephenie, do you have a question?

Stephenie Muscavitch VanEvery: I just wanted to say that in this eight point petition to create a new Health Board and oversee the Oneida Clinic and Anna John Nursing Home that passing this petition would be a rash decision, and based on the presentation, it would impact state and federal funds, contracts potentially and the quality of care in the

long run. It takes a while to set up a Health Board. We already have a Health Board, and it's not being fulfilled. I don't think this is the right way to move forward.

Melinda J. Danforth: Thank you, Stephenie. Cathy?

Cathy Metoxen: Thank you. We have a problem at the Health Center. We've had one for many, many, many years. I mean, there's many, many, many more stories that come out of there. I have some, and I know there's others. But I make a motion to accept the petition for numbers 1, 2, 3, and 4, and to include Behavioral Health and Anna John, the Health Center, Behavioral Health, and what was your other one? Employee Health Nursing. And one of the things that I see the problem is, because I've done complaints in writing, verbally, and followed through with some, and I just get...they just get used for gossip a lot of times. I don't know who oversees, with all due respect, Debbie, I don't know who oversees you. You know? So I think we need a Board.

Debbie Danforth: The Business Committee. We are direct reports to the Business Committee, both Dr. Vir and myself.

Cathy Metoxen: Well, that's part of the problem. I have zero confidence in Dr. Vir. I have experienced him. I've done complaints to the Ombudsman, only to go back and hear her talking about me and making fun of me with another employee so I can't go there anymore, so I don't know. We need a Board in place to oversee these things because there's a lot of complaints out there all the way around, whether it's Behavioral Health or the nurses or the nursing home. Oh, my God, I just heard some stuff from the nursing home, but we need to do something because I don't see the people who oversee you doing anything. I don't hear, see, or recognize anything, you know, good coming out of this. We got a problem and we need help.

Melinda J. Danforth: So can you restate your motion?

Cathy Metoxen: I made a motion to accept Mike Debraska's petition for items 1, 2, 3, and 4, and for it to include Behavioral Health, the Health Center, the Nursing Home, Behavior Health and the employee nurses. I hear they're getting rid of our Oneida people at the nursing home and they're bringing them in from the outside agency. What kind of money is that agency making off of us to bring them people in? What's wrong with our people? Our people need our own people taking care of them.

Melinda J. Danforth: Point of order has been called, so is there a second to the motion that Cathy is making? Hold on. So Linda Dallas is seconding the motion. I'm talking to Nancy. Can you hold on, please, so I can finish. So there's a motion by Cathy Metoxen, seconded by Linda Dallas to accept Mr. Debraska's petition items #1 through 4 and that they also include the Health Center, Behavioral Health, AJRCCC, and Employee Health Nursing. Now if the General Tribal Council doesn't know what 1 through 4 is, it's on page 53 of your packet. Item #1 would be the creation of a Health Board to oversee the Health Center and its staff along with AJRCCC, Behavioral Health, and Employee Health Nursing; #2 would be that the General Tribal Council shall select and appoint all the Health Care Board members, set their stipends, approve their bylaws and resolutions, and that the Health Board reports only to GTC to prevent politics of the Health Care system who receives treatment by any single or multiple board, committee, or commission; #3 is to change the contract health services delivery area that is currently

limited to Brown and Outagamie counties, but rather make it statewide within the state of Wisconsin; and #4 is for all enrolled members of the Oneida nation receive medical care first and payment of the enrolled member's medical bills be paid first within 45 days of receipt by the Tribe regardless of where care is received within the state of Wisconsin. That's items 1 through 4. So your privileged question, Nancy?

Nancy Skenandore: Thank you. Madam Chair, when Debbie was finished with her presentation, she made a motion. I hollered "second" from back there, so I don't...and you just kept going on, so she did, too, say, "I make a motion."

Debbie Danforth: Yes, I did make the motion.

Melinda J. Danforth: I apologize.

Madelyn Genskow: She wasn't recognized, Madam Chair.

Melinda J. Danforth: Yes, I didn't recognize the motion. You're correct. I did not recognize the motion because I didn't think she was making an actual motion. In order for a motion to be on the floor, it has to be recognized, so I recognized Cathy's motion, seconded by Linda. My apologies, Debbie. So if you don't like the motion, you can oppose it. Okay? So my apologies. My sincerest apologies. What is your Point of Order?

Linda Dallas: Please don't be so rude, okay?

Melinda J. Danforth: I'm trying not to be rude, but we're on a motion right now, and I'm trying to get to discussion.

Linda Dallas: And I appreciate that. We're just trying to clarify a couple of things.

Melinda J. Danforth: Okay.

Linda Dallas: Cathy and I both agreed that it's items number 1 and number 2, not 3 and 4, and that the other items in Mike's petition would come through a subsequent motion after this main one is taken care of.

Melinda J. Danforth: Okay. So you want to put together, so we'll say "to accept the petition from Mike Debraska for items number 1 and 2 and to include Oneida Behavioral Health, Oneida Community Health Center, Anna John Resident Centered Care Community, and Employee Health Nursing." Correct?

Linda Dallas: Right. We're moving to approve 1 and 2.

Melinda J. Danforth: Cathy, you're okay with that?

Cathy Metoxen: Yes.

Linda Dallas: The point is is to keep it simple because otherwise when you do them all together, it gets complicated. Right now we just want to deal with the Board for oversight over the Comprehensive Health Division and after that, then we'll deal with

the CHSDA. It's simpler, and then everybody...instead of bouncing all over talking about different stuff.

Melinda J. Danforth: I understand. So the motion is to accept the petition from Mike Debraska for items number 1 and 2. Number 1, again, creates the Health Care Board to oversee those entities that were listed and number 2 would be that GTC appoints the Health Care Board, sets their stipends and bylaws, and that they report only to GTC. So comments and questions on that. Dylan?

Debbie Danforth: Madam Chair, I have a privileged question. The question that I have is since there has been no previous action to rescind the Health Board that was currently in existence, is it allowable to move forward appointing another board?

Melinda J. Danforth: I would think that...JoAnne?

Madelyn Genskow: Oh, no. Her again.

JoAnne House: You've requested whether or not the motion is in order because there is a Health Board currently in existence. It is my understanding that the Health Board is purely an entity made and created by the Oneida Business Committee itself; not the General Tribal Council. As a result, this action could be taken in regards to creating a new Health Board. The Business Committee would need to conduct some clean-up actions afterwards to rescind the existing Health Board or the General Tribal Council could clarify whether or not it is moving forward with the current members who may still have terms left on the Health Board, so it is possible to move this. The motion would be in order.

Melinda J. Danforth: Thank you. Madelyn?

Madelyn Genskow: Well, I definitely agree with this motion. For people who are talking, would you ask them to be quiet in case their neighbor wants to hear what's going on?

Melinda J. Danforth: We can hear you.

Madelyn Genskow: I know you can hear me, but a lot of times people, if their neighbors are talking...okay, we definitely need an elected Health Board. And two years ago, I reported, and it was reported right here in General Tribal Council by the Chief Financial Officer, that \$6.5 million was not used by the Health Center, and people were turned away. And also Debbie up here...I've heard her tell the Business Committee many times that the hearing doctor resigned. I spoke to the hearing doctor on January 20th, I mean December 20th last year, and she told me she did not resign or retire. She told me that she was told that they were shutting the service down. And also I have a letter from Dr. Joseph Benard who was the urologist who said he volunteered to come here to Oneida to help Oneidas, and the thing of it is is that if you...it doesn't make any difference where you live. Anywhere in the world. Any Oneida can come to the Health Center in Oneida to a specialist there. But when they take those specialists out of there that only pertains to people who have a practitioner in the Health Center and they have to refer you. And also I've asked for a benefits book, and I know of people who swear up and down that you can't get Contract Health unless you live in the reservation boundaries, and you know, for those of us who know, all you have to do is live in Brown or

Outagamie county, you see a practitioner once a year at Oneida, and you can get service.

Melinda J. Danforth: Madelyn, you have to wrap it up. Your three minutes is almost up.

Madelyn Genskow: Okay, all right. You know, it's up to you, ladies and gentlemen. Either you vote for yourself or you don't. It's as simple as that. And you know, we need this elected Health Board. Not appointed. The appointed Health Board to the Anna John Nursing Home reported that there were deficiencies. I asked her what were they and she said they were taken care of. I said, "What were they?" She said she didn't know.

Melinda J. Danforth: Okay, Madelyn, we're going to move on now. Your time has expired. Thank you. Debbie, did you want to respond, then I'll go to Mr. McLester.

Debbie Danforth: Yes, please. Madelyn is talking about a \$6.2 million carryover. That is true. We did report that to the General Tribal Council. Fortunately for us, we did have that \$6.2 million in carryover money because \$4.9 million of it was expended to cover the loss of the 340-B contract for pharmaceuticals that did not get covered.

Melinda J. Danforth: Mr. McLester?

Jacob McLester: I just have a question on some of the verbiage of the motion. It says "to accept." What do they mean by "accept?" "Accept" as an FYI? "Accept" and to try to make it...just the verbiage of "accept" is kind of loose there.

Melinda J. Danforth: Basically, approve, so the General Tribal Council would be approving points #1 and 2 in the petition.

Jacob McLester: I feel that it should kind of say that instead of just "accept" because "accept" could be as like an FYI.

Melinda J. Danforth: Linda, Cathy—are you guys okay to say "to approve"? Okay, that's fine. We need to change "accept" to "approve". Thank you. Dylan and then Andrea.

Dylan Benton: I want to thank Debbie Danforth for her presentation tonight, and I think what this presentation has showed us is that the motioner lacks a collaborative effort that's needed to understand how we utilize these funds and the fact that they come from the government and any type of motions and actions here are going to take money away from us. We need to keep that in mind, that the facts are if we follow through with this petition, we are going to be losing money from Indian Health Services, and that's the exact opposite of the declared intent of the motion, but the motion, as it is and if it were to be passed, would actually take money away from us, so I ask the body to vote this main motion down and any amendments that come with it. There's a way we can improve our services, but this isn't the way to do it. We need to think ahead a little further and expand our thought processes and what we take into consideration because obviously we forgot an integral part of these funds and it's that they are administered from the Indian Health Services and we're working against ourselves if we approve this motion, so I implore you to vote it down. Thank you.

Melinda J. Danforth: Andrea?

Andrea Hoes: I agree with some of what Mike has asked. I approve of #1 and 2, about making a Board so that people can get adequate care. I personally was seen by Behavioral Health for 12 years, and eleven of that was spent being misdiagnosed. I've seen a total of eight doctors there. It took to my seventh doctor to actually get a correct diagnosis, and I would like the doctors to be accountable to someone, because if it happened to me, who else is it going to happen to? Who has it already happened to? Okay. So I approve what Mike and Cathy are saying right now because we need someone for them to be accountable to.

Melinda J. Danforth: Thank you, Andrea. RaLinda?

RaLinda Ninham-Lamberies: Thank you. I would like to clarify two points in Mike Debraska's presentation. First of all, he indicated that the third party revenue, \$20-25 million as Tribal dollars, that's incorrect. That is third party insurance revenue that needs to be used for Health Care. If it's used for the General Fund, it's called insurance fraud. The other thing I want to clarify is the Tele-Medicine benefit. That is through the self-funded health insurance program. That is a 1-800 number that our employees and dependents who are covered under the self-funded health insurance can call in order to talk to a doctor within 15 minutes. The finance area put that in place because our ER utilization is twice the norm of our other companies within the area. As self-funded health insurance, that is coming out of our front line employees and every employee's pocket because we share that cost. It is not covered by a health insurance company. We pay for that ourselves. So that was a cost savings measure that was put in place. It does not cover chiropractic health.

Melinda J. Danforth: Thank you. Dan?

Madelyn Genskow: Point of order.

Melinda J. Danforth: What is your Point of Order?

Unidentified Speaker: Call for the question.

Melinda J. Danforth: You need to go to a mic, Madelyn. I can't hear you. What is your Point of Order?

Madelyn Genskow: Okay, what the last two speakers over there said was not about the motions on the floor. They're talking about other things in the petition. Not the motion on the floor, and you should have stopped them. They were out of order.

Melinda J. Danforth: Thank you, Madelyn. Dan?

Unidentified Speaker: Call for the question.

Melinda J. Danforth: I called on Dan Hawk.

Dan Hawk: I'd like to make an amendment to the motion. I would like to direct the Business Committee to dissolve the Business Committee appointed Board and allow #2 as a GTC select board, as the amendment.

Melinda J. Danforth: So Dan, your amendment would be to direct the Business Committee to dissolve the current Business Committee appointed Health Board?

Dan Hawk: That is correct.

Melinda J. Danforth: Okay. Is there support?

Linda Dallas: Second.

Melinda J. Danforth: Seconded by Linda.

Linda Dallas: Call for the question.

Melinda J. Danforth: I'll recognize the call for the question on the amendment when it gets up there. Election Board, you need to get ready just in case. It's very hard to tell because both rooms are very full. So please assemble yourselves. All right, the amendment to the main motion by Dan Hawk, seconded by Linda Dallas, is to direct the Business Committee to dissolve the current Business Committee appointed Health Board. I'm going to try this by raising your hands, and if it's close, I have to ask the election board to count. So all those in favor of directing the Business Committee to dissolve the current BC appointed Health Board, please raise your hand. Thank you. All of those opposed, please raise your hand. It's hard to tell, so Election Board, please prepare to count, and we'll have to redo the vote. Okay, ready? All those in favor of the motion to direct the BC to dissolve the current BC appointed Health Board, please raise your hand to be counted. All those opposed, please raise your hand. All those abstaining, please raise your hand.

Lori Elm: We have the overflow count.

Melinda J. Danforth: Lori, can you say the numbers?

Lori Elm: The yeses are 219, noes are 79, abstentions are 40.

Melinda J. Danforth: The results of the vote are in. There were 1,166 total votes; 625 yes, 429 no, 112 abstains. Motion carries. Going back to the main motion. Brandon and then Loretta.

Brandon Stevens: Okay, what I really want to talk about is just the ability to find qualified people to sit on this Health Board. You want accredited people with licensures. You want certifications. Those are the types of people you want on a board of this nature, and the difficulty of finding those people and making decisions based on best practices, what's the latest in the field is going to be difficult to find. Just the sheer ability to find those, and you want those qualifications to be up there that oversee health area, so that's my first concern. The second concern is we have built this to where it is, and I see this leading to a direction where the General Tribal Council wants to elect everything and have every board report to the GTC, and these are main

functions that directly...these decisions affect individuals that are getting care on a daily basis, and any decisions like this, if we go at this with the main intent, because I hear other amendments may be coming, these are going to be directly affecting our ability to provide adequate services to current existing members that aren't, and so that's my difficulty in kind of seeing the direction we're going here and making sure that we're making those decisions, because we have the information in front of us right now. We're being told that if we do some of the things in the petition that we're going to reduce our funding, but we're still going to do it, and we're still going to move in that direction because we just want to pass a petition, so what I'm really saying is that the board qualifications really need to be up there, and so to be...to consider that, those qualifications, you want certifications, licensures and everything to be on this board, so if you even move in that direction, that has to be considered.

Melinda J. Danforth: Loretta? Excuse me, what is your privileged question, Judy?

Judy Cornelius: Okay, Brandon, you said you need all these qualified people to sit on the Board.

Melinda J. Danforth: That's not a privileged question, Judy. A question of privilege is to process, not to rebut his statements.

Judy Cornelius: No, no. The process is you guys have a Board that you appointed, and yet the report coming from Debbie says they don't appear. So what sense is that? Why all the educational background? Who sits on there now?

Melinda J. Danforth: What the General Tribal Council just did was that the Business Committee appointed a Health Board a long time ago. Basically, they've been defunct for many years. They haven't served. There's nobody serving on the Board right now. They're not active. So what the General Tribal Council just did in their last motion was basically eliminate that Board because it seems like they want to create a new one. So nobody was on the Board. I can't even tell you the history about why it went defunct, nothing, because it was previous to my time, and I've been on the committee for 12 years. So I can't even tell you why they went defunct because they were defunct before I was even on council, so you just eliminated a body that's really defunct anyway, so Loretta?

Loretta V. Metoxen: Thank you, Madam Chair. I want to thank Debbie for her report and contrary to what's been happening here on the floor, I'd like to give a few compliments to the Health Center. I've been a cancer patient now for 18 years, and I have rheumatoid arthritis, as well, so I have one doctor at the Health Center who refers me out to the specialist. I have four specialists, so I manage five doctors, and I take 10 pills a day. I don't have any problem with getting my pharmaceuticals from the Oneida Pharmacy, and I manage 10 pills every day, as well; work with the Health Clinic on all these things and it works perfectly because I think I do my part, too. I process the paperwork for the references through whatever, PR & C, what is that?

Debbie Danforth: Purchased and Referred Care.

Loretta V. Metoxen: Purchased and Referred Care. Well, we work well, because as soon as I get something in the mail that looks like a bill from the doctor, any one of these five doctors, it goes immediately to Purchased and Referred Care, and it is processed. I've

had no trouble with delinquencies there. I've had no trouble with my pharmacy stuff. It works, and it works well. I've had cancer for 18 year, and I had everything that goes with it—a surgery, radiation, chemo untold times, biopsies—you name them. I'm a specimen that they can look at, you know; I'm an example here. But I want to say that the Health Clinic is a major part of why I am standing here today. Ὑαυλκó.

Melinda J. Danforth: Pearl McLester. I thought somebody was bringing her a mike. I can barely hear you, Pearl. Thank you, Michelle.

Pearl McLester: I was one of the first original Health Board people many years ago. We were out there in the community to bring back what was going on out in the community because the people in the nursing home can't be out there to see what people are going on...what's going on with them. It's important that you get somebody out there to know what's going on with your people. You know, everybody can't run up to the clinic every time they've got a belly ache, so if you've got people out there that they can go out to these homes, and I was one of them and so was...there was several other people, and I think Mr. Clifford Doxtator was one of them. But all of a sudden they decided we didn't need an outside clinic, that the clinic itself would be the management of whatever was being done by the people. So it's important that you get people out there. I don't have to be paid. People can go out there and we don't have to have college educations to know what people are saying. You people sit up there, every one of you, you give us this literature all the time. I don't care where you're going to put any of us nowadays that, as old as I am, you've got to have an education, you've got to have a college degree. How in the world did you get this far with people that didn't have educations but brought this Tribe as far as it is? Thank you.

Melinda J. Danforth: Thank you, Pearl. Mike?

Mike Debraska: Thank you. Tough act to follow. Just going back to what Brandon had stated earlier, a couple of points here. What's wrong with retired physicians? There in abundance. What's wrong with consulting with physicians that are in other areas and other areas of expertise? There's nothing wrong with it. It can be done. The problem is that it sounds like it doesn't want to be done. That's what I'm hearing. That's firstly. Secondly, going back to what you stated as well as GTC wanting to elect everything, I think it's gotten to the point where we almost have to because I look at it and say all I see is dysfunction. I see no cohesion; no decisions being made that's on the behalf...that's in the best interests and at the behest of this Nation. I see a lot of in-fighting, a lot of arguments, and not what's being done in the best interests of the people. You wonder why petitions keep coming. You wonder why amendments keep getting made. Here it is, live and in person. And when I hear statements like that, it only enforces exactly why I'm doing what I'm doing.

Melinda J. Danforth: Everybody's entitled to their opinion, so thank you for sharing yours, and Brandon has an opinion, as well. So I'm sure Michelle will have an opinion, as well, so please share yours.

Michelle Doxtator: Actually, I don't have an opinion. I have two questions, then I'd like to make an amendment to the motion. So my first question is if we adopt #2, that the GTC selects and appoints and then approves the bylaws, does that conflict with our policy governing Boards, Committees, and Commissions?

Melinda J. Danforth: Does it, JoAnne? No.

Michelle Doxtator: Okay, that was my first question. The second question is while the General Tribal Council is approving the policies and procedures for the Health Center, would they have to suspend operations?

Melinda J. Danforth: No. The way that I'm reading it is that, I mean, we have to bring back the bylaws, and we have to bring back how they would function, and then at some point, there would have to be a smooth transition about when the Health Center will begin to work with the Health Board on approving policies and procedures. It's not going to happen overnight. There has to be a transition. GTC still has to approve bylaws, stipends, qualifications, whatever, and that will be another discussion, so it's not going to happen overnight.

Michelle Doxtator: Okay, thank you. My amendment is that I would like to see the Health Board be an elected position.

Sherrole Benton: Second.

Melinda J. Danforth: A motion by Michelle Doxtator, seconded by Sherrole Benton, that the Health Board members be elected. Is that correct? You're okay with that? Linda? On the amendment, that the Health Board be elected.

Linda Dallas: I'm thinking about the main motion. Instead of wasting time taking votes and all that, why don't you just put in the main amendment that they're elected then we don't have to screw around with that?

Melinda J. Danforth: I can't even see the main motion. Who's the main motion? Cathy and Linda?

Linda Dallas: What does it say?

Melinda J. Danforth: It is "To approve the petition from Mike Debraska for items #1 and 2."

Debbie Danforth: Madam Chair, #2 says "appoint".

Melinda J. Danforth: Yes, and #2 says "appoint" so, yes, an amendment would be in order.

Linda Dallas: Can we just make our motion to say "elected"?

Melinda J. Danforth: It could say "elected", yeah. I would be clear, so I would say, "For items #1 and 2, to include Oneida Behavioral Health" blah blah blah, and to clarify that under item #2, "the Health Board members are elected, not appointed."

Linda Dallas: Okay, because it's getting late. Let's get it done.

Melinda J. Danforth: I agree.

Linda Dallas: Is it my turn to talk then?

Melinda J. Danforth: Are you okay with that Sherrole and Michelle?

Sherrole Benton: No, I personally am not, because I believe that that would be conflicting to point #2. I believe that would be out of order.

Linda Dallas: We're clarifying #2 to be elected and not appointed.

Melinda J. Danforth: Right, so you're not comfortable with the language in the main motion that clarifies item #2, that the Health Board be elected? That's the motion and they've agreed to do the main motion.

Sherrole Benton: I agree. Michelle and I are not comfortable with that, and I think...it just seems like it's getting messy when you do it, when you try to do that, when you try to wordsmith and rechange and correct and change and correct and rework it all the time, because if you allow her to amend her main motion, then the floor is still open for another amendment, you know, and more discussion.

Melinda J. Danforth: Okay, so you don't agree. Michelle doesn't agree either. Okay, you can delete that out of the main motion. On the amendment, then, if everybody's okay to float on the amendment, is that okay?

Linda Dallas: I think I'm going to appeal the decision of the Chair if that's what you're going to allow because historically, in General Tribal Council there have been adjustments made. We haven't had to go through all this, you know. We already took care of it. It's in the main motion. They're going to be elected, not appointed.

Melinda J. Danforth: And they have the right to give an amendment, as well, on the floor of General Tribal Council and for it to be voted upon. So just as I asked you and Cathy about changing your motion, I get to ask them, and if they're going to deny that, then so be it. So on the amendment that the Health Board be elected positions, I'm going to try this raising your hand. All those in favor of that motion, please raise your hand, that the Health Board be elected positions. Okay, thank you. All those opposed. Thank you. All of those abstaining. Okay, motion carries. All right, on to the main motion. Linda, you were next in line.

Linda Dallas: I respectfully request the General Tribal Council to approve this motion because the Health Division is huge, and it's important, and it's complicated, and they need direct oversight from a Health Board, and I agree with what Brandon's saying with the qualifications and things not...I don't think every single person on there needs to be, but there needs to be a percentage of it, or it could be the whole board. You know, that's something that the General Tribal Council is going to decide on anyways. So I would imagine the Business Committee is going to work together with the community members and the petitioner, Debbie, and people from the Health Board, Dr. Vir, to create those things, to create the bylaws and the SOPs and all that stuff to get them in place, and then they're going to bring it back to the General Tribal Council, and then we'll decide if we agree with what you're saying. The other thing is that it needs to be approved, as well, because the Business Committee, we've had this conversation time and time again, is that you're acting outside your scope of authority because the

General Tribal Council took an action that you're not to be involved in day-to-day business. You shouldn't even be overseeing any of the Divisional Directors to be honest. The administration before you took action into their own hands which is many of you still sitting here or your assistants, and you took it and you did it anyway and shoved it down everybody's throats. You have acknowledged through confidential...through the legal opinion by JoAnne House, she gave the chronological history, and it states in there that you're not supposed to be involved in day-to-day business, and you're very busy being involved in day-to-day business, so there needs to be a body that can oversee this very important function of the tribe that can ensure everything is taken care of appropriately and in a timely manner. We had the whole thing where we had the throw down here in the General Tribal Council pointing fingers at Tina Danforth and whoever was responsible for not handling the communication in a timely manner, but that's not going to happen if you have a board because there should be a direct link between them and the communication should be flowing. You know, that's not to say Debbie's not going to be over the Health Center and Dr. Vir's not going to be over the Health Center. They're going to have somebody overseeing them directly that can be involved with them day to day and make sure that our business is taken care of. Please, when you vote, remember that this is only about establishing a Board of Directors over the Health Center. It's not about the other matters that are in the petition because we're going to deal with that after we vote on the main motion, so with that, I'm going to call for the question so that we can get on to the next part.

Melinda J. Danforth: Thank you. I recognize the call for the question on the main motion. I do want to make a quick clarification because, while I understand that the Business Committee is not supposed to be in day-to-day, you're right, our previous Business Committee did bring the General Manager position in the form of a budget, and the General Tribal Council did not...they agreed with the Business Committee at that time to take the money out for that position so the Business Committee has been the responsible party to oversee all of the divisions, and as a matter of fact, the Business Committee had asked if we were going to be presenting a reorganization proposal. That was supposed to be at the last meeting, but we didn't get to that; that would hire a Chief Executive Director of Administration to act as a General Manager; however, you have to realize that the General Tribal Council also made a motion at a previous GTC meeting this past year that said "hire a CEO" and they declined to do so, so while you can accuse us of inserting ourselves into day-to-day, we didn't do that by ourselves. We did that altogether here with General Tribal Council, as well, so I wanted to make that clarification before we moved on.

Linda Dallas: But you took that action yourselves.

Melinda J. Danforth: No, the General Tribal Council did that.

Linda Dallas: I worked for the Business Committee at that time, and I advised you not to do that, and you did it anyway, and then you tried to come back years later and....

Melinda J. Danforth: Okay, I recognized the call for the question. Thank you very much. The motion on the floor is to approve the petition from Mike Debraska for items #1 and 2, and to include Oneida Behavioral Health, the Community Health Center, Anna John Resident Centered Care, and Employee Health Nursing. So I'm going to try this by a hand vote. All those in favor, please raise your hand. Thank you. All those opposed,

please raise your hand. It's overwhelming in here, but in the other room, it is not, so I'm going to ask for a hand count.

Linda Dallas: Madam Chair?

Melinda J. Danforth: Yes? Election Board, please count.

Linda Dallas: I'd like to ask that there be clarification provided that we're not approving the whole petition, that we're only doing the first two items.

Melinda J. Danforth: Right, we're only doing the first two items. To approve the petition from Mike Debraska for items #1 and 2 and to include the Behavioral Health, Community Health Center, Anna John Resident Centered Care, and Employee Health Nursing, and again, #1 is to create the Health Board that oversees those entities, and #2 is that the General Tribal Council will elect the Health Care Board members. They'll set their stipends, they'll approve their bylaws and resolutions, and that the Health Care Board only reports to General Tribal Council. Is that good? All right. Ready Election Board? All of those in favor of the motion to approve the petition for items #1 and 2, please raise your hand to be counted.

Lori Elm: We're done in the overflow.

Melinda J. Danforth: All those opposed, please raise your hand.

Lori Elm: We're done in the overflow.

Melinda J. Danforth: Rosa, are you ready? Okay. All those abstaining, please raise your hand.

Lori Elm: Melinda?

Melinda J. Danforth: Yes?

Lori Elm: We have the overflow numbers.

Melinda J. Danforth: Okay.

Lori Elm: Yes is 270, no is 60, abstentions is 23.

Melinda J. Danforth: Thank you. The vote is in. There was 1,262 total votes: yes is 648, no is 552, abstain 62. Motion carries.

Nancy Skenandore: Madam Chair?

Melinda J. Danforth: Nancy?

Nancy Skenandore: I'd like to make a motion to table the rest of this petition for 120 days, and I'd like us to move on to the per cap, or we're not going to have no time. We have 15 minutes and this meeting's over.

Melinda J. Danforth: Nancy, is there a second to that motion? Pat Lassila. Alright, motion by Nancy Skenandore, seconded by Pat Lassila, to table the rest of the petition items for 120 days. Okay, let's try this by hand. All those in favor of tabling the rest of the petition, please signify by saying "aye". Opposed. Abstentions. Motion carries.

A. Fletcher Opinion on GTC Action of June 13, 2016 regarding per capita

Melinda J. Danforth: We have one more item, so I would appreciate you guys sitting down and not inundating the tables for check-out. They will not check you out anyway, so there's no need to line up. The last item on the agenda is the Fletcher opinion on the General Tribal Council action of June 13, 2016. I just need to give a two minute summary here. Basically, the General Tribal Council voted to approve a \$1,300 per capita for five years. During that meeting, there was a motion, the original main motion was to pay a \$2,000 per capita for five years, and amendments, subsequent amendments were made by General Tribal Council members to change the amount from \$2,000 to \$1,300. The Chairwoman had questioned whether or not the main motion and amendment can be different, and she requested the Business Committee have a legal opinion done. The legal opinion was done and performed by the Finance Office independent of the Business Committee. That legal opinion is back now before the General Tribal Council basically indicating that the General Tribal Council's motion on June 13 to pay the \$1,300 is deemed appropriate. So I know RaLinda already gave her presentation and everybody's anxious to get out of here, but the Business Committee basically is asking for the General Tribal Council to accept the legal opinion and move forward with your decision on June 13 to pay the \$1,300 per capita for five years.

Sherrole Benton: So move, Madam Chair.

Melinda J. Danforth: There's a motion by Sherrole. Who was the second? Seconded by Nancy. Hold on. I know that there's privileged questions, but I need to get the motion up first. So the motion by Sherrole, seconded by Nancy, to accept the Fletcher Opinion on the General Tribal Council action of June 13, 2016 regarding per capita and move forward with the General Tribal Council's decision on that day. Does that pretty much capture what you're trying to say? Nancy says yes. Did you have a privileged question, Brad?

Brad Graham: Thank you. I'd like everybody to turn to page 13 of 30 on the minutes. Okay, David had made a statement, and then after that, you acknowledged Nancy Skenandore. Please, everybody read that all the way to where it says, "Nancy Skenandore correct." She never made a motion. It's not in the minutes that she made a motion. The Chairwoman of the meeting made the words and what was to be said. That is not under parliamentary rules. The Chair cannot make the suggestion. The person making the motion has to make a motion or a revision amendment, whatever. It's not in here. So, therefore, there was never a motion made for the \$1,300. So, therefore, the \$1,300 is out of order. The \$2,000 was passed; therefore, we go with the \$2,000 because there is not a motion for an amendment in this minutes. Secondly, before we can proceed here, I made a motion to table all the minutes from the last meeting. So, therefore, I'm going to make a motion to take these off the table first of all before we proceed.

Melinda J. Danforth: To what? To take the minutes off the table? There's no minutes before the General Tribal Council right now.

Brad Graham: I made the motion last Monday night, Madam Chair accepted it, to table all the minutes that were before us.

Melinda J. Danforth: So I'm not sure...

Brad Graham: The June 13th minutes were in there.

Melinda J. Danforth: Right.

Brad Graham: So I'm bringing up the June 13th minutes.

Melinda J. Danforth: Okay. I don't know how that applies to the legal opinion right now.

Brad Graham: The legal opinion is wrong. They never looked at the minutes. If they would have read the minutes, if they were parliamentarians and knew what they were doing with the Robert Rules, they would have seen this and would have seen there was never a motion made.

Melinda J. Danforth: Contained within the memorandum, the attorneys basically told you exactly what they reviewed. They said they reviewed the minutes of the General Tribal Council meeting. The attorneys that were hired, and we paid \$9,000 for, the main motion and the \$1,300 amendment were properly before the General Tribal Council and were both in order and were properly adopted by the General Tribal Council on that day, so that's what we're here to debate. If you don't agree with it, then oppose the motion that's on the floor.

Brad Graham: I bring it to everybody's attention right now, that this did not occur, so that's a violation of the Robert Rules and of our rights and of the Constitution. You need an amendment, a proper amendment, brought before the body to be approved. There was none. So I'm asking everybody here. Vote down the \$1,300. Vote for the \$2,000. Thank you.

Melinda J. Danforth: Sherrole?

Dylan Benton: Madam Chair, I'd like to call for the question.

Melinda J. Danforth: Hold on. LouAnn?

LouAnn Green: I'd like to table the \$1,300 and the \$2,000, and I appeal the decision of the Chair on the \$3,000 and \$5,000.

Melinda J. Danforth: That decision has already been made, and we've moved on.

LouAnn Green: According to Robert's Rules of Order, you and the Parliamentarian are out of order. You did the same exact thing at the last per cap meeting when we were voting for \$2,000. You did the same exact thing that you're doing tonight, and we all

came here to vote on the per cap, and we're not getting an opportunity to vote what was presented to us. So I'd like to table the motion.

Dylan Benton: Point of order.

Melinda J. Danforth: So you want to table this item?

LouAnn Green: Yes.

Dylan Benton: Point of order. There's a motion on the floor already.

Melinda J. Danforth: There is a motion on the floor, but a table supersedes that motion, so is there a second on the motion to table?

Cathy Metoxen: Second.

Melinda J. Danforth: So the motion on the floor currently right now is by LouAnn Green, seconded by Cathy Metoxen, to table this item. JoAnne, can you explain to me what tabling an item does at a special GTC meeting? Does it get brought back at the next one?

LouAnn Green: There's no discussion, and I don't believe JoAnne House anyway.

Melinda J. Danforth: And that's totally fine with you, but other people do, so she's our Parliamentarian.

LouAnn Green: No, she's not...

Melinda J. Danforth: She's our Parliamentarian for the meeting.

LouAnn Green: She's your Parliamentarian. She's not our Parliamentarian. This is our meeting.

Melinda J. Danforth: Okay, LouAnn. Thank you. JoAnne.

JoAnne House: The question is what happens to the action if it is tabled at a special General Tribal Council meeting. Historically, the General Tribal Council at special meetings when they table an item, it is concluded. It's done. There's no further action necessary, which is why, since 2008, the General Tribal Council has begun putting directives at the end of a motion to table. Motion to table for 120 days; motion to table until the next General Tribal Council meeting, etc. So a simple motion to table at the end of this meeting concludes this matter, and it will not be brought back before the General Tribal Council.

Brad Graham: Point of order.

Melinda J. Danforth: Do you understand what that is saying?

Brad Graham: Point of order.

Melinda J. Danforth: Hold on. Do you understand, LouAnn, what JoAnne is saying? She is saying...

LouAnn Green: Absolutely not, and I wasn't even listening. She's not my Parliamentarian.

Dylan Benton: Call for the question.

Melinda J. Danforth: Well, I think you have to understand what's going to happen with this item.

LouAnn Green: I'd like to table this item for 60 days.

Melinda J. Danforth: Okay, thank you. Tabling the item for 60 days. Cathy, do you agree with that? Okay. No discussion on a motion to table. So all those in favor of tabling this item for 60 days, please raise your hand. All those opposed of tabling this item, please raise your hand. The tabling fails. The motion on the floor is to accept the third party legal opinion and move forward with the June 13, 2016 actions of the General Tribal Council regarding per capita payment of \$1,300. Dylan, you were next in line.

Dylan Benton: Call for the question, Madam Chair.

Madelyn Genskow: Appeal the decision of the Chair. LouAnn Green tried to do that, and you wouldn't accept it.

Melinda J. Danforth: To what?

Madelyn Genskow: On the \$3,000 and \$5,000. According to Robert's Rules of Order, and you're supposed to follow that,...

Dylan Benton: Point of order. We're past that already.

Madelyn Genskow:...when she makes the motion to appeal the decision of the Chair, you should have recognized that. On Robert's Rules of Order.

Melinda J. Danforth: Thank you. We're past that item.

Madelyn Genskow: No, we're not.

Melinda J. Danforth: JoAnne, can you please explain how to do that? She's our Parliamentarian, and she's helping me to follow process, so if Madelyn is correct, then we will go back and we will discuss the per capita \$3,000 and \$5,000 again.

JoAnne House: Thank you. You've requested a clarification regarding an appeal to the decision of the Chair. To inform the General Tribal Council on where these actions and opinions from your Parliamentarian are coming from, when I first got this particular responsibility, I read all of the minutes of the General Tribal Council that were available—every set of minutes, and I've read every set of minutes since I've been in this particular position, and I've gathered together how the General Tribal Council has voted

and acted on every motion. The General Tribal Council does not act consistent with Robert's Rules of Order on many things, some of which are guided by the Constitution, some of which are guided by the 10 day notice policy, some of which are guided by the past actions of this body. In regards to the appeal of the decision of the Chair, it must be brought before any other action is taken after the Chair's decision...

Madelyn Genskow: I tried to do that.

JoAnne House: ...it is too late in the meeting...

Madelyn Genskow: I tried to do that.

JoAnne House: ...to discuss,...

Melinda J. Danforth: Excuse me Madelyn.

JoAnne House: ...to try to appeal the decision of the Chair regarding a prior motion that was ruled out of order.

Madelyn Genskow: I appeal the decision of the Chair.

Melinda J. Danforth: It's too late to do that.

Madelyn Genskow: No, it's not.

Melinda J. Danforth: According to the Parliamentarian, it's too late to do that, and if you wish to challenge my rulings here at General Tribal Council, you can do so through the judicial process. So the call for the question...

Brad Graham: Point of order.

Melinda J. Danforth: Excuse me? Point of order from Brad. Go ahead.

Brad Graham: JoAnne House is incorrect. I made the motion last year when Chairwoman Christina Danforth was chairing that all meetings would be run under Robert Rules of Order and that passed. I don't care about past presidents or what JoAnne's saying right now. She is your attorney. She is not our Parliamentarian. She does not represent GTC. She reports to the Business Committee and the Business Committee only under executive session, so, therefore, she's not our Parliamentarian. And I've made the motion and it was approved by this body of last year that we are running under Robert Rules of Order only. Thank you.

Melinda J. Danforth: Thank you.

Madelyn Genskow: I appeal the decision of the Chair.

Dylan Benton: Call for the question.

Melinda J. Danforth: Thank you, Madelyn. The motion on the floor is to accept the third party legal opinion and move forward with the June 13, 2016 actions of GTC regarding

per capita payment of \$1,300 for five years. All those in favor of that motion, please raise your hand.

Madelyn Genskow: Privileged question.

Melinda J. Danforth: Excuse me. We are voting now. I was in the process of voting, so please raise your hand.

Linda Dallas: Privileged question.

Melinda J. Danforth: You need to be quiet during a voting. All those in favor, please raise your hand. Thank you. All those opposed, please raise your hand. Thank you. All those abstaining, please raise your hand. Alright, thank you. Motion carries.

V. Adjourn

Linda Dallas: Privileged question.

Dylan Benton: Motion to adjourn.

Madelyn Genskow: I appeal that decision before you took a vote.

Melinda J. Danforth: Madelyn, please excuse yourself. I'm recognizing the privileged question of Linda and then we're going to recognize the motion to adjourn. Go ahead, Linda.

Linda Dallas: I would like it noted as an official part of the record that the decision of the Chair was appealed, and it was appealed by Madelyn Genskow, and you recognized her, and she was trying to clarify, and you ran her over for a call for the question to get what you wanted. And this is a *déjà vu* from what I understand from June 13th, so you're screwing the people again.

Melinda J. Danforth: Thank you for your comments, Linda. Like I told you, you can appeal my decision to the judicial....

Linda Dallas: No, I'm appealing the decision of the Chair right now for what you just did.

Melinda J. Danforth: JoAnne just explained to you why we are moving on to the next item. The decision of the Chair is not appealable because we moved on. So...

Linda Dallas: No, we didn't move on. We're still on that topic and I'm appealing that decision.

Melinda J. Danforth: Appeal what decision because the General Tribal Council just voted.

Linda Dallas: For you to take that vote without handling the appeal of the decision of the Chair. And JoAnne should have stopped it.

Melinda J. Danforth: I'm not exactly sure what you're saying because the General Tribal Council just voted. There is no decision to appeal at this point. It went backwards.

Linda Dallas: A General Tribal Council member can appeal the decision of the Chair, and she just got done saying immediately after the vote, otherwise you lose your right, and I'm appealing the decision of the Chair before you strip me of my right.

Melinda J. Danforth: To allow...

Linda Dallas: The vote, because you shouldn't have allowed the vote. You should have been questioned and it should have been voted by the General Tribal Council whether or not they agreed with your actions because the people wanted to vote on the \$2,000 per capita payment that you're screwing them out of again.

Melinda J. Danforth: So what you're saying is that you want me to ask General Tribal Council to go back and vote on whether or not they wanted to vote on this motion? I mean, the vote is already concluded.

Linda Dallas: No, it's not. Well, it shouldn't have been is what I'm saying because she appealed your decision.

Melinda J. Danforth: She wanted to appeal my decision for the \$2,000 [sic] and \$5,000 which was already done. And we went and moved on.

Linda Dallas: She appealed your decision on that, and she appealed the decision of the Chair on your motion here on the floor.

Melinda J. Danforth: No, she said she was going to appeal the decision of the chair on the \$2,000 [sic] and the \$5,000. That's what I did. That's what I interpreted.

Linda Dallas: She's right here.

Melinda J. Danforth: Yes, go ahead.

Madelyn Genskow: Yes, Madam Chair, that is correct, and I hope you all remember on election day next summer. Don't forget! Don't forget!

Melinda J. Danforth: That's totally okay.

Unidentified Speaker: I have a privileged question.

Unidentified Speaker: Call for the question.

Cathy Metoxen: For the record, I'd like to second that appeal.

Melinda J. Danforth: JoAnne, can you please provide some clarity, because there's obviously some discontent around the appealing of the Chair, so I want to make this very clear. I know people are in lines already. They're not going to be signed out until we're officially adjourned.

Unidentified Speaker: I have a privileged question.

Melinda J. Danforth: Hold on. Hold on, please. JoAnne, appealing of the Chair.

JoAnne House: The question is whether or not Madelyn Genskow could appeal the decision of the Chair to rule the first motion in this meeting out of order, the \$3,000/\$5,000 motion made regarding the petition. It was too late. It was far too late within the meeting to do that. It needed to be done the second it was ruled out of order before someone else picked up and was recognized to have the floor. At the very end of the meeting, it's not in order at all.

Melinda J. Danforth: Thank you.

Cathy Metoxen: With all due respect, I was at the Business Committee meeting when you had the discussion on this \$1,300 and \$2,000. And JoAnne House stated in that meeting that there was no appeal made on the GTC floor on that night in June. She said there has to be an appeal of the Chair's decision on the same night that that takes place, and now Madelyn is trying to do that, and what I'm hearing is JoAnne House is now contradicting her own opinion. It's just an opinion.

Dylan Benton: Point of order. She's referencing multiple different meetings. There's a motion to adjourn.

Cathy Metoxen: She's still just an opinion.

Dylan Benton: There's a motion to adjourn.

Melinda J. Danforth: Thank you for the discussion. We are concluded, so at this time, a motion to adjourn would be in order.

Linda Dallas: I am appealing the decision of the Chair.

Melinda J. Danforth: Motion by Terry Cornelius. Is there a second to that? Thank you.

Linda Dallas: I'll see you at the Appeals Commission.

Melinda J. Danforth: Thank you.

Linda Dallas: I'm sorry, the Judiciary.

Melinda J. Danforth: Second by Don Miller. All those in favor of adjourning, please raise your hand.

Madelyn Genskow: Don't forget how much JoAnne gets paid.

Melinda J. Danforth: Opposed. Abstentions. Motion carries. Thank you.

Costs Associated with this Meeting					
Printing	Mailing	Security	Room Rental/Video & Audio	Stipends/Gift Cards	TOTAL
\$28,407	\$4,729	\$2,637	\$13,710	\$180,600	\$230,083

Minutes prepared by Paulette Binion, The Binion Group, Inc.
 Minutes approved as presented to the GTC on July 17, 2017.


 Lisa Summers, Tribal Secretary
 ONEIDA BUSINESS COMMITTEE